

**REPORT OF THE HEAD OF PLANNING AND DEVELOPMENT
MANAGEMENT**

**BRENT CROSS CRICKLEWOOD REGENERATION AREA, NORTH WEST
LONDON**

PAGE 1 – 272

LOCATION: Brent Cross Cricklewood Regeneration Area, North West London

REFERENCE: C/17559/08 **Received:** 26 March 2008
Accepted: 26 March 2008

WARD: Childs Hill **Expiry:** 26 June 2008

APPLICANT: BXC Development Partners

PROPOSAL: Outline planning application 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 within Use Classes B1 - B8, leisure uses, rail based freight facilities, waste handling 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, relocated 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 handling facility to CHP/CCHP, infrastructure and associated facilities together with any required temporary works or structures and associated utilities/services required by the Development (Outline Application).
Submission of Environmental Statement.

TABLE OF CONTENTS

Section	Title	Page
	RECOMMENDATIONS	5
	SUMMARY	8
1	PROCEDURE FOR DETERMINING THE PLANNING APPLICATION	22
2	BACKGROUND TO THE CURRENT PLANNING APPLICATION	25
3	CORPORATE PRIORITIES AND DECISIONS	27
4	KEY RELEVANT PLANNING POLICY	30
5	DESCRIPTION OF DEVELOPMENT, THE SITE, AND SURROUNDING AREA	82
6	STRUCTURE OF THE PLANNING APPLICATION	88
7	ENVIRONMENTAL IMPACT ASSESSMENT	109
8	CONSULTATION	111
9	PLANNING APPRAISAL	138
9.1	THE PRINCIPLE OF DEVELOPMENT	138
9.2	CONSIDERATION OF ALTERNATIVES	138
9.3	DELIVERY OF A NEW TOWN CENTRE	139
9.4	RETAIL PROPOSALS	146
9.5	THE PHYSICAL ENVIRONMENT	163
9.5.1	Masterplan and Urban Design	163
9.5.2	Inclusive Access	171
9.5.3	Open Space, Play and Amenity Space	172

9.5.4	Ecology and Nature Conservation and Trees	182
9.5.5	Landscape and Nature Conservation	185
9.5.6	Air Quality	187
9.5.7	Noise and Vibration	189
9.5.8	Contaminated Land	191
9.5.9	Archaeology	192
9.5.10	River Brent and Water Resources	193
9.5.11	Waste Management and North London Waste Plan	196
9.5.12	Waste Handling Facility	199
9.5.13	Rail Freight Facility	204
9.5.14	Combined Heat and Power	206
9.5.15	TV, Radio and Mobile Communications	209
9.6	HOUSING, SOCIAL AND COMMUNITY INFRASTRUCTURE	210
9.6.1	Housing	210
9.6.2	Social Infrastructure Provision	214
9.6.3	Education and Childcare	217
9.6.4	Community Facilities	219
9.6.5	Leisure	220
9.6.6	Health and Social Care Provision	220
9.6.7	Employment	222
9.6.8	Skills and Training	225
9.6.9	Estate Management	

9.7	TRANSPORT AND MOVEMENT	226
9.8	SUSTAINABILITY	264
10	EQUALITY AND DIVERSITY ISSUES	268
11	CONCLUSION	269
APPENDIX 1	CONDITIONS	
APPENDIX 2	SUMMARY of KEY LONDON PLAN AND BARNET UDP PLANNING POLICIES	
APPENDIX 3	SUMMARY OF KEY NATIONAL PLANNING POLICY	
APPENDIX 4	SUMMARY OF CONSULTATION RESPONSES	
APPENDIX 5	SECTION 106 HEADS OF TERMS	

RECOMMENDATION:

Having taken into account all environmental information received by the Council under the Environmental Impact Assessment (EIA) process and giving full consideration to the environmental impacts of the proposed development, it is concluded that the proposed development is in accordance with the statutory development plan generally and taken as a whole and that there are no other material considerations that should outweigh the grant of permission in accordance with the development plan and it is recommended that the Committee resolve to approve the proposed development subject to:

1) The application being one of strategic importance to London, it will be referred to the Mayor of London and the Government Officer for London and no direction to refuse being received from the Mayor of London and no call-in Direction being made by the Secretary of State;

2) Subject to sub-paragraph 1) above and to agreeing with TfL the precise governance arrangements for their involvement in the determination of STN Applications and making CTF Decisions (as explained in this report) and to TfL agreeing to be party to the section 106 agreement with regard to such applications on that agreed basis, that the applicants and the other persons shown in the Heads of Terms appended to this report in Appendix 5 as having a requisite interest in the site, shall before the planning permission is issued, be required to enter into planning obligations in the form of a Section 106 agreement to be drafted so as effectively to incorporate and transpose the Heads of Terms in Appendix 5 to the satisfaction of the Head of Planning and Development Management.

3) (a) That (subject to obtaining the Mayor's and the Secretary of State's respective decisions not to direct refusal of and/or to call in the application) upon completion of the above Section 106 agreement the Head of Planning and Development Management be instructed to APPROVE the application ref: C/17559/08 under delegated powers and grant planning permission subject to conditions substantially in the form contained in Appendix 1 (with such detailed amendments as the Head of Planning and Development Management may consider to be reasonable and necessary in the course of negotiating the detailed Section 106 Agreement and in the light of the Stage 2 response of the Mayor).

(b) That Head of Planning and Development Management be instructed to finalise the procedural governance arrangements with TfL for the determination of STN Applications and making CTF Decisions in accordance with the section 106 Heads of Terms and to report back to the Committee if the governance arrangements agreed with TfL raise significant issues not addressed in this report in order that the Committee can consider and approve such arrangements if the Head of Planning and Development Management considers appropriate before the section 106 Agreement (the Initial Planning Agreement) is completed;

4) Should the Council's Head of Planning and Development Management and the other parties to the proposed agreement be unable to agree appropriate detailed terms for the Section 106 Agreement in accordance with recommendation 3) so as to enable the planning permission to be granted within six months of the recommended resolution to grant, planning permission, officers are instructed to report back to committee.

5) That authority be delegated to the Head of Planning and Development Management to prepare a summary of reasons for the decision to grant planning permission pursuant to Article 22(1) of the GDPO 1995 and regulation 21 of the EIA Regulations 1999 which are consistent with the reasons set out in this report.

RECOMMENDED REASONS FOR APPROVAL

The reasons for this grant of planning permission or other planning related decision are as follows: -

The proposed development accords generally and taken as a whole with strategic planning guidance and the policies as set out in the Mayor's London Plan London Plan (consolidated with Alterations since 2004) (published 19 February 2008) ("the London Plan") and the Adopted Barnet Unitary Development Plan (UDP) (2006) ("the UDP"). The proposals would deliver comprehensive regeneration across a large part of the regeneration area identified in the UDP and the adopted non statutory Development Framework. The Environmental Statement and its various technical assessments (supplemented by the responses to the Council's regulation 19 request), together with the consultation responses received from statutory consultees and other stakeholders and parties, provide sufficient information to enable the Council to determine this application with knowledge of the likely significant impacts of the proposed development.

Whilst a large number of issues have been raised by objectors to the scheme it is considered, for the reasons explained in the detailed analysis, including the responses to the objections contained later in this report (including Appendix 4), that planning permission should be granted for the scheme subject to appropriate safeguards to ensure that necessary controls and mitigation measures are established. This decision is taken on the basis of the proposed controls, mitigation measures and delivery commitments contained in the draft conditions and Heads of Terms for the Section 106 Agreement set out in Appendix 1 to this committee report, which are considered to provide an adequate framework of control to ensure as far as reasonably practicable that the public benefits of the scheme will be realised in accordance with relevant planning policies whilst providing the mitigation measures and environmental improvements needed to address the likely significant adverse impacts of the development.

In particular the following policies are relevant and the proposed development is generally in accordance with them:

Barnet Unitary Development Plan (Adopted May 2006)

GSD; GMixedUse, GWaste, GBEEnv1, GBEEnv2, GBEEnv3, GL1, GParking, GCS1, GEMP2, GEMP3, GTCR1, GRoadNet, GCrick, ENV7, ENV12, ENV13, ENV14, D1, D2, D3, D4, D5, D6, D9, D10, D11, D17, HC17, O1, O2, O12, O13, O14, O15, L6, L9, L10, L11, L12, L14, L27, M1, M2, M3, M4, M5, M6, M7, M8, M9, M10, M11, M13, M14, M15, M16, M17, H2, H16, H17, H18, H20, H21, CS1, CS2, CS5, CS10, CS11, CS13, EMP6, TCR1, TRC2, TCR12, TCR13, TCR18, C1, C2, C3, C4, C5, C6, C7, C8, C9, C10, C11, IMP1, IMP2.

The Mayors London Plan (Consolidated with Alterations since 2004)

2A.1, 2A.2, 2A.5, 2A.9, 3A.1, 3A.2, 3A.3, 3A.5, 3A.8, 3A.9, 3A.10, 3A.13, 3A.15, 3A.18, 3A.23, 3A.24, 3A.25, 3B.2, 3B.3, 3B.4, 3B.10, 3B.11, 3C.1, 3C.2, 3C.3, 3C.4, 3C.5,

3C.8, 3C.9, 3C.10, 3C.11, 3C.12, 3C.13, 3C.14, 3C.16, 3C.17, 3C.18, 3C.19, 3C.20, 3C.21, 3C.22, 3C.23, 3C.24, 3C.25, 3C.26, 3D.1, 3D.2, 3D.3, 3D.4, 3D.6, 3D.7, 3D.8, 3D.10, 3D.11, 3D.13, 3D.14, 4A.1, 4A.2, 4A.3, 4A.4, 4A.5, 4A.6, 4A.7, 4A.11, 4A.12, 4A.13, 4A.14, 4A.16, 4A.17, 4A.19, 4A.20, 4A.21, 4A.22, 4A.23, 4A.24, 4A.25, 4A.28, 4A.30, 4A.31, 4B.1, 4B.3, 4B.5, 4B.6, 4B.8, 4B.9, 4B.10, 4B.15, 4C.2, 4C.3, 4C.4, 4C.10, 4C.11, 4C.14, 4C.22, 4C.24, 5A.1, 5B.1, 5B.2, 6A.3, 6A.4, 6A.5, 6A.7 and 6A.8

Having regard to these relevant policies of the statutory development plan and all other material considerations (including all environmental information put forward under the EIA process) the officers consider that subject to completion of the section 106 agreement prior to the grant of permission and the imposition of conditions substantially in accordance with those set out in Appendix 1, the development will achieve the comprehensive regeneration of the Brent Cross Cricklewood Area with a sustainable new town centre for Barnet spanning both sides of the North Circular Road in accordance with the Council's planning policy objectives and those of the Mayor of London.

The application is considered to comply generally and taken as a whole with the relevant policies of the London Plan and the UDP and there are no other material considerations which the officers consider would override the grant of planning permission in accordance with the development plan.

SUMMARY

What has been submitted for approval?

This application is an outline planning application for a planning permission which will establish a masterplan and framework for the comprehensive regeneration of the Brent Cross Cricklewood Area in accordance with relevant development plan policies. The application is largely submitted in outline - with the exception of the principal means of access to the site - with further detailed applications to follow at the pre-phase commencement and Reserved Matter stage. These proposals represent the largest and most important development in Barnet and one of London's most strategic proposals.

What does the application propose?

The application proposes the creation of a sustainable new mixed use town centre for Barnet and North London including substantial residential, commercial and retail uses. The application includes approximately 7,550 housing units. In addition the application proposes the radical transformation as well as the approximate doubling in size of Brent Cross Shopping Centre, which will become more outward facing. This new town centre will be focused on a new High Street created north of the North Circular Road and extending into that part of the new town centre which will be created to the south of the North Circular Road which will contain a mix of uses, including new schools and community uses as well as a new food superstore and smaller retail units. The areas north and south of the North Circular Road will be linked by a new high quality bridge for pedestrians, cyclists and vehicles. This '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 the regeneration areas. A new office quarter is proposed to the north west of the site (south east of the existing Staples Corner) which will be served by a new railway station in the later phases of the development. Also proposed are a new 'state of the art' bus station at the Brent Cross Shopping Centre, linked to the realignment and enhancements of the River Brent corridor. The proposed development will deliver new open spaces and squares and improvements to Clitterhouse Playing Fields. Claremont Primary school will be rebuilt and expanded as an environmentally 'exemplar' education and learning building in the first phase and both Whitefield and Mapledown School will be reprovided in new premises along with a new Primary Care Centre, a small library and a replacement Leisure Centre in later phases. A new Waste Handling Facility and Combined Heat and Power Plant are also proposed as part of Phase 1 and will provide a significant proportion of renewable on site energy generation. A new Rail Freight Facility is proposed in a later phase. Extensive changes to the road network will be undertaken to accommodate significant new movement in this development. Improvements to the existing Brent Cross Underground and Cricklewood Railway over-ground railway stations are proposed as well as significant improvements to bus services covering a very wide area.

What is the timescale for this proposal?

If approved the scheme will be delivered, it will be delivered over an approximately twenty year timescale. The development will take place in phases, although development of some of these phases may overlap. The application currently indicates that there will be seven phases but these may be varied on the application of the developers and subject to control by the Council under the planning conditions and obligations. Due to the need for the applicant to acquire interests in the site (and almost certainly a requirement for the Council to compulsorily purchase land) to enable the development to be delivered comprehensively, it is anticipated that the earliest this development could start on site is 2011 but is more likely to be later.

How will the development be controlled?

The application is accompanied by a Revised Development Specification and Framework and a series of Parameter Plans which describe the principles and parameters of the masterplan. These are supplemented by a Revised Design and Access Statement and Revised Design Guidelines which are indicative but which set out the principles against which later detailed reserved matters applications will be determined and the proposed planning conditions reflect this requirement.

The application is also accompanied by a Revised Environmental Statement and further information in response to a regulation 19 request made by the Council in March 2009. There is also a Revised Transport Assessment with two TA Supplementary Reports addressing issues raised during the post submission consultation period. These documents collectively describe and assess the likely significant environmental and transport impacts of the scheme and set the clear parameters and principles of the proposed development and its mitigation measures and within which any later proposals for approval must generally be contained.

Together these documents form an acceptable basis for determining future reserved matters applications and have been used to develop planning conditions and S106 obligations that will form the appropriate framework of planning control.

The applicant will need to satisfy a number of pre-commencement conditions before each phase of development is commenced. These will include detailed phase delivery programmes - based on the applicants Indicative Construction Programme (ICP), which is also tied to the planning permission as containing the parameters and principles as to the delivery of critical infrastructure needed to support the development. This will help to ensure that sufficient physical, social and green infrastructure and improvements are delivered at the appropriate time to accommodate and mitigate the development and to bring about comprehensive regeneration centres on the proposed sustainable new town centre for Barnet.

What is in Phase 1?

Phase 1 is a significant strategic development in its own right and will include around 50% of the proposed new retail development which in terms of viability will provide the initial catalyst for the wider regeneration. This will largely be based around the existing Brent Cross Shopping Centre but will also include a large new foodstore to the south to replace the existing foodstore currently operated by Tesco which will close and will be demolished as part of the development. A new hotel and cinema will be built on the north side of the A406. The Whitefield Estate will be demolished and the affordable housing units will be replaced elsewhere within the site. Around 1300 housing units will be provided in Phase 1. A new rail linked Waste Handling and Recycling Facility to replace and significantly enhance the existing Hendon Waste Transfer Station facility is proposed on a site fronting Edgware Road (A5) and Geron Way. This will be secured in partnership with the North London Waste Authority whose existing Hendon Waste Transfer Station will close. A Combined Heat and Power plant will be constructed close to Staples Corner. It is intended (subject to feasibility studies and further statutory approvals in relation to detailed design and operating processes) to use a refuse derived fuel supplied by the new Waste Handling and Recycling Facility which would fulfil high standards of on-site renewable energy generation.

Clarefield Park will be redeveloped as part of Phase 1 and will be initially replaced by a new temporary open space nearby. There will be a permanent higher quality replacement provided in later phases of the development. The Brent Terrace 'triangles', comprising small areas of open land, will also be redeveloped to provide new homes. Improvements will be made to Claremont Park and Clitterhouse Playing Fields to support the growing population. Claremont Primary School will be rebuilt and expanded at this early phase. Temporary health facilities will be provided (if necessary) in consultation with the Barnet Primary NHS Trust. A new Rapid Transit Service is proposed to provide a frequent public transport link between Cricklewood Station, Brent Cross Tube Station and the new town centre shopping areas, with potential extension to other nearby tube stations such as Hendon Central. Improvements will be made to pedestrian and cycle links.

When will later Phases take place?

The comprehensive regeneration of the area is a long term commitment by Barnet Council and landowners and is supported by the Mayor's London Plan. Subject to implementation of the planning permission, the applicant has accepted a firm commitment to carry out the first phase of development, which will contain a major proportion of the critical infrastructure improvements (transport, environmental, social and public realm) on which the proposed development as a whole depends. The detailed programming of this and later phases will be linked to the applicants revised Indicative Construction Programme (March 2009) (or any approved amendment of that programme) and will be subject to control by the Council. This will ensure consistency

with the Environmental Impact Assessment as well as ensure the requirement for comprehensive regeneration under UDP policy C1 is not undermined.

Clearly, as with any commercial development, these commitments to deliver the development are subject to viability in the market and economic conditions over a long period but always subject to the Council's control in accordance with the principles and parameters for the delivery of each phase.

This framework of control contains a degree of necessary flexibility in the delivery commitments to enable the applicant to respond to relevant circumstances over the next 20 years but always within the reasonable control of the Council and on the basis that is consistent with the EIA process and the strategic need for delivery of the comprehensive regeneration of the area.

In which indicative Phase will other important elements of the Scheme be delivered?

The applicants' Indicative Phasing Plan and the Indicative Construction Programme contained in their Environmental Statement proposes delivery in the following order:

Phase 2: New replacement Whitefield and Mapledown (Special Needs) Schools, replacement Hendon Leisure and new Health Centre, new Brent Cross Bus Station and residential and retail units together with associated public realm provision. Step free access is also proposed at BX Underground and Cricklewood Stations.

Phase 3: Private Hospital, and residential and retail units together with associated public realm provision.

Phase 4: Rail Freight Facility and residential and retail units and new bridge across the Midland Mainline Railway, together with associated public realm provision.

Phase 5: New Thames Link Rail Station close to Staples Corner (the rail enabling works for which will have been carried out in earlier phases), business, residential and retail floorspace, together with associated public realm provision.

Phase 6: Business and office 'hub', retail, hotel floorspace, together with associated public realm provision.

Phase 7: Business and retail floorspace, together with associated public realm provision.

How much housing and how much affordable housing?

The applicant has not committed to a precise number of housing units given the scale and length of the regeneration delivery period. The final number will depend on viability at the time of construction including the availability of public funding for affordable housing provision. It is likely to be around 1,300 units in Phase 1 and 7,550 units overall which is broadly in line with development plan policy targets.

In agreement with the Council and the GLA, the development will be required to achieve over the delivery period a target of 2,250 affordable housing units overall.

Because of the substantial amounts of physical and social infrastructure for one of London's largest regeneration projects (which is to be provided and privately funded largely by the applicant), it may not be possible to meet a current planning policy target of 50% of units as affordable housing. It is anticipated that subject to the viability review mechanism, in Phases 2 -7, between 15% and 50% of affordable housing will be provided in each phase, with a target of achieving 2,250 units on the site overall, equivalent to approximately 30% to 34% depending upon either unit or floorspace measurements.

In Phase 1 it is anticipated that the re-provision of the affordable housing floorspace in the existing Whitefield Estate and the sheltered units of the Rosa Freedman Centre could be the only affordable housing provided due to the significant costs associated with the re-provision of the Whitefield Estate. However, a 15% net additional target is proposed if viable and/or public housing grant is forthcoming. This will (as with all other phases) be subject to a viability assessment conducted nearer to the time for commencing Phase 1.

It is anticipated that the overall affordable housing tenure mix will be 60% social rent and 40% intermediate affordable housing tenures in line with the Mayor of London's direction of travel policy. This is subject to review under the planning conditions and s106 obligations to ensure that throughout the regeneration and development period the affordable housing provision appropriately responds to social and economic circumstances and needs.

What sort of housing will be developed?

Given the proposed town centre and therefore predominantly urban character of this regeneration scheme, the majority of the housing will be flats with some houses provided. This is a high density town centre proposal where most of the housing will be provided in mixed use blocks with other commercial and community uses at the ground floor level. This approach is supported by local, London wide and national planning policy as the most sustainable way to develop in brownfield urban areas. The size of residential units will vary from small to larger family accommodation to ensure a mixed community with significant housing choice.

What will happen to the Whitefield Estate?

It is proposed to redevelop the Whitefield (Council) Estate in Phase 1 of the regeneration scheme. Full and proper arrangements will be made for the careful relocation of existing tenants and owners of homes on the Whitefield Estate on a similar basis to that agreed for other estate regeneration projects in Barnet.

What will happen to the existing schools?

The applicants have assessed what additional school places will be needed to supply the new development and have discussed their proposals with the Council's Children's Service and the local planning authority in terms of child yield and growth requirements.

It is proposed to replace and expand Claremont Primary School to a 3 form entry facility with capacity sufficient for 630 pupils. This new school will be built while the existing school remains in operation. It will accommodate the requirement for primary school places from the BXC development at Phase 1 and beyond and therefore will be funded by the applicant in full. It is proposed that the new school should demonstrate high standards of environmentally sustainable design.

The sites of Whitefield and Mapledown Schools are needed for wider regeneration purposes by the applicant in the second Phase of development. It is proposed to build the new schools close together in the 'Community Campus' area. These schools will be rebuilt to accommodate the same number of pupils as at present because the assessment demonstrates that they already have sufficient capacity to accommodate the pupil numbers likely to be generated by the proposed development. The scope of the permission would allow expansion above the size required to replace the existing schools and accommodate the development. If at the time of construction it is decided (at the discretion of the Council) to expand these schools to secure additional capacity then the Council may be required to seek alternative funding beyond s106 obligations from BXC towards their expansion.

What are the proposals for open space?

At the end of the regeneration scheme there will be an overall net gain in open space of approximately 8 hectares (or nearly 20 acres). Some existing open spaces will be lost as part of the redevelopment process (Clarefield Park) and new ones will be created (Eastern Park, Brent Terrace Linear Park and others). The new open spaces will be in appropriate locations for the new population and of high quality. Some existing open spaces will be improved (Clitterhouse Playing Fields, Claremont Park and Sturgess Park). The Brent Terrace 'triangles' (although not formally designated as open space) are proposed to be developed for terraced houses to increase the provision of family homes and thereby improve housing choice.

Temporary replacement open space will be secured through planning conditions and S106 obligations to make sure that there is a satisfactory amount of open space available in appropriate locations at all times, particularly when there are long periods between phases of development.

What is the Waste Handling and Recycling Facility?

It is proposed to locate a rail linked waste handling and recycling facility on a site adjoining Edgware Road (A5). This will be developed in partnership with the North London Waste Authority who will vacate the existing Hendon Waste Transfer Station, the site of which is required for intense town centre redevelopment. It is intended that this facility will sort material that can be recycled and will treat non-recyclable waste to enable it to be converted for a fuel for the CHP.

The exact process that will take place cannot be determined at this outline stage as it is subject to a separate procurement process that NLWA must carry out. The transport and environmental assumptions made in assessing the facility for this masterplan are collected in Appendix 15 of the Revised Development Specification and Framework. Should this application be approved, it will be controlled by conditions to ensure that local residential amenity is safeguarded including residents in the adjoining London Borough of Brent; whilst securing the sustainable energy generation benefits that these proposals can deliver if they are demonstrated to be feasible in the detailed pre-Phase 1 commencement study. This facility will also be subject to detailed statutory permitting procedures which will address the technical process and operation aspects of the proposal in greater detail than is required at the present land use planning stage. Such statutory procedures are likely to involve a further EIA process which will be specific to the issues raised in that separate statutory regime and will focus on the specific proposed processes and operational issues in the light of the proposals as they have evolved in the NLWA procurement exercise.

What is the Combined Heat and Power Plant (CHP)?

The CHP will be located adjacent to the M1/406 junction. The application proposals are for a CHP facility linked to the development by a district heating/cooling and power network. It will be capable of supplying 100% of the heat and hot water to all the new residential units within the BXC development. The CHP plant will employ thermal processes which are described as advanced thermal technologies (ATT) or advanced conversion technologies (ACT). This includes gasification/pyrolysis but does not include mass burn incineration.

The exact process has not been determined at this stage but the transport and environmental assumptions made in assessing the facility are contained in Appendix 15 of the Revised Development Specification and Framework and will be tied into the planning permission. Should this application be approved, it will be controlled by condition at both the outline, detailed design and operational stages to ensure that the environment and local general and residential amenity are safeguarded. There will also be a need for more detailed permits under the prevention and control of pollution legislation, which will consider the processes and plant specifications in greater detail than is appropriate at the planning stage and is likely to be subject to a further EIA

process which will be specific to that separate statutory regime and will focus on the specific proposed processes and operational issues at that stage.

How will the traffic be accommodated on the road network?

A new internal road network will be constructed for the development and there will be a number of key junction improvements. These will include improvements to the Claremont Road/Cricklewood Lane and Cricklewood Lane/Edgware Road junction in the first phase. Improvements will also take place to the M1 and A41 junctions at the appropriate time. A new east west bridge across the Midland Mainline Railway connecting to the A5 Edgware Road in the vicinity of the existing Selco warehouse will be constructed in Phase 4 of the development. This new link will open up further the Cricklewood sections of the regeneration area and ensure sufficient highways capacity as well as new public transport and cycle routes into and out of the development.

The proposal includes commitments to achieving a mode shift from the private car to public transport to avoid major problems on the road network. This will be achieved by a combination of car parking management and increases in public transport, combined with positive measures to encourage sustainable transport choices under the Framework Travel Plan. This will include improvements to scheduled bus services, provision of the new RTS bus service, creation of a new bus station at Brent Cross Shopping Centre and the improvement of the existing Brent Cross Underground and Cricklewood railway stations. A new railway station is to be constructed in Phase 5 of the development, providing fast easy access to central London and Luton and Gatwick airports the services for which will be improved as part of the planned and agreed upgraded Thameslink services.

The proposed Matrix Approach and Transport Reports to be applied before and during the implementation of the various phases of the development (as described in the transport section of this report) will include a review of the levels of modal shift being achieved and if impacts above those forecast and assessed in the TA are occurring on the transport network due to higher than predicted car use, further measures will be considered to ensure that the higher mode shift occurs and the excess impacts on the transport network are mitigated by further transport and infrastructure mitigation measures.

How much car parking will be provided?

The car parking management will be used to provide people with choice of travel including environmentally preferred travel modes. The proposed car parking standards are set out in the Transport Section of this committee report and will be subject to review at the Phase and Reserved Matters approval stages as part of the detailed transport reports and matrix approach.

The residential parking ratio will be appropriate to the level of public transport accessibility, starting with a standard of 1 space per dwelling in Phase 1 and reducing to an average of a maximum of 0.7 spaces per dwelling for the remainder of the development as major public transport improvements come on stream.

No additional retail car parking to that already approved is proposed for the Brent Cross Shopping Centre.

Most of the car parking will be accommodated within car parking basements or as part of mixed use buildings and development.

It is expected that car park charges will be introduced for retail, business and residential car parking. This is intended to encourage the choice of more environmentally preferred transport modes and encourage the use of the improved public transport system.

Will the development be sustainable?

A mixed use, high density development as proposed in this application is considered to be a highly sustainable use of brownfield urban land and is supported by local, London and national planning policy. Transforming an out of town shopping development into a mixed use new town centre with significant residential uses is a highly sustainable use of urban land.

The conversion of waste from the development into a fuel to power the CHP is a sustainable way to generate energy and will contribute substantially to meeting targets for carbon reduction. The applicant has committed to achieving at least a 44% and 20% reduction in carbon emissions for residential and commercial (i.e non residential) buildings respectively compared with Building Regulations Part L 2006.

Other proposals include a commitment to reach at least Level 3 of the Code for Sustainable Homes (with Level 4 met for energy), to provide at least 10% green and/or brown roofs across all phases of the development and to use sustainable urban drainage technologies throughout the development wherever feasible.

What planning obligations are proposed?

The detailed heads of terms for the Section 106 Agreement are included in Appendix 5 to this report. The following summary provides a synopsis of the key issues that are proposed to be covered in the section 106 agreement and which are agreed with the applicants.

TfL officers have indicated that they are broadly happy with the substantive principles in the draft Heads of Terms in relation to the determination of STN Applications and the Consolidated Transport Fund (although they clearly cannot finally commit until the

governance arrangements are finalised). The council are engaged in positive and constructive discussions with TfL and the GLA with regard to the the detailed form of these governance arrangements with a view to achieving TfL's full and proper involvement. TfL have requested that the Council should establish a Joint Transport Committee or other mechanism which would give them concurrent control with the LPA in relation to these matters. Such a joint committee would be unprecedented and would, in the view of Barnet, be undeliverable for a variety of reasons which have been explained to TfL.

The Council is therefore proposing to set up a Transport Strategy Group on the basis of the Terms of Reference which are appended to the Section 106 Heads of Terms contained in Appendix 5. The outcome of these discussions is important in terms of the governance processes agreed between the two authorities, but they do not affect the essential substantive issues that underlie the determination of the application and it is hoped that agreement can soon be reached with TfL and the GLA. It would be intended to report back to the Committee if the solution finally agreed raises significant considerations that are not dealt with in this report, but otherwise are recommending that they be authorised to deal with finally agreeing the arrangements along the lines outlined in this report and the section 106 Heads of Terms.

Delivery of the Development and all necessary infrastructure in Phases

1. The developers will be required to use all reasonable endeavours to secure the delivery of the proposed development in phases (as described later in this report) and in accordance with the detailed delivery programmes to be approved under the conditions in the planning permission (as explained later in this report), so as to ensure that the necessary physical and social infrastructure is in place to accommodate the proposed development when it is needed. This will include:
 - a. Using all reasonable endeavours to obtain all necessary consents and approvals to enable the works in each respective phase to be delivered;
 - b. Using all reasonable endeavours to deliver:
 - i. All **transport improvements**, including roads, bridges and transport interchange improvements (including substantial enhancements to the existing Brent Cross Bus Station in the event that delivery of the proposed new bus station is delayed beyond agreed 5 years from commencement), as well as pedestrian and cycle networks to encourage the use of sustainable alternatives to car travel;
 - ii. The **River Brent Alteration and Diversion Works** to be carried out in order to provide the site for Phase 2 of the shopping centre extension works and to continue the new Brent Riverside Park, which is one of the new public realm areas to be created by the proposed development;

- iii. The **CHP/CCHP** and the **Waste Handling Facility** on which the proposed development currently depends in order to achieve its renewable energy targets.
- iv. If these arrangements are not feasible (in the light of detailed feasibility studies to be carried out by the developers prior to the commencement of development) then under the section 106 agreement they will be obliged to use all reasonable endeavours to secure planning permission for **alternative renewable energy facilities** to satisfy planning policy requirements and commit to the delivery of such alternative energy scheme in accordance with the alternative planning permission for these facilities;
- v. **Parks and open spaces**, including the provision of new areas of public realm and parks as detailed later in this report, as well as significant improvements to existing parks and the provision of temporary replacement open space to compensate appropriately for areas of existing open space (such as Clarefield Park) which are to be lost during the course of the development: such temporary or permanent replacement open space areas should, as far as reasonably practicable, be in place before the existing space is lost and should provide reasonably adequate alternative open space for use of the residents and other persons on the site during the carrying out of the development;
 - i. **Social Infrastructure and community facilities** as described in this report, including replacement schools (Claremont Primary School, Whitefield Secondary School and Mapledown Special Needs School); replacement Leisure Centre; health centres; child care facilities and a childrens' centre; neighbourhood police units,

Transport Matters: including Transport Reports and Matrix Mechanism, the Consolidated Transport Fund, the proposed Transport Strategy Group and measures under the Framework Travel Plan, the A5 Corridor Study and the Area Wide Walking and Cycling Study

- 2. Implementation and enforcement of the detailed provisions described later in this report to ensure that the development is carried out in all material respects within the scope of the impacts as assessed for the 2026 End State impacts in the Transport Assessment and two supplementary reports.
- 3. It is considered to be appropriate that TfL should work closely with the council in the determination of future applications for approval under the planning permission and in other matters involving the strategic transport network, such as decisions as to expenditure of monies out of the Consolidated Transport Fund. This is proposed to be achieved by the Council establishing the Joint Transport Executive Board or other mutually acceptable procedural arrangements to be agreed with TfL and/or the GLA to deal with such matters both under the planning conditions and the section 106 . These arrangements are described in more detail in the transport section of this report and references in this report to

the TSG or the Transport Strategy Group are intended to include any other mutually agreed procedural arrangements as approved by.

4. The developers will need to ensure that the measures required under the Framework Travel Plan (as explained later in this report) are delivered and complied with throughout the lifetime of the development.
5. They will also be required to bear the reasonable and proper cost of providing mitigation measures and other necessary works required by the A5 Corridor Study and the Area Wide Walking and Cycling Study. These measures will ensure that off-site traffic impacts are properly mitigated and that the proposed development is properly integrated by means of high quality internal and external walking and cycling network connections.

Affordable Housing

6. To secure the provision of Affordable housing in accordance with the following principles which are described in a later section of this report:
 - a. There is an overall target of 2,250 units across the whole site and subject to a viability mechanism.
 - b. The provision of affordable housing in phase 1 may be limited to the replacement of the Whitefield Estate and the Rosa Freedman sheltered housing units, a viability mechanism will be applied to increase this to a target 15% over and above such replacement if and to the extent that it is viable.
 - c. Other phases will be subject to a minimum target of 15% with a viability mechanism to ensure that more affordable housing is provided up to a maximum of 50% in any phase to ensure that a balanced community is achieved.
 - d. The affordable housing units to be provided will comprise 60% social rented and 40% intermediate housing which may be varied with the Council's approval and the precise mix of housing types is described later in this report and any variations will be subject to council approval under the conditions and planning obligations.
 - e. Provision will be made for the Council to have nomination rights.

Construction Impacts – Code of Construction Practice and Construction Environmental Management Plans and the Construction Consolidation Centre(s)

7. To provide a clear and enforceable framework for the control of construction activities which is reviewed when necessary and is consistent with best practice in the industry so as to minimise as far as reasonably practicable the impacts on

the general environment and on amenity during the construction phases of the development.

8. To carry out thorough feasibility reports to ascertain whether it is reasonably practicable to provide one or more Construction Consolidation Centre (preferably capable of being served by rail freight services) so as to mitigate the impacts of construction traffic on the highway network.
9. If and to the extent that it is found to be feasible, to acquire the land and carry out the construction work so as to provide the Construction Consolidated Centre(s).

Employment and Skills

10. To ensure that the Employment and Skills Action Plans are implemented and that contributions are made by the Developers as described later in this report.

Estate Management Framework

11. To secure implementation of the Estate Management Framework (EMF) which is to be approved by the Council prior to the commencement of the development in accordance with the proposed planning conditions. This Framework may provide for the adoption by the Council of all or some of the new or improved areas of public realm or it may (in some, but probably not all, cases) be managed, repaired, maintained and renewed by the Developers or an Estate Management Body which they establish in accordance with the detailed arrangements approved in the EMF. These arrangements are described in more detail in later in this report and the Section 106 agreement will contain planning obligations to provide for such of the following issues as may be relevant in the light of the Council's approval of the EMF:
 - f. Public rights to use those areas of public realm which are not directly owned or adopted by the Council as public highways or public open space;
 - g. Implementation of the approved arrangements to secure management, maintenance, repair and renewal in accordance with the approved arrangements contained in the EMF;
 - h. Funding of the Estate Management Body set up in accordance with the approved EMF;
 - i. Provisions for the adoption of such public realm areas as may be required to be publicly adopted in the EMF.

Closure of the existing foodstore

12. To require the existing foodstore to close as soon as the new Tesco Superstore opens for trading purposes and to secure the demolition of the existing foodstore

as soon as reasonably practicable after (and in any event within 3 months from) its closure

Specific Financial Contributions

13. A financial contribution of £46m to be paid on a phased basis to the Council to be used in accordance with the Consolidated Transport Fund, as described in the Transport Section of the report, together with value or contributions provided in respect of the Employment and Skills Action Plan and Public Art as described later in this report.

Ongoing Planning Charges

14. The planning permission will require a considerable degree of planning, transport and other technical resource to be provided by the Council in the course of delivery of this project and the section 106 agreement will require the developers to reimburse the reasonable and proper costs incurred by the Council as LPA in connection with such procedures.
15. This will include future applications for reserved matters and other matters approvals, including considering all screening, feasibility, remediation, transport and other reports, or other documents, that will need to be submitted pursuant to the planning conditions. It will also cover the ongoing monitoring of the development – such as compliance with the Code of Construction Practice and the Construction Environmental Management Plans – during the construction phase.

Remediation of contaminated land and groundwaters

16. Positive obligations to carry out the necessary site investigations and remediation works as approved under the relevant proposed planning conditions.
17. Relocation of the Whitefield Estate Residents
To ensure that the relocation of the residents in the Whitefield Estate proceeds in accordance with the Residential Relocation Strategy approved under the planning conditions on a fair and reasonable basis.

Transport Advisory Group

18. To establish a Transport Advisory Group to act facilitate as a liaison body for the relevant transport and highways authorities, the developers and other key stakeholders to receive detailed monitoring and other transport related reports from the Travel Plan Coordinator and to discuss issues arising out of the programming and delivery of the development insofar as they are relevant to the transport impacts of the scheme and their mitigation. This body is to be purely advisory and will in no way undermine the role of Council as LPA and local

highway authority, or the statutory strategic roles of TfL and the Highways Agency.

Parties and the need to bind all interests in the Site prior to the commencement of the development

19. To ensure that as soon as the Developers acquire relevant interests in the site they will be required forthwith to bind such interests to the planning obligations contained in the section 106 agreement. This is necessary for the effective enforcement of the planning obligations and it complements a planning condition in the proposed planning permission which will generally prevent the commencement of the development in any phase, unless and until the relevant interests in that Phase are bound into the relevant planning obligations.

20. It is intended that the planning obligation will be entered into by the following parties at this stage:
 - a. The Council as LPA
 - b. Various parties who together constitute the Brent Cross Partnership
 - c. Cricklewood Regeneration Limited
 - d. Transport for London, as strategic transport authority for London and member of the proposed Joint Transport Executive Board,

If other landowners (including Network Rail) are willing to be party to the agreement before it is completed then they will be added, but it is considered likely that the majority of interests in the site will be bound subsequently as and when these interests are acquired by the developers (in accordance with the arrangements described above).

1.0 PROCEDURE FOR DETERMINING THE PLANNING APPLICATION

The planning application for the Brent Cross Cricklewood Regeneration Area was submitted in March 2008 and has undergone extensive and thorough consultation since then. The application was initially submitted with the Transport Assessment to follow. In view of the complexity of the application and the large number of documents submitted for consideration, the Council registered the application and began initial consultation whilst the applicant continued discussions with the Council and the various other highway authorities on the transport aspects of the application.

The Transport Assessment and revisions to the Environmental Statement and other planning application documents were submitted in November 2008. The Council commenced a second round of consultation with both statutory and public bodies and local people and businesses. A summary of the consultation process and response is contained in section 8 below and in Appendix 4.

Following receipt of consultation responses and the Council's own appraisal of the planning application documents, the Council issued in March 2009 a request for further information under Regulation 19 of the Environmental Impact Assessment Regulations 1999 in March 2009. The further information submitted in response by the applicant was subject to consultation in accordance with the requirements of the regulations.

Under the terms of the Town & Country Planning (Mayor of London) Order 2000 the Greater London Authority has been notified as the application is within the thresholds of potential strategic importance to London. The application has been referred under the following categories: new housing exceeding 500 units; new uses with a total floorspace of more than 15,000 m²; new tall buildings over 30 metres high; development to provide waste facilities, a railway station and a bus or coach station; loss of more than 200 residential units; development of more than 4 hectares of land for business use (B1, B2 and B8) and development including the provision of more than 200 car parking spaces for non residential use.

The Mayor of London formally considered the proposal on 11 February 2009 and issued a Stage 1 report. The contents of this report have been considered by both the applicant and the Council and there have been discussions with the officers of the GLA and TfL to ensure that their concerns and comments have been properly addressed as far as is reasonably practicable. Should members resolve to grant planning permission for this application, the application will be referred back to the Mayor of London prior to the issue of any decision notice. This application is subject to the Mayor's 'old' powers under the 2000 order and therefore the Mayor has the power to direct refusal of the planning application but not to determine the application. The Mayor has a period of 14

days from the date of notification to consider the Council's resolution before issuing a decision.

As the application contains a proposal for more than 20,000m² of new retail floorspace it is subject to the Town and Country Planning (Shopping Development) (England and Wales) (No 2) Direction 1993. This means that should the Council resolve to grant planning permission then the application must be referred to the Government Officer for London and the Secretary of State who will have a period of 21 days to consider the Council's decision and whether to 'call-in' the application for the Secretary of State's own determination.

2.0. BACKGROUND TO THE CURRENT APPLICATION

The London Borough of Barnet (LBB) and the Mayor of London have identified the Cricklewood, Brent Cross and West Hendon area as a major opportunity for regeneration in the borough by means of policies and designation in the UDP and the London Plan respectively.

In December 2005 the Cricklewood, Brent Cross and West Hendon Regeneration Area Development Framework (DF) was adopted by the Council and the Mayor as Supplementary Planning Guidance. This Development Framework was produced by the Council in collaboration with the GLA, other stakeholders and the applicants. The Development Framework was produced to guide and inform the design and delivery of the development with the aim of achieving high quality comprehensive redevelopment of the area around a new sustainable mixed use town centre for Barnet spanning the North Circular Road.

The Council has confirmed its support for the regeneration of the area by recently including a chapter within the Unitary Development Plan (May 2006) in which detailed policies to support the comprehensive regeneration of the Brent Cross Cricklewood Area are expressed. Support for the regeneration of the area is also contained in the London Plan (2004) and the Alterations to the London Plan (February 2008) where the Brent Cross Cricklewood Area is designated as an Opportunity Area. The relevant UDP and London Plan Policies are summarised and analysed in more detail in section 4 (and Appendix 2) of this committee report. Opportunity Areas have been identified in the London Plan on the basis that they are capable of accommodating substantial amounts of new jobs or homes and their potential should be maximised. Policy 2A.5 Opportunity Areas specifically identifies Brent Cross Cricklewood as an Opportunity Area and paragraph 5.42 refers to the Development Framework which seeks the redevelopment of Brent Cross as a town centre with substantial additional housing and ancillary services.

A partnership of some of the key landowners and developers (BXC Development Partners) has been working together and has made this outline planning application for the comprehensive regeneration of the area. This has included extensive pre and post application consultation with the Council, the GLA, Transport for London (TFL), the Highways Agency (HA), the Environment Agency (EA) and other agencies and stakeholders including the local community.

2.1. RELEVANT PREVIOUS DECISIONS

The existing Brent Cross shopping centre was constructed in 1976. It was the subject of planning applications in the mid-1990's for an extension to provide an additional 27,000 m² of retail floorspace and for a new multi-storey car park. The applications were called in for determination by the Secretary of State and were subject to a public inquiry in 1999. In April 2000, the Secretary of State granted planning permission for the multi-storey car park but refused permission for the extension to the shopping centre. The latter was subject to judicial review and subsequently High Court challenge. In issuing the final refusal of planning permission in December 2003, the Secretary of State stated that determination of the application was premature in advance of the emerging Barnet UDP and the Mayor's Draft London Plan policies. He concluded that as the Brent Cross shopping centre was not a town centre, the then proposed development did not accord with PPG6 guidance on the location of major retail development in that he was not satisfied as to the need for the development and he also concluded that the site selection did not properly follow the sequential approach.

The current applicants then began to work with Barnet Council, Greater London Authority and other key landowners in the area to secure a joint and more sustainable approach to the wider regeneration of the Brent Cross and Cricklewood area, within which Brent Cross would emerge as the heart of a new mixed use town centre for Barnet and London. The Cricklewood, Brent Cross and West Hendon Opportunity Area Planning Development Framework (SPG) was produced collaboratively by the Council, the Mayor and the Greater London Authority, in consultation with the landowners and developers in the area.

The creation of a new town centre together with the wider regeneration of the area was also promoted through the review of the Council's Unitary Development Plan (UDP) and was considered as part of the 2004 public inquiry into the replacement UDP. The planning inspector agreed with this approach and the replacement UDP was adopted in 2006 with a specific chapter (Chapter 12) setting out policies relating to the regeneration of Cricklewood, West Hendon and Brent Cross, and incorporating express support for significant new retail floorspace, jobs and housing.

3. CORPORATE PRIORITIES AND DECISIONS

3.1 Barnet's Sustainable Community Strategy

Local authorities have a duty under s.2 of the Local Government Act 2000 to prepare a community strategy for their area. 'Barnet: A Successful City-Suburb, a Sustainable Community Strategy for Barnet 2008-2018' was published in 2008.

This Sustainable Community Strategy was drawn up by Barnet's Local Strategic Partnership, which brings together organisations from the public, private, community and voluntary sector. The key objective of the partnership is to improve the quality of life in Barnet by addressing important issues affecting those who live and work here, such as health, housing, community safety, transport and education.

The Sustainable Community Strategy vision for Barnet is:

"It is 2018. Barnet is known nationally and internationally as a first class suburb.

Its new, inclusive and thriving neighbourhoods have made it one of the largest boroughs in London. Residents enjoy access to large green open spaces, clean streets, an excellent transport network and affordable, decent homes. It is a place where both young and old can enjoy fulfilling and healthy lives. There is consistently high educational attainment and new local employment opportunities. Crime and fear of crime remains low and communities – established and recently formed – take pride in their area. Public services are of a consistently high standard and meet the needs of the diverse population they serve."

To realise the vision, the strategy proposes ambitions arranged under the following four key themes:

(a) Investing in Children and Young People

- Every school a good school for every child
- Improving employability
- Ensuring children are safe at home, safe at school and safe in the community
- Personalising services for children and young people in vulnerable groups
- Building resilience, supporting independence
- Helping children and their families to make healthy choices

(b) Safer, Stronger and Cleaner Barnet

- Reduce crime and make residents feel safe
- Strong and cohesive communities
- Clean and green

(c) Growing Successfully

- Delivering sustainable housing growth
 - Keep Barnet moving
 - People are equipped with the right skills to take advantage of employment opportunities
 - Environmentally sensitive
 - Creating vibrant and viable town centres
- (d) Healthier Barnet**
- Creating a health supporting environment
 - Improving health and well-being
 - Bringing user experience to healthcare improvement
 - Promoting choice and maximising the independence of adults, particularly those who need additional support.

3.2 Barnet's Corporate Plan

The Council's current Corporate Plan covers the period 2009/10 to 2011/12. The plan sets out the council's vision for the organisation and the aspirations for Barnet as an organisation and place, serving its residents. The aspirations are:

- Barnet - the place: The council want Barnet to play its part on the wider stage as a successful city suburb in a successful London.
- Barnet - the people: The council wants to work with its partners to understand the needs and aspirations of our residents so that it can consistently provide excellent public services to its diverse population.
- Barnet - the organisation: The council wants to provide high quality services offering value for money and maximum choice.

The Corporate Plan sets out the council's commitment to six priorities over the next four years. These six priorities are:

1. A bright future for children and young people - Improving the quality of life of all Barnet's children and young people.
2. Clean, green and safe – Ensuring that all our neighbourhoods are safe, clean and green places to live.
3. Supporting the vulnerable – Supporting vulnerable adults to live independent and active lives.
4. Strong and healthy – Ensuring Barnet has a thriving sense of community and our residents lead a healthy lifestyle.
5. A successful city-suburb – Protecting and enhancing the best of Barnet while growing through successful regeneration and sustainable development.
6. More choice, better value – Providing community leadership, community choice and higher quality services

Whilst all six priorities are relevant and important to the BXC Scheme,

Priority 5 is the most significant priority where BXC will make the largest single contribution to regeneration in the borough and towards its objective of a successful city suburb. BXC is therefore the Borough's 'flagship'.

3.3 The Three Strands Approach – A Spatial Strategy for Barnet's Successful City-Suburbs

In autumn 2004 the Council approved its Spatial Development and regeneration strategy "Three Strands Approach", setting out a vision and direction for future development, regeneration and planning within the Borough. It updated this document and brochure in 2008, to reflect ongoing policy development and regeneration. The approach, which is based around the three strands of Protection, Enhancement and Growth, will protect Barnet's high quality suburbs and deliver new housing and successful sustainable communities whilst protecting employment opportunities.

The third strand 'Growth' responds to Barnet's significant growth potential and sets out how and where sustainable strategic growth, successful regeneration and higher density development can take place across the borough. This envisages over 30,000 new homes and 27,000 new jobs, with the Brent Cross Cricklewood and West Hendon regeneration scheme representing the borough's largest and most important flagship regeneration scheme that Barnet and London would significantly benefit from.

4. KEY RELEVANT PLANNING POLICY

4.1 Introduction

Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires that development proposals shall be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, the development plan is The London Plan (consolidated with Alterations since 2004) published 19 February 2008 and the adopted London Borough of Barnet Unitary Development Plan (Adopted May 2006). These statutory development plans are the main policy basis for the consideration of this planning application. A number of strategic and local supplementary planning guidance and other documents are also material to the determination of the application. These include the (non statutory) Cricklewood, Brent Cross and West Hendon Regeneration Area Development Framework (December 2005).

4.2 The London Plan and Barnet UDP

This section examines in some detail the policies which are most relevant to the BXC planning application and appraises the proposed development against these statutory development plan policies. Clearly, the London Plan and the UDP contains a very large number of policies which are to a limited degree relevant and this analysis focuses on those which are considered to be particularly relevant to the determination of the application.

In order to present the analysis in a readily readable form, the analysis is set out in Tables 1 and 2 below in which the policies are listed and described and then a brief commentary is provided to assess how the proposed development conforms to the requirements of the specific policies. Where appropriate, some policies are combined in order to avoid unnecessary repetition or disjointed discussion.

The overall conclusion is that the proposed development is in accordance with the relevant statutory development plan policies generally and taken as a whole and with relevant supplementary planning guidance. Where there are specific policies without full accordance reference is made to those and how material circumstances warrant the recommendation to support the application.

In subsequent sections of this report dealing with specific policy and topic areas, there is further discussion where appropriate of the key policy background. This is not repeated here. However, Appendix 2 to the report does contain a brief general description of the policy framework.

Transport Policy

The key over-arching transport themes in the London plan are set out in the following policy.

“Policy 2A.1 Sustainability criteria

The Mayor will, and boroughs and other stakeholders should promote, support and encourage the development of London in ways that secure this plan’s social, environmental and economic objectives. This will include using the following criteria in implementing the London Plan and when considering DPDs and planning proposals:

.....

- *Ensuring that development occurs in locations set out in Policy 2A.5 (see also Chapter 3D)*
- *Ensuring that development takes account of the capacity of existing or planned infrastructure including public transport, utilities and community infrastructure, such as schools and hospitals (see Chapters 3A and 3C).....”*

This approach is then carried forward into the following relevant strategic policy, which applies to the site because of its designation as an Opportunity Area.

Policy 2A.5 Opportunity Areas

As part of the process of producing Sub-Regional Implementation Frameworks, strategic partners should work with the Mayor to prepare, and then implement, spatial planning frameworks for Opportunity Areas as shown on Map 2A.1, or to build on frameworks already developed. These frameworks will set out a sustainable development programme for each Opportunity Area, to be reflected in DPDs, so as to contribute to the overall strategy of the London Plan to:

.....

- *maximise access by public transport”*

In Chapter 3C, under the heading “**Connecting London – Improving travel in London**”, the London Plan sets out the key strategic policies on transport and development.

The explanatory text in this chapter declares:

“3.190 To achieve the Mayor’s vision of an exemplary, sustainable world city, the quality of London’s transport must be transformed. This means taking an integrated approach to transport provision and development, making major improvements to public transport and tackling traffic congestion. The Mayor is committed to making public transport and the pedestrian environment accessible to everyone, especially disabled people.”

This theme is carried through to all of the policies in this chapter, commencing with Policy 3C.1 in the following comprehensive terms:

“Policy 3C.1 Integrating transport and development

The Mayor will work with TfL, the government, boroughs and other partners to ensure the integration of transport and development by:

- encouraging patterns and forms of development that reduce the need to travel, especially by car*
- seeking to improve public transport, walking and cycling capacity and accessibility where it is needed, for areas of greatest demand and areas designated for development and regeneration, including Opportunity Areas, ... and other parts of suburban London in which improved access is needed*
- in general, supporting high trip generating development only at locations with both high levels of public transport accessibility and capacity, sufficient to meet the transport requirements of the development. Parking provision should reflect levels of public transport accessibility (see Annex 4 on Parking Standards)*
- encouraging integration of the major transport infrastructure plans with improvements to the public realm, particularly in key areas around major rail and Underground stations and interchanges, using land assembly powers where necessary.”*

The policy appraisal in this section of the committee report concludes that the proposed BXC development is in accordance with this overarching policy. Briefly, the reasons for this conclusion are as follows:

- The substantial public transport infrastructure and service improvements will make public transport a far more attractive option to residents, shoppers, employees and other visitors to the proposed new town centre: the facilities themselves will be attractive and conveniently located in the most intensively used locations in the town centre and the improved service provision will offer considerable advantages over car travel;
- The strategy of not seeking to improve highway infrastructure to cater for unrestrained car travel (assuming that this is even possible), means that a level of congestion on the roads will continue to be a constraint on car travel and this will encourage more sustainable alternative travel choices;
- The provision of attractive, safe and extensive cycle and pedestrian routes will make it possible and attractive to make shorter and more local journeys by these most sustainable means of transport. Links to the more strategic cycle and walking networks will also encourage even longer journeys to be made sustainably.

- The intensive form of development proposed will mean that there is a wide range of jobs, services and facilities available to the large number of existing and new residents in the area to avoid the need for them to travel longer distances to work, shop or recreate. This fundamentally accords not only with this policy but the fundamental principles of central government's sustainable transport policies contained in PPS6 and PPG13.
- Parking management restraint strategies (including diminishing car parking standards and parking charges) will also ensure that private car usage is discouraged when convenient and sustainable alternatives are available;
- The Framework Travel Plan and Individual Travel Plans will provide education and encouragement to using sustainable transport modes.
- The Transport Matrix and Transport Reports mechanisms will, as explained elsewhere in this section of the report, ensure that PTALs and Modal Shift Targets are monitored and reviewed as the proposed development proceeds and that corrective action will be taken if the relevant targets are not being met.
- The Consolidated Transport Fund will enable the Borough and TfL, working with other boroughs and public sector stakeholders, to ensure that the substantial amount of funding made available by the development is targeted at the highest priorities throughout the lifetime of the development, with a particular emphasis being given to sustainable transport modes.

The officers have considered the development proposals very carefully against these policy criteria and have concluded that that the development will fulfil each of them to a satisfactory level on the basis of the proposed mitigation measures, controls and delivery commitments set out in the recommended planning conditions and section 106 obligations.

Table 1 – London Plan Policies

LP POLICY	KEY REQUIREMENT	COMMENT	COMPLIANCE/NON-COMPLIANCE /NEUTRAL [Yes/No/--]
THE OVERALL STRATEGY			
2A.1	Sustainability Criteria, including – <ul style="list-style-type: none"> • Optimising the use of previously developed land • A design led approach to optimising the use of land • Accessible locations • Ensuring development occurs in Opportunity Areas 	The proposals have been appraised against all of the relevant criteria in this policy and all relevant criteria are considered to be generally fulfilled. Those highlighted in this section are particularly relevant to the scheme. No relevant criterion is considered to have been unfulfilled.	Yes
2A.2	Spatial Strategy for development - <ul style="list-style-type: none"> • Better integration of inner and outer London along radial routes • Intensifying development and encouraging mixed uses in Opportunity Areas • Addressing quality of life and other key issues in the outer suburbs 	It is considered that this development demonstrates the influence of this policy and the list of key matters summarised in the “key requirement” column identifies key areas where the proposed development will make a contribution.	Yes
2A.5	Opportunity Areas	The BXC site is identified as an opportunity area and the proposed development includes mixed use development with a balance of town centre uses, including intensive residential development, in what will become, as the development proceeds, a very highly accessible location. It is considered to achieve the overall requirements of this policy.	Yes
2A.9	Suburbs – sustainable communities –	It is considered that the development will bring	Yes

LP POLICY	KEY REQUIREMENT`	COMMENT	COMPLIANCE/NON-COMPLIANCE /NEUTRAL [Yes/No/--]
	<ul style="list-style-type: none"> Realising job opportunities Focusing activity in town centres Encouraging a sustainable approach. 	<p>substantial numbers of jobs, homes and supporting infrastructure to the area based around a mixed use town centre on both sides of the North Circular serving a wide catchment area of North West London. This is a sustainable solution to development in this suburban area and complies with this policy.</p>	
LIVING IN LONDON			
3A.1	Increasing London's supply of housing	The BXC application includes 7,550 housing units which will make a substantial contribution to meeting both London and Borough Targets.	Yes
3A.2	Borough Housing Targets – ten year target of 20,550	As 3A.1 above	Yes
3A.3	Maximising the potential of sites – Development should achieve the maximum intensity of use compatible with local context, design principles and public transport capacity.	The London Plan designates the Brent Cross Cricklewood area as an Opportunity Area with ambitious targets for new homes and jobs. The implication of this designation is that intense development is envisaged in this area. The BXC development achieves densities in accordance with the upper ranges of the London Plan density matrix. The urban design framework takes account of the local context and public transport accessibility will increase as a result of the proposal. Officers consider that the BXC development will maximise the potential of the site in accordance with this policy.	Yes
3A.5	Housing Choice – <ul style="list-style-type: none"> New developments should offer a range of housing 	The BXC development will offer a range a housing,tenures and will achieve Lifetime Home	Yes

LP POLICY	KEY REQUIREMENT`	COMMENT	COMPLIANCE/NON-COMPLIANCE /NEUTRAL [Yes/No/--]
	<p>choices.</p> <ul style="list-style-type: none"> • Should be built to Lifetime Home standards. • 10% Wheelchair accessible. 	<p>standards wherever possible. 10% of units will be capable of adaptation to wheelchair standards. Officers consider that all relevant criteria are met.</p>	
3A.8, 3A.9 & 3A.10	<p>Definition of Affordable Housing, Affordable Housing Targets, Negotiating Affordable Housing -</p> <ul style="list-style-type: none"> • Affordable Housing should seek to meet the full spectrum of housing need. • Boroughs should set affordable housing targets based on an assessment of housing need and supply. • Boroughs should seek the maximum reasonable amount of affordable housing. 	<p>The BXC development will provide a range of affordable housing tenures. The amount of affordable housing has been subject to a viability assessment and a review mechanism is proposed to ensure that the maximum viable amount of affordable housing is provided in each phase or sub phase. A target of 2250 units has been agreed for the development overall with a guaranteed minimum of 15% for all phases other than Phase 1 where 15% will be achieved subject to viability. Officers consider that the review mechanism will make sure that the maximum viable amount of affordable housing is achieved in accordance with this policy.</p>	Yes
3A.13	<p>Special needs and specialist housing – Boroughs should provide for special needs housing.</p>	<p>A total of 750 units is proposed for specialist housing uses in addition of the reprovision of the Rosa Freedman sheltered units.</p>	Yes
3A.15	<p>Loss of Housing and affordable housing.</p>	<p>The BXC development includes the reprovision of the existing affordable housing units in the Whitefield Estate and Rosa Freedman centre. The existing location of these homes is required in the proposed first Phase of the development.</p>	Yes
3A.18	<p>Protection and</p>	<p>It is considered that the</p>	Yes

LP POLICY	KEY REQUIREMENT`	COMMENT	COMPLIANCE/NON-COMPLIANCE /NEUTRAL [Yes/No/--]
	enhancement of social infrastructure and community facilities – Provision should be made for adequate and appropriate facilities within easy reach of the population that will use them.	impact of the BXC development on existing social infrastructure provision has been appropriately considered and that the proposed provision will be adequate to meet forecast need in accordance with this policy.	
3A.23	Health Impacts – major new developments should assess health impacts and promote public health.	The BXC planning application documents include a Health Impact Assessment that was produced in consultation with the PCT. New purpose built health facilities will be provided in the Community Campus close to the new schools and leisure centre. This together with the planned improvements to open spaces should promote public health in accordance with this policy.	Yes
3A.24	Education Facilities – <ul style="list-style-type: none"> • Adequate provision should be made for different types of educational facilities. • Full use of schools in the evenings and weekends should be achieved. 	The BXC development assesses both the current pattern and provision of educational facilities and the need for these facilities that will be generated by the proposed development. The Community Campus to be provided in the Eastern Lands provides for the co-location of appropriate facilities such as the library.	Yes
3A.25	Higher and further education – <ul style="list-style-type: none"> • Needs should be adequately assessed including the provision of student accommodation. 	As above. The BXC proposal includes the provision of up to 750 units of specialist housing – this includes provision for student housing.	Yes
WORKING IN LONDON			
3B.2 & 3.B3	Office Supply and Demand & Mixed Use Development – <ul style="list-style-type: none"> • Seeks the provision of further 	The BXC development provides for approximately 395,000 m2 of B1 space. The majority of the office floorspace will be in the	Yes

LP POLICY	KEY REQUIREMENT`	COMMENT	COMPLIANCE/NON-COMPLIANCE /NEUTRAL [Yes/No/--]
	<p>potential office capacity.</p> <ul style="list-style-type: none"> Wherever office floorspace is provided it should be part of mixed use development. 	<p>Station Quarter adjacent to the new train station. It will be provided in mixed use plots with active frontages at street level.</p>	
3B.4	<p>Industrial Locations – Policy should promote, manage and protect smaller industrial sites where appropriate. This includes strategic and local provision for waste management and transport facilities.</p>	<p>The BXC development will result in the re-location of a number of industrial users on the Claremont Industrial Estate and elsewhere in the application area. The applicant will be required to produce a business relocation strategy but it is inevitable that some industrial uses will need to move out of the area proposed for major urban intensification and higher value uses. The existing Hendon waste transfer station will be replaced by a new waste handling facility and provision is made for a rail freight facility and for a new train and bus station.</p>	Yes
3B.10	<p>Environmental Industries –</p> <ul style="list-style-type: none"> Mayor’s commitment is to manage 85% of London’s waste within its boundaries using sustainable processes. Land and premises for rail based recycling and waste reprocessing facilities should be safeguarded. 	<p>The BXC development provides a site for a new waste handling facility supplied by a vacuum waste collection system and potentially supplying a refuse derived fuel to the CCHP. Therefore the proposal will safeguard land for a rail linked reprocessing centre whilst helping to achieve the Mayor’s target.</p>	Yes
3B.11	<p>Improving employment opportunities – Provide the spatial context for employment initiatives and removing barriers to</p>	<p>It is estimated that approximately 25,000 new jobs will be created as part of the BXC development. A planning obligation is</p>	Yes

LP POLICY	KEY REQUIREMENT`	COMMENT	COMPLIANCE/NON-COMPLIANCE /NEUTRAL [Yes/No/--]
	employment.	proposed to develop and implement Employment and Skills Action Plans to enable local people to take full advantage of the jobs created..	
CONNECTING LONDON – IMPROVING TRAVEL IN LONDON			
3C.1	Sustainable Transport – integrating transport and development.	See analysis above.	Yes
3C.2	Matching development to transport capacity.	<p>The applicants have submitted a TA and supplemental reports which have been carefully reviewed by officers of LBB, TfL and the HA. They have also considered carefully the representations that have been received on the TA and the likely transport impacts. They consider that the TA is a satisfactory basis for determining the application, subject to the proposed planning conditions and obligations recommended.</p> <p>The officers are also satisfied that the proposed phasing and programming of the infrastructure, coupled with the other controls and commitments explained elsewhere in this report, will achieve the appropriate balance sought in this policy.</p>	Yes
3C.3	Sustainable Transport in London	See analysis for 3C.1 in the text above this Table.	Yes
3C.4	Land for Transport	<p>The proposed development fulfils this requirement by making land available (or using existing transport land more efficiently) to achieve a sustainable and integrated transport network (as explained more fully elsewhere in this report) including:</p> <ul style="list-style-type: none"> • New and improved 	Yes.

LP POLICY	KEY REQUIREMENT`	COMMENT	COMPLIANCE/NON-COMPLIANCE /NEUTRAL [Yes/No/--]
		stations & transport interchanges <ul style="list-style-type: none"> • New modern Rail Freight Facility • New modern Waste Handling Facility (possibly with efficient vacuum collection system) • Consolidation Centres • Cycle parking and associated facilities. 	
3C.5	London's international, national and regional transport links.	The proposed scheme fits in with the London/Luton corridor which is in the London Plan.	Neutral
3C.8	Improving strategic rail services	The proposed new railway station will provide an opportunity for people within the scheme area to access upgraded Thameslink services	Yes
3C.9	Increasing the capacity, quality and integration of public transport to meet London's needs	The scheme proposes to increase bus capacity and quality and improve the integration through the proposed bus station and other transport interchanges, particularly through the new RTS, three new bus services and 11 existing services being improved. Furthermore, the proposed new rail station will increase passenger throughput. It is noted that existing public transport capacity is sufficient in the early stages for bus and underground and rail.	Yes
3C.10	Phasing of transport infrastructure	The developers have set out an Indicative Construction Programme of seven indicative phases and (subject to implementation of the permission) will be committed to the PDP and to triggers so that the	Yes

LP POLICY	KEY REQUIREMENT`	COMMENT	COMPLIANCE/NON-COMPLIANCE /NEUTRAL [Yes/No/--]
		delivery of each major infrastructure item is assured prior to the occupation of a certain quantum of development floorspace or event.	
3C.11	New cross-London links with an enhanced London National Rail Network	Not applicable	No
3C.12	Improved Underground and DLR services	Improved access to the underground has been an important consideration in the provision of the transport infrastructure and forecourt improvements and enhanced bus interchange facilities along with step free accessibility improvements are proposed to Brent Cross Underground Station.	Yes
3C.13	Enhanced bus priority, tram and bus transit schemes	The development has provided bus priority wherever reasonably practicable and the forecast of bus journey times has been used in the assessment of the bus subsidy. The A5 corridor study will examine the feasibility of additional bus priority measures on that corridor. Additional public transport mitigation measures can be brought forward if the target mode split assessed in the matrix is not being met.	Yes
3C.16	Improved Underground and DLR services	Improved access to the underground has been an important consideration in the provision of the transport infrastructure and forecourt improvements and enhanced bus interchange facilities along with step free accessibility improvements are proposed to Brent Cross Underground Station.	Yes
3C.17	Enhanced bus priority,	The development has	Yes

LP POLICY	KEY REQUIREMENT	COMMENT	COMPLIANCE/NON-COMPLIANCE /NEUTRAL [Yes/No/--]
	tram and bus transit schemes	provided bus priority wherever reasonably practicable and the forecast of bus journey times has been used in the assessment of the bus subsidy. The A5 corridor study will examine the feasibility of additional bus priority measures on that corridor. Additional public transport mitigation measures can be brought forward if the target mode split assessed in the matrix is not being met.	
3C.18	Local area transport treatments	The proposal is for a large scale regeneration scheme which involves creating a new town centre, transport interchanges, business and commercial areas, neighbourhood renewal and residential areas.	Yes
3C.19	Improving conditions for buses	The proposal includes a number of bus service improvements required to mitigate the impacts of the development on the bus network. There are bus priority measures and the service improvements will be fully funded by the bus subsidy. Furthermore, the proposed temporary RTS will link the bus station with Cricklewood Station and Brent Cross Underground Station.	Yes
3C.20	Improving conditions for walking	A framework Walking Strategy has been submitted as part of this application. Furthermore, detailed (PEDROUTE) modelling will be undertaken for each of the interchanges and further (PERS) analysis will be undertaken to inform	Yes

LP POLICY	KEY REQUIREMENT`	COMMENT	COMPLIANCE/NON-COMPLIANCE /NEUTRAL [Yes/No/--]
		<p>detailed design and ensure new facilities are fully accessible to the wider community and compatible with the prevailing conditions.</p> <p>An area wide walking and cycling study will be undertaken and under the section 106 agreement any necessary additional mitigation measures that are identified as part of this study will be developer funded.</p>	
3C.21	Improving Conditions for cycling	<p>A framework Cycling Strategy has been submitted as part of this application. There is also a commitment to link the new development network with the wider cycle network. Furthermore, an area wide walking and cycling study will be undertaken and under the s106 agreement and any necessary additional mitigation measures that are identified as part of this study will be developer funded.</p>	Yes
3C.22	Parking strategy	<p>Car Parking is restrained through the cap on the provision of parking spaces for the key land uses, namely residential, retail and office. Restraint is also applied through the management of all on-street parking, with the entire development proposed to be a Controlled Parking Zone (CPZ), and there is a commitment by the Developer to fund CPZs and other appropriate controls in adjacent areas as appropriate. All parking proposed as part of the scheme will also be subject</p>	Yes

LP POLICY	KEY REQUIREMENT	COMMENT	COMPLIANCE/NON-COMPLIANCE /NEUTRAL [Yes/No/--]
		to charges (apart from for disabled drivers).	
3C.23	Parking in town centres	See analysis for 3C.22 above.	Yes
3C.24	Freight Strategy	The planning application commits to the delivery of the rail freight facility and, subject to the completion of a feasibility study, the creation of a rail linked Construction Consolidation Centre. Furthermore, there is a commitment to the proposed Waste Handling Facility	Yes
3C.25	Strategic Rail Intermodal Freight Facilities	The proposed Rail Freight Facility will be a more localised facility rather than a national strategic rail freight site.	Neutral

ENJOYING LONDON

3D.1	<p>Supporting Town Centres-</p> <ul style="list-style-type: none"> • Encourage retail, leisure and other related uses in town centres • Improve access by public transport, cycling and walking. • Require the location of health, education and other community services in town centres. • Protect and support the role of town centres 	<p>The BXC development will provide a new mixed use town centre for Barnet which will provide a full range of town centre uses. Improvements to public transport will make this new town centre highly accessible to all transport modes.</p> <p>The proposed Community Campus in the Eastern Lands will provide a central location for education, leisure and community facilities.</p> <p>The proposed retail expansion at BXC is supported by a full retail study which includes town centre health checks for neighbouring town centres and an assessment of impact. Officers consider that the scale of retail proposed is appropriate and will not adversely affect the</p>	Yes
------	---	---	-----

LP POLICY	KEY REQUIREMENT`	COMMENT	COMPLIANCE/NON-COMPLIANCE /NEUTRAL [Yes/No/--]
		viability of adjoining centres.	
3D.2	<p>Town Centre Development.</p> <ul style="list-style-type: none"> • Assess the need and capacity for retail, leisure and other activities. • Relate the scale of retail and other facilities to the size and role of the centre. • Encourage comparison goods capacity in larger town centres and convenience in smaller centres to secure a sustainable pattern of retail provision. • Manage out of centre retail in line with the sequential approach and seek to reduce car dependency and traffic generation. 	<p>As above. The BXC development will provide a new mixed use town centre for Barnet and officers consider that the amount of both comparison and convenience retail proposed is appropriate for the size of town centre proposed. The public transport proposals, combined with the proposals for walking and cycling, will encourage a move to more sustainable forms of transport.</p>	Yes
3D.3	<p>Maintaining and improving retail facilities – Maintain, manage and enhance local and neighbourhood shopping facilities including those to serve new residential communities.</p>	<p>As above. Whilst a strategic scale of retail and shopping development is proposed, the planned new town centre serves an identified need and will support its existing populations and new population as there is growth of over 7,550 new homes.</p>	Yes
3D.4	<p>Development and promotion of arts and culture –</p> <ul style="list-style-type: none"> • Support evening and night time entertainment activities in town centres • Encourage % for arts facilities in 	<p>The BXC development will include a range of restaurants, cinemas and other leisure activities which are designed to bring life to the area in the evenings. A planning obligation is proposed to require the provision of public realm improvements including</p>	Yes

LP POLICY	KEY REQUIREMENT`	COMMENT	COMPLIANCE/NON-COMPLIANCE /NEUTRAL [Yes/No/--]
	major mixed use development.	public art.	
3D.7	Visitor Accommodation and facilities – Achieve 40,000 additional hotel bedrooms and to improve the quality, variety and distribution of visitor accommodation and facilities.	The BXC proposals includes the provision of approximately 61,000 m2 of hotel accommodation.	Yes
3D.8	Realising the value of open space and green infrastructure – <ul style="list-style-type: none"> • Protect, promote and improve open space. • Promote the open space network as an integrated entity. 	The BXC proposal contains an increase of approximately 8 hectares of open space. A range of open spaces are proposed and improvements are made to existing open spaces such as Clitterhouse Playing Fields. A network of cycle and pedestrian routes will be provided which will link areas of open space.	Yes
3D.10	Metropolitan Open Land – MOL should be protected from inappropriate development.	Clitterhouse Playing Fields is designated as MOL. This designation is respected and the open space protected as part of the BXC development.	Yes
3D.11	Open space provision – <ul style="list-style-type: none"> • Identify areas of public open space deficiency. • Future open space needs should be considered in planning policies for opportunity areas. • Encourage functional and physical linkages with the network of open spaces and the wider public realm. • Identify, promote and protect Green Corridors and 	As 3D.8 above. The BXC proposal is based on an assessment of the existing public open space provision and a Public Realm and Open Space Strategy informed the proposals included in the planning application. All relevant criteria in this policy are met.	Yes

LP POLICY	KEY REQUIREMENT`	COMMENT	COMPLIANCE/NON-COMPLIANCE /NEUTRAL [Yes/No/--]
	Green Chains.		
3D.13	Children and young people's play and informal recreation strategies. – <ul style="list-style-type: none"> Children should have safe access to good quality play and informal recreation provision. Developments that include housing should make provision for play on informal recreation based on expected child population. 	The distribution of play areas and spaces expressed in the Design and Access Statement and Design Guidelines that accompany the BXC planning application are based on a play strategy which fully accords with the this policy. Officers – including officers of the GLA – consider that the provision of play space is acceptable.	Yes
3D.14	Biodiversity and nature conservation – New development and regeneration should have regard to nature conservation and biodiversity.	It is considered that the BXC application will potentially result in a net gain in biodiversity in terms of habitat quality and connectivity. This is particularly the case for the habitat around the River Brent and Clitterhouse Stream. The application is in accordance with this policy.	Yes.
CLIMATE CHANGE AND LONDON'S METABOLISM:MITIGATION OF AND ADAPTATION TO CLIMATE CHANGE AND USING AND MANAGING NATURAL RESOURCES			
4A.1 & 4A.2	Tackling climate change – <ul style="list-style-type: none"> Minimise emissions of carbon dioxide. Propose an energy hierarchy 	The BXC planning application proposes a range of climate change mitigation measures which build on the Energy and Sustainability Strategies which have informed the application. It is considered that the application is in accordance with this policy and planning conditions are proposed to make sure that the application complies with any changing targets	Yes
4A.3	Sustainable Design and Construction – <ul style="list-style-type: none"> Make effective use 	It is considered that the BXC application has been designed to maximise the	Yes

LP POLICY	KEY REQUIREMENT`	COMMENT	COMPLIANCE/NON-COMPLIANCE /NEUTRAL [Yes/No/--]
	<p>of land and existing buildings</p> <ul style="list-style-type: none"> • Reduce carbon dioxide emissions and other emissions. • Design for flexibility. • Make most effective use of resources • Minimise energy use • Manage flood risk • Promote sustainable waste behaviour. • Encourage living roofs • Reduce noise impacts. 	<p>use of land close to existing public transport and planned new transport investment. Individual elements – such as the proposal to fuel the CCHP with a refuse derived fuel from the WHF have the potential to contribute substantially to carbon reduction targets.</p> <p>The proposals for the River Brent will reduce flood risk. All the main criteria of this policy will be met.</p>	
4A.4	Energy Assessment – Major developments should include an assessment of the energy demand and carbon dioxide emission savings .	This is included in the planning application documents and planning conditions will ensure that future targets are met.	Yes
4A.5	Provision of heating and cooling networks.	The BXC planning application includes a scheme-wide CCHP. There will be a phased approach to the provision of this network with the potential to connect all plots – with the possible exception of those at the southern extremity of the development – as future phases are brought forward. It is considered that the proposal fully accords with this policy	Yes
4A.6 & 4A.7	Decentralised Energy & Renewable Energy – <ul style="list-style-type: none"> • Heating, cooling and power systems should be selected to minimise carbon dioxide emissions. • Developments should achieve a 	The BXC development includes a scheme wide CCHP potentially fuelled by a RDF generated by the WHF. This will fully comply with this policy and result in reductions of carbon dioxide well beyond the 20% policy target.	Yes

LP POLICY	KEY REQUIREMENT`	COMMENT	COMPLIANCE/NON-COMPLIANCE /NEUTRAL [Yes/No/--]
	reduction on carbon dioxide emissions of 20% from on site renewable energy regeneration		
4A.11	Living Roofs and Walls	The BXC application will deliver 10% of roofs as 'green' or 'brown'. It is considered that this proposal , which will be secured by planning condition – complies with this policy.	Yes
4A.12 & 4A.13	Flooding & Flood Risk Management	The proposals in the BXC planning application have been based on a comprehensive flood risk assessment that has been approved by the Environment Agency. It is considered that the application complies with this policy.	Yes
4A.14	Sustainable Drainage – Surface water run off should be minimised in line with a drainage hierarchy/	The BXC development includes 25% reduction in surface water run off against the current 1:100 year return flow plus 30% for climate change. A range of sustainable urban drainage systems are proposed.	Yes
4A.16	Water Supplies and Resources – Protect and conserve water supplies	A target of 105 litres per day will be achieved for residential buildings. Commitments have been made for rain water harvesting and promoting the use of grey water recycling. The application will comply with all relevant criteria.	Yes
4A.17	Water Quality	The BXC application will use sustainable urban drainage systems to reduce the intensity or urban run off. This will comply with the relevant criteria of this policy	Yes

LP POLICY	KEY REQUIREMENT`	COMMENT	COMPLIANCE/NON-COMPLIANCE /NEUTRAL [Yes/No/--]
4A.19	Improving Air Quality <ul style="list-style-type: none"> • Improve the integration of land use and transport policy and reduce the need to travel. • Promote sustainable design and construction. • Air Quality Assessments should be undertaken. • Improved energy efficiency and energy use leading to emissions reductions. 	The BXC application has considered and assessed air quality as part of the Environmental Statement. The emphasis on increasing mode share of more sustainable forms of transport and the use of the CCHP possibly using a RDF supplied by the development itself(among other measures) will achieve compliance with the relevant criteria of this policy.	Yes
4A.21, 4A.22, 4A.23, 4.A24 & 4A.25	Waste Strategic Policy Targets & Spatial Policies for Waste Management & Criteria for the selection of sites for waste management and disposal & Existing Provision – capacity, intensification, re-use and protection & Borough Level apportionment .	The application site currently contains an existing NLWA Waste Handling Facility. The BXC application provides for a replacement waste handling facility which will be able to process at least the same amount of North London's Waste as is handled at the existing facility. The majority of waste generated by the development to be treated on site and possibly converted to a RDF to fuel the CHP. Officers consider that the arrangements proposed in the application adequately meet the relevant criteria of this policy.	Yes
4A.28	Construction, excavation and demolition waste – Developments should minimise construction waste	The BXC application proposes construction consolidation centre(s) and a site waste management plan in accordance with the key criteria in the policy.	Yes
4A.30 & 4A.31	Better Use of Aggregates & Spatial Policies to Support.	As 4A.28 above. In addition a rail freight facility is proposed.	Yes

DESIGNS ON LONDON

LP POLICY	KEY REQUIREMENT`	COMMENT	COMPLIANCE/NON-COMPLIANCE /NEUTRAL [Yes/No/--]
4B.1	Design Principles for a compact city – <ul style="list-style-type: none"> • Maximise the potential of sites • Promote high quality design • Mitigate climate change • Respect local context • Provide a mix of uses • Be accessible/ permeable • Be sustainable, secure, legible • Respect the natural environment. 	The BXC application demonstrates the influence of this policy and will produce a mixed use development with a balance of uses including intensive residential development. Officers consider that the urban design principles that underpin the BXC masterplan fulfil the key criteria of this policy.	Yes
4B3	Enhancing the Quality of the public realm – <ul style="list-style-type: none"> • Develop a coherent and strategic approach to the public realm. • Accessible • Integrate water space. 	The amount, location and quality of open space has been assessed and consideration has been given to making these area accessible to all. It is considered that the The proposals for the River Brent balance the ‘opening’ up of the waterside area with the need to preserve the natural environment. The proposals have been appraised against all the relevant criteria of this policy which are considered to be fulfilled generally and taken as a whole.	Yes
4B5	Creating and Inclusive Environment.	It is considered that the BXC application demonstrates the influence of this policy. An Inclusive Access Forum is proposed.	Yes
4B.6	Safety, Security, fire protection.	It is considered that the design principles are in accordance with this policy. Detailed applications will be expected to consider these aspects.	Yes

LP POLICY	KEY REQUIREMENT	COMMENT	COMPLIANCE/NON-COMPLIANCE /NEUTRAL [Yes/No/--]
4B.8	Respect Local context and communities	The BXC application will produce an urban form very different from surrounding areas of Barnet appropriate to its strategic location and urban context. The urban design framework respects this as far as practicable with building heights reducing towards the existing area.	Neutral
4B.9	Tall buildings – Location – <ul style="list-style-type: none"> Promote a coherent location for economic clusters Catalyst for regeneration. 	The tallest buildings are proposed within and around Station Quarter and Market Quarter development zones, the central core of the regeneration area. Tall buildings in these central locations are considered to be acceptable in terms of their impact on their surroundings, as a landmark for the regeneration area and in terms of the excellent public transport accessibility of these locations as part of the scheme. It is considered that the relevant criteria of this policy are fulfilled.	Yes
4B.10	Large scale buildings – design and impact – Sets out a range of detailed criteria that large scale buildings should fulfill.	Guidelines for the future design and impact of the individual tall and large-scale buildings has been carefully considered in the Design and Access Statement and anticipated in the guidance contained in the Design Guidelines. It is considered that the application fulfils the criteria appropriate for an outline application.	Yes
4B.15	Archaeology	English Heritage have been consulted and consider the application acceptable subject to condition.	Yes
BLUE RIBBON NETWORK			
4C.2, 4C.3,	Context for Sustainable	The BXC application	Yes

LP POLICY	KEY REQUIREMENT`	COMMENT	COMPLIANCE/NON-COMPLIANCE /NEUTRAL [Yes/No/--]
4C.4, 4C.10, & 4C.11	Growth & Natural Value & Natural Landscape & Increasing Sport and Leisure & Increasing Access	contains proposals to 'open up' the River Brent and enhance the natural environment of the other streams in the application site. It is considered that the proposals strike the appropriate balance within this range of policies and will preserve and enhance the natural environment.	
4C.14	Structures over and into the Blue Ribbon Network.	A number of bridges over the River Brent are proposed and the effect of these has been considered by the Environment Agency and is acceptable subject to conditions.	Yes
4C.22	Rivers, brooks and streams – Habitat and amenity value should be improved.	It is considered that the BXC application demonstrated the influence of this policy and will overall improve the habitat of rivers, brooks and streams.	Yes
OVERALL APPROACH TO SUB REGIONAL DEVELOPMENT			
5A.1	Sub Regional Implementation Frameworks – Sets the strategic context for North London	The BXC proposal reflects the content of this policy and the proposed development includes mixed use development with a balance of town centre uses, including intensive residential development, in what will become, as the development proceeds, a very highly accessible location. It is considered to achieve the overall requirements of this policy	Yes
NORTH LONDON			
5B1	Strategic Policies for North London – <ul style="list-style-type: none"> • Optimise the development of Opportunity Areas • Sustainable Communities • Enhance Town Centres 	As 5A.1 above	Yes

LP POLICY	KEY REQUIREMENT`	COMMENT	COMPLIANCE/NON-COMPLIANCE /NEUTRAL [Yes/No/--]
	<ul style="list-style-type: none"> • Address Social Exclusion • Improve the Quality of the Environment • Manage the development of the London-Luton-Bedford corridor. 		
5B.2	<p>Opportunity Areas in North London –</p> <ul style="list-style-type: none"> • Developments should maximise residential and non residential densities • Contain Mixed Use 	<p>The Sub Regional Development Framework for North London refers extensively to the proposed evolution of the Brent Cross Shopping Centre into a balanced mixed use town centre which will become an important urban centre in the region as a whole and function as part of the Polycentric strategy. These proposals are likely to be delivered over a period of approximately 20 years. It is considered that the BXC application reflects the principles contained in this policy.</p>	Yes
DELIVERING THE VISION			
6A.3	<p>Promoting Development – Working together with strategic partners, including the development industry, will promote locations for strategic development.</p>	<p>The BXC application reflects the policy position that has been developed in partnership with other agencies, adjoining borough council, local communities and stakeholders.</p>	Yes
6A.4 & 6A.5	<p>Priorities in Planning Obligations & Planning Obligations –</p> <ul style="list-style-type: none"> • Affordable Housing and public transport improvements should be given the highest priority. • Contributions should be made towards the full cost of provision that is fairly and 	<p>The BXC planning application will be accompanied by a S106 agreement which will contain very substantial contributions towards the cost of necessary provision. This will include public transport improvements and the maximum viable amount of affordable housing.</p>	Yes

LP POLICY	KEY REQUIREMENT	COMMENT	COMPLIANCE/NON-COMPLIANCE /NEUTRAL [Yes/No/--]
	reasonably related in scale.		
6A.7	Increasing the capacity of London – <ul style="list-style-type: none"> • Help equip Londoners with the necessary skills • Develop a strategic approach to child care provision. 	It is proposed that the S106 agreement will include Employment and Skills Action Plans. The need for child care provision has been assessed as part of the application. It is considered that the relevant criteria of this policy are fulfilled	Yes
6A.8	Phasing of Development and transport provision – Boroughs should manage development so that it conforms with London Plan targets.	The BXC planning application is based on the phased provision of development and transport provision. Officers of the GLA and TFL have been consulted on the assumptions made and officers consider that the application is in accordance with London Plan targets.	Yes

Table 2 – Barnet UDP Policies

UDP POLICY	KEY REQUIREMENT	COMMENT	COMPLIANCE/NON-COMPLIANCE /NEUTRAL [Yes/No/--]
STRATEGIC POLICIES			
GSD	Sustainable Development	It is considered that this development demonstrates the influence of this policy and achieves the overall requirements of this policy.	Yes
GMixed Use	Mixed Use – <ul style="list-style-type: none"> • Proposals should incorporate a mix of uses. • Should consider the character and diversity of the existing area. • Potential nuisance. 	The BXC application is a mixed use development which includes a range of town centre uses and will become, as the development proceeds, a very accessible location. It is considered that the development achieves the	Yes

UDP POLICY	KEY REQUIREMENT`	COMMENT	COMPLIANCE/NON-COMPLIANCE /NEUTRAL [Yes/No/--]
	<ul style="list-style-type: none"> • Accessibility by a range of transport. 	overall requirements of this policy.	
GWaste	Waste Disposal – <ul style="list-style-type: none"> • Waste management hierarchy. • Best Environmental Option • Proximity principle. 	The BXC application includes a proposal for the vacuum collection of waste (subject to feasibility study) and a new site is proposed for a rail linked waste handling facility that will be able to process at the majority of the waste generated by the development and at least the same amount of North London's waste.	Yes
GBEnv1 & GBEnv2 & GBEnv3	Character & Design & Safe Environment – <ul style="list-style-type: none"> • Enhance the quality and character of the built and natural environment. • Require high quality design. • Provide a safe and secure environment. 	The BXC application demonstrates the influence of this policy and will produce a mixed use development with a balance of uses. Officers consider that the urban design principles that underpin the application fulfil the key criteria of this policy.	Yes
GL1	Sport and Recreation – Ensure an adequate supply of land and buildings for sport, arts, culture and entertainment.	The BXC development will produce a new urban 'quarter' for Barnet. Officers consider that substantial improvement to the quality of sports facilities will result from the planned improvements to Clitterhouse Playing Fields. A replacement leisure centre is planned (and must be delivered before the existing Leisure Centre is closed) and a range of leisure and entertainment uses will be provided for in the new town centre.	Yes
GRoadNet – Road Network	The council will seek to ensure that roads within the borough are used appropriately	Junction improvements and new road links are proposed that will assist in keeping traffic on strategic routes along the main roads.	Yes

UDP POLICY	KEY REQUIREMENT`	COMMENT	COMPLIANCE/NON-COMPLIANCE /NEUTRAL [Yes/No/--]
		There is a network of proposed local roads and access roads within the site, which are considered to provide suitable connections both within the site and to and from the gateway junctions	
GParking	Parking – apply standards to restrain growth of the car and regulate parking.	Proposed off street parking standards are policy compliant. There is a sliding scale of provision of residential car parking that will restrict parking in later phases of the development commensurate with comprehensively improved public transport facilities and services, as well as the improved facilities for walking and cycling.	
GCS1	Community Facilities – Adequate supply of land and buildings for community, religious, educational and health facilities.	Both existing provision and the needs of the new population have been assessed in consultation with Council officers. Officers consider that this policy has been complied with.	Yes
GEMP2 & 3	Promoting Business Activities & Maximising Job Creation- <ul style="list-style-type: none"> • Provide and promote sites • Creation of maximum number and quality of jobs 	The BXC development will provide more than 25,000 new jobs in a range of sectors. The applicant has committed to an employment and skills package as part of the S106 agreement. It is considered that this policy is fulfilled.	Yes
GTCR1	Retail and Town Centres – new retail should sustain and enhance the vitality and viability of the borough’s town centres.	The BXC application will enhance the role of the new planned sustainable role of the existing Brent Cross shopping centre by supplying the full range of town centre uses in what will become a very accessible location. Any possible effects of the proposal on other	Yes

UDP POLICY	KEY REQUIREMENT	COMMENT	COMPLIANCE/NON-COMPLIANCE /NEUTRAL [Yes/No/--]
		neighbouring town centres has been assessed and has been found to be not significant.	
GCrick	Cricklewood, Brent Cross and West Hendon Regeneration Area – <ul style="list-style-type: none"> • Will be a major focus for creation of new jobs and homes • Built to the highest standards. • New integrated town centre 	As GTCR1 above. Officers consider that the BXC application is a full response to this policy and will provide 25,000 jobs and approximately 7,550 new homes in a sustainable mixed use town centre.	Yes
ENVIRONMENTAL RESOURCES			
ENV7	Air Pollution – <ul style="list-style-type: none"> • Any possible impacts on air pollution must be mitigated. • Minimise impact through siting. • Reduce traffic and need to travel. 	The BXC development has considered and assessed air quality as part of the Environmental Statement. The emphasis on increasing mode share of more sustainable forms of transport should assist in improving air quality. Officers consider that the key criteria of this policy has been complied with.	Yes
ENV12	Noise Generating Development – Location of noise generating development and noise sensitive receptors should be carefully considered.	The BXC application has considered and assessed the location of noise generating activities as part of the Environmental Statement. For instance, the proposed CCHP has been located adjacent to Staples Corner separated from any residential uses. The detail of mitigation for individual plots will be considered at the Reserved Matters Stage.	Yes
ENV13	Minimising Noise Disturbance	As ENV12 above.	Yes
ENV14	Contaminated Land – development on contaminated land will be encouraged subject to site investigations and	The BXC development will be carried out on land where a variety of industrial activities have taken place and the likelihood of	Yes

UDP POLICY	KEY REQUIREMENT	COMMENT	COMPLIANCE/NON-COMPLIANCE /NEUTRAL [Yes/No/--]
	conditions to require survey and mitigation,	contamination will be high in these locations. Planning conditions and obligations are proposed to require investigation and mitigation of any contamination at all appropriate stages of development.	
BUILT ENVIRONMENT			
D1	High Quality Design – <ul style="list-style-type: none"> • High Quality Design, • Sustainable Development, • Community Safety. 	The BXC application demonstrates the influence of this policy and will produce a mixed use sustainable development with exemplar quality design secured in future detailed applications. It is considered that the urban design framework that underpins the BXC application and which is expressed in the Design and Access Statement and Design Guidelines fulfil the key criteria of this policy	Yes
D2	Character	The BXC application will produce an urban form very different from surrounding areas of Barnet entirely appropriate for its context and urban location. The urban design framework respects this as far as possible with building heights reducing towards the existing area.	Neutral
D3	Spaces – Should enhance the development and be in keeping with the overall area.	This aspect of the masterplan has been considered in the Design and Access Statement and Design Guidelines which will provide a robust framework for assessing Reserved Matters applications in accordance with this policy	Yes
D4	Over Development	The BXC application will produce a high density development in accordance	Yes

UDP POLICY	KEY REQUIREMENT	COMMENT	COMPLIANCE/NON-COMPLIANCE /NEUTRAL [Yes/No/--]
		with the planning policy. Residential densities will be accordance with the upper levels of the London Plan. The urban design framework gives careful consideration to residential amenity and the provision of social and green infrastructure has been assessed. Officers consider that overall this policy has been met and the form of development proposed represents the most sustainable use of urban land.	
D5	Outlook – Adequate sunlight, daylight, privacy and outlook.	The BXC application is an outline application and this aspect is considered as far as is appropriate at this stage. The Design and Access Statement and Design Guidelines provide a robust framework for assessing applications at the detailed design stage on the basis that recommended BRE standards are generally to be achieved.	Neutral
D6	Street Interest – Produce vibrant streets, avoid blank walls.	As D5 above. The Parameter Plans provide for activity at ground floor level through the range of uses proposed. Detailed reserved matter applications are conditioned to ensure compliance with this policy which requires active and vibrant street frontages.	Yes
D9 & 10	Designing Out Crime & Improving Community Safety – Buildings should be designed to reduce crime and fear of crime. This to be secured through planning obligations.	It is considered that the BXC design principles are in accordance with this policy. Detailed applications will be expected to consider these aspects. A s106 planning obligation will secure	Yes

UDP POLICY	KEY REQUIREMENT`	COMMENT	COMPLIANCE/NON-COMPLIANCE /NEUTRAL [Yes/No/--]
		facilities for the police at an appropriate location in the development.	
D11	Landscaping – <ul style="list-style-type: none"> • Achieve a suitable visual setting for buildings. • Provide attractive and accessible spaces. • Contribute to community safety, environmental and ecological quality, 	The BXC application is an outline application and this aspect is considered as far as is practical and appropriate at this stage. The Design and Access Statement and Design Guidelines provide a robust framework for assessing applications at the detailed design stage.	Neutral
D17	High Buildings – Acceptable Locations. Only permitted where – <ul style="list-style-type: none"> • Carefully related to their surroundings, • Well designed setting, • Highest Design Quality, • Contribute positively to civic significance, • Take account of environmental design criteria 	The tallest buildings are proposed within and around Station Quarter and Market Quarter development zones, the central core of the regeneration area. Tall buildings in these central locations are considered to be acceptable in terms of their impact on their surroundings and in terms of the excellent public transport accessibility of these locations. It is considered that the relevant criteria of this policy are fulfilled. Guidelines for the future design and impact of the individual tall and large-scale buildings has been carefully considered in the Design and Access Statement and anticipated in the guidance contained in the Design Guidelines. It is considered that the application fulfils the criteria appropriate for an outline application.	Yes
HC17	Archaeological Remains - Local	English Heritage have been consulted and consider the application acceptable subject to condition.	Yes
OPEN ENVIRONMENT			
O1 & O2	Green Belt/MOL & New	Clitterhouse Playing Fields	Yes

UDP POLICY	KEY REQUIREMENT	COMMENT	COMPLIANCE/NON-COMPLIANCE /NEUTRAL [Yes/No/--]
	Buildings and Uses	is designated as MOL. Officers consider that the designation is respected in the BXC development with the only new building proposed a small pavilion for changing rooms and associated uses.	
O12 & O13	Green Chains & Green Corridors – <ul style="list-style-type: none"> • Promote missing links • Enhance Nature Conservation Value 	It is considered that the network of open spaces provided in the application will support and enhance the links with Brent Reservoir (Green Chain) and the Green Corridor along the Midland Mainline railway	Yes
O14 & O15	Sites of Importance for Nature Conservation & Nature Conservation.	Two sites with a non-statutory designation for nature conservation as Sites of Local Importance (Clarefield Park and Clitterhouse PF) are included in the regeneration area. Clarefield Park will be lost in the first phase of development. However, it is considered that the BXC application will result overall in a net gain in biodiversity in terms of habitat quality and connectivity. This is particularly the case for the habitat around the River Brent and Clitterhouse Stream. Overall, taking the ecological benefits and adverse effects of the scheme, it is considered that on balance the effect of the scheme in relation to this policy are probably neutral if not positive.	Neutral
LEISURE RECREATION AND TOURISM			
L6	Designing in Art	A planning obligation is proposed to require the provision of public realm improvements, including public art on a phased	Yes

UDP POLICY	KEY REQUIREMENT`	COMMENT	COMPLIANCE/NON-COMPLIANCE /NEUTRAL [Yes/No/--]
		basis.	
L9 & L10	Hotels - Preferred Locations & Development Criteria – <ul style="list-style-type: none"> • Hotels should be in town centres. • In keeping with character and accessible 	The BXC development proposes the provision of approximately 61,000 m2 of hotel accommodation in what will become a highly accessible town centre location as the scheme progresses. It is considered that the key criteria of this policy are met.	Yes
L11& L12 &L14	Public Open Space & Area of Deficiency & Improved Provision – <ul style="list-style-type: none"> • Development in Open Space not be permitted unless in interests of the community. • Improvements in area of deficiency • Improvements to quality and variety of open space to promote access for all 	The BXC proposal contains an increase of approximately 8 hectares of open space. Some open spaces will be lost but others will be improved and new spaces will be provided. Officers consider that overall an appropriate distribution of open space will be achieved for the new population and that all relevant criteria of this policy will be met.	Yes
L27	Indoor/Outdoor Sports and Recreation Facilities – Multiple/Shared Use	The BXC application proposes the shared use of a number of new and improved sporting facilities, such as the proposed synthetic playing surfaces in Clitterhouse Playing Fields and the replacement of Hendon Leisure Centre. The proposal is considered to be in accordance with this policy.	Yes
MOVEMENT			
M1	Transport Accessibility - The council will expect major developments to be in locations which are, or will be made, accessible by a range of modes of transport	The BXC site is highly accessible by car, particularly to the north of the site around the A406 and this will continue to be the case with the proposed scheme. In order to encourage a more sustainable approach to travel in the area there is a degree of restraint included	Yes

UDP POLICY	KEY REQUIREMENT	COMMENT	COMPLIANCE/NON-COMPLIANCE /NEUTRAL [Yes/No/--]
		<p>in some of the gateway junctions (such as A407) to encourage greater use of non car modes. There are a range of public transport improvements, to services and facilities on bus, tube and train, and the PTAL tool has been used to demonstrate that there will be a significant improvement in public transport accessibility as a result of the scheme. A comprehensive network of cycle and pedestrian routes are proposed within the scheme boundary, and there is a commitment as part of the section 106 to examine wider links, and fund additional studies and mitigation measures</p>	
M2	<p>Transport Impact Assessment -The council will require developers to submit a full transport impact assessment</p>	<p>There is a comprehensive range of TA related documentation submitted, which demonstrate how the scheme will achieve a significant increase in the non-car mode share of BXC related trips, and provide a comprehensive range of public transport improvements and consequent increase in the PTAL</p>	<p>Yes when combined with additional studies and control mechanisms set out in the planning conditions and obligations.</p>
M3	<p>Travel Plans - For significant trip-generating developments the council will require the occupier to develop and maintain a Travel Plan</p>	<p>There is a Framework Travel Plan, as well as a Construction Workers FTP. There will be travel plans for individual businesses, residential developments and schools</p>	<p>Yes</p>
M4	<p>Pedestrians and Cyclists - Widening Opportunities The council will identify additional cycle routes in the location and design of new developments. Developers will be</p>	<p>There is a comprehensive network of cycle and pedestrian routes proposed as part of the scheme, and a commitment to study links between the site and adjacent communities, and</p>	<p>Yes</p>

UDP POLICY	KEY REQUIREMENT`	COMMENT	COMPLIANCE/NON-COMPLIANCE /NEUTRAL [Yes/No/--]
	expected to encourage cycling through provision of new facilities	fund additional mitigation measures	
M5	Pedestrians and Cyclists – Improved Facilities. The council will require new developments to fund facilities for pedestrians and cyclists both on and off-site	There is a comprehensive network of cycle and pedestrian routes proposed as part of the scheme, and a commitment to study links between the site and adjacent communities, and fund additional mitigation measures	Yes when combined with additional studies and control mechanisms set out in the planning conditions and obligations. Fully meets requirement on site.
M6	Public Transport – Use - Developments Should be located and designed to make use of public transport more attractive by providing improved access to existing facilities, and develop new routes and services	Public transport improvements include a new railway station and transport interchange, a new and improved bus station at BXSC and station forecourt and step-free access improvements at Brent Cross LUL and Cricklewood railway stations. There are also proposals to improve 11 existing bus routes and introduce 3 new bus services as well as a new bus-based rapid transit system. Several bus lanes and other priority measures are proposed within the scheme area.	Yes
M7	Public Transport – Improvements. The council will expect development to provide better, interchange facilities and waiting areas	Public transport improvements include a new railway station and transport interchange, a new and improved bus station at BXSC and station forecourt interchange and step-free access improvements at Brent Cross LUL and Cricklewood railway stations.	Yes
M8	Road Hierarchy. The council will take into account the function of adjacent roads, and may refuse development that would result in inappropriate road use	The TA has assessed the impact of the BXC scheme over an agreed Area of Influence, and has reported on the road traffic impacts across the adjacent area. No significant impacts on	Yes, with A5 Corridor Study carried out

UDP POLICY	KEY REQUIREMENT`	COMMENT	COMPLIANCE/NON-COMPLIANCE /NEUTRAL [Yes/No/--]
		<p>the adjacent local highway network have been identified, and there are safeguards and controls included within the section 106 agreement, which includes a monitoring strategy so that issues of rat-running traffic can be identified and addressed as the development rolls out. The A5 corridor study will be to look in detail at the impacts on local roads in Brent, and additional mitigation measures may arise from this. The study, and any mitigation measures, will be Developer funded.</p>	
M9	<p>Road Improvement Schemes - Recognising the need for an efficient strategic road network in London as part of an integrated transport system, the council will support significant road improvement schemes</p>	<p>The BXC scheme includes major road improvements on the TLRN at the junctions of the A406 NCR with the A41, A5 and M1. However, the improvements are not designed to accommodate full demand but have been modelled as part of a balanced package of transport improvements that includes a range of public transport, cycling and walking improvements</p>	Yes
M10	<p>Reducing Traffic Impact - Where it is considered necessary as a consequence of development, the council may introduce measures to reduce the traffic impacts on the environment and the community and the council will seek to secure a planning obligation from the developer.</p>	<p>The scheme comprises a comprehensive range of mitigation to reduce the traffic impact, including junction improvements along the A407 that do not provide for full demand, which by constraining development traffic will help protect adjacent areas from excessive congestion. There are also various car parking management measures set out in the parking strategy to encourage mode shift.</p>	Yes

UDP POLICY	KEY REQUIREMENT	COMMENT	COMPLIANCE/NON-COMPLIANCE /NEUTRAL [Yes/No/--]
		<p>There are also a number of significant improvements to public transport including a new railway station and public transport interchange, a replacement high quality bus station at BXSC, new transport interchanges at Cricklewood train and Brent Cross tube stations. and a range of new and improved bus services, together with a bus-based RTS linking all the main public transport interchanges. There will be a network of pedestrian and cycle routes within the site and links to adjacent communities. These mitigation and control measures will be secured through planning condition and obligation.</p>	
M11	<p>Safety of Road Users - The council will ensure that the safety of road users, particularly those at greater risk, is taken fully into account when considering development proposals</p>	<p>All gateway junctions have been subject to Stage 1/2 Road Safety Audits. All internal highway junctions will be subject to s278 agreements which will include technical assessment and road safety audits. Furthermore, the A5 Corridor Study will look specifically at road safety and accident reduction in this corridor.</p>	Yes
M13	<p>Safe Access to New Development - The council will expect developers to provide safe and suitable access for all road users (including pedestrians) to new developments.</p>	<p>See response for M11 above.</p>	Yes
M14	<p>Parking Standards - The council will expect development to provide parking in accordance with the <i>London Plan</i> parking</p>	<p>The overall residential maximum parking ratio is 0.86 which accords with the UDP residential parking standards.</p>	Yes

UDP POLICY	KEY REQUIREMENT`	COMMENT	COMPLIANCE/NON-COMPLIANCE /NEUTRAL [Yes/No/--]
	standards, except in the case of residential development, where the standards will be: i. 2 to 11/2 spaces per unit for detached and semi-detached houses; ii. 11/2 to 1 spaces per unit for terraced houses and flats; and iii. 1 to less than 1 space per unit for development consisting mainly of flats.		
M15	Rail Freight - The council will safeguard and encourage the development of rail freight-related sites at appropriate locations accessible by rail, and encourage the use of rail for the movement of bulk freight.	The planning application commits to the delivery of the waste handling and rail freight facilities and, subject to the completion of a feasibility study, the creation of a rail linked Construction Consolidation Centre.	Yes
M16	Lorries – Controls on Movement - The council will maintain and introduce controls, including lorry movement bans and width and/or weight restrictions. as required in order to prevent the use of unsuitable road routes by heavy goods vehicles where suitable alternative routes are available.	The Proposed Construction Transport Management Plan will allow the Council to restrict and control lorry movements from using unsuitable routes during the construction phases of the development. Furthermore, vehicles using the proposed Waste Handling Facility will be subject to further management plans which will, amongst other things, identify suitable routes for HGVs.	Yes
M17	Lorries – Deliveries and Servicing Developments - that require regular deliveries of goods, materials and/or equipment should be located in close proximity to Tier 1 and Tier 2 roads. Such developments should also be provided with adequate on-site	Both the Rail Freight Facility and Waste Transfer facility are located off the A5. Both facilities will include adequate space for on-site loading, turning and waiting facilities, and the relevant Reserved Matters Application will include the necessary conditions to regulate their usage.	Yes

UDP POLICY	KEY REQUIREMENT`	COMMENT	COMPLIANCE/NON-COMPLIANCE /NEUTRAL [Yes/No/--]
	facilities for loading, turning and waiting for goods vehicles.		
HOUSING			
H2	Housing – Other sites – Should consider: <ul style="list-style-type: none"> • Impact of the site on its surroundings • Transport accessibility • Access to education and community facilities 	The BXC application proposes a comprehensive approach to creating a new mixed use urban ‘quarter’ for Barnet. New housing is proposed in appropriate locations in terms of transport accessibility, mix of uses and proposed social infrastructure. The proposal is considered into be in accordance with the key criteria of this policy	Yes
H5	Affordable Housing – Should negotiate the maximum reasonable amount of affordable housing.	The amount of affordable housing has been subject to a viability assessment and a review mechanism is proposed to ensure that the maximum viable amount of affordable housing is provided in each phase or sub phase. A target of 2,250 units is planned with up to the development plan policy target of 50% in individual phases, subject to the viability renew mechanism. Officers consider that this mechanism will make sure that the maximum viable amount of affordable housing is achieved in accordance with this policy	Yes
H16	Residential Development – Character. Integrate with existing patterns of development - <ul style="list-style-type: none"> • Be well laid out • Provide adequate daylight • Provide a safe and secure environment • Maintain privacy 	The BXC application will produce an urban form very different from surrounding areas of Barnet entirely appropriate for its context and urgent setting. The urban design framework respects this as far as practicable with building heights reducing towards the existing area.	Neutral

UDP POLICY	KEY REQUIREMENT`	COMMENT	COMPLIANCE/NON-COMPLIANCE /NEUTRAL [Yes/No/--]
	<ul style="list-style-type: none"> Provide adequate amenity space. 	The urban design principles that underpin the BXC masterplan fulfil the key criteria of this policy with planning conditions to determine urban design, safety and security at the reserved matters phases.	
H17	Residential Development – Privacy Standards – In town centres and regeneration areas standards applied elsewhere may not apply but innovative solutions will be required.	The Design and Access Statement and Design Guidelines provide the urban design framework and establish principles of height, massing and amenity standards appropriate for this outline application stage. The detail of the safeguarding of privacy for residents will be dealt with at the detailed planning stage in accordance with parameters and principles that require the BRE standards to be achieved.	Yes
H18	Residential – Amenity Space Standards – Proposals in or near town centres may be exempt from standards applied elsewhere.	The Design and Access Statement and Design Guidelines establish the principles for amenity space standards appropriate for this outline stage of the design process.	Yes
H20	Residential Development – Public Recreational Space – Housing Development should provide proportionate amounts of public recreational space.	The BXC application will provide a net increase in open space of approximately 8 ha. Improvements are to be made to the playing areas of Clitterhouse Playing Fields and new synthetic pitches are to be provided. A play strategy has been produced which proposes a hierarchy of play spaces. It is considered that the BXC application is in accordance with this policy.	Yes
H21	Residential Density – Will favourably consider higher densities at Brent	The proposed BXC development achieves densities in accordance with	Yes

UDP POLICY	KEY REQUIREMENT	COMMENT	COMPLIANCE/NON-COMPLIANCE /NEUTRAL [Yes/No/--]
	Cross Cricklewood provided they comply with Policy D1 and related to their surroundings.	the upper ranges of the London Plan density matrix. The urban design framework takes account of the local context and public transport accessibility will increase as a result of the proposal. Officers consider that the BXC development will maximise the potential of the site in accordance with this policy.	
COMMUNITY SERVICES			
CS1&2	Community and Religious Facilities & Planning Obligations – Should be appropriately located and secured by planning obligations where appropriate.	The impact of the BXC development on existing community facilities has been appropriately considered and the proposed provision will be adequate to meet forecast need in accordance with this policy. Provision will be secured by planning obligation.	Yes
CS5	Education Facilities – Shared Use.	It is considered that the BXC development demonstrates the influence of this policy. The Community Campus in the Eastern Lands Zone provides for the co-location of appropriate facilities such as the library.	Yes
CS10 & 11 & 13	Health Care Facilities & Multiple Use & Planning Obligations – Should be easily accessible and capable of multiple use.	As CS5 above. The proposed Community Campus in the Eastern Lands includes the Health Centre. Potential for co-location of facilities (for instance with the leisure centre) will be explored at the detailed design stage.	Yes
EMPLOYMENT, BUSINESS & INDUSTRY			
EMP6	Offices – New Development – Preference given to sites in Town Centres if accessible and part of mixed use schemes.	It is considered that the BXC development demonstrates the influence of this proposal. The majority of the proposed office floorspace will be in	Yes

UDP POLICY	KEY REQUIREMENT	COMMENT	COMPLIANCE/NON-COMPLIANCE /NEUTRAL [Yes/No/--]
		the Station Quarter adjacent to the new train station. It will be provided as part of mixed use plots with active frontages at street level.	
TOWN CENTRES AND RETAILING			
TCR1	Sequential Approach- Preferred location for retail is the primary and secondary shopping frontages and BX.	It is considered that the BXC proposal is in accordance with the key criteria of this policy. Brent Cross Cricklewood will develop over the lifetime of the project to be a highly accessible mixed use town centre serving Barnet and North West London. In this respect BXC is a preferred retail location.	Yes
TCR2	Town Centre Development Sites – Identified Potential BXC is identified as a site for town centre proposals.	As TCR1 above	Yes
TCR12	Evening Uses in Town Centres – <ul style="list-style-type: none"> • Non retail uses can contribute to vitality. • Should be in keeping with the scale. • Be highly accessible. • Would not affect residential amenity. 	The BXC development will provide a new mixed use town centre for Barnet which will provide a full range of town centre uses. This will include a range of restaurants, cinemas and other leisure activities which are designed to bring life to the area in the evenings. Improvements to public transport will make this new town centre highly accessible to all transport modes.	Yes
TCR13	Residential in Town Centres – Encouraged as long as primary retail function is not adversely affected.	The BXC proposal demonstrates the influence of this policy with residential uses forming part of the mixed use town centre on the upper floors of new development blocks.	Yes
TCR18	Mixed Use Development – Large developments should include - <ul style="list-style-type: none"> • Residential accommodation (including 	As TCR 13 above.	Yes

UDP POLICY	KEY REQUIREMENT`	COMMENT	COMPLIANCE/NON-COMPLIANCE /NEUTRAL [Yes/No/--]
	affordable housing) <ul style="list-style-type: none"> • Uses at ground floor level that provide activity. 		
CRICKLEWOOD, BRENT CROSS AND WEST HENDON REGENERATION AREA			
C1	Comprehensive Development	It is considered that the BXC application is a response to this policy. The proposed planning conditions and obligations include a framework of commitments and controls to ensure that the principles of comprehensive development are respected. The proposed development will result in a new mixed use neighbourhood for Barnet spanning both sides of the North Circular Road in accordance with the Cricklewood, Brent Cross and West Hendon Area Development Framework and Chapter 12 of the UDP.	Yes
C2	Urban Design – <ul style="list-style-type: none"> • High Quality design • Creation of a safe and attractive environment 	Officers consider that the BXC Masterplan will deliver a high quality environment in accordance with accepted principles of good urban design. This masterplan is supported by a Design and Access Statement and Design Guidelines that will ensure that both individual buildings and later phases comply with these principles.	Yes
C3	Urban Design - Amenity	The BXC development will deliver housing at densities approaching the upper end of the range contained in the London Plan thereby maximising its locational advantages in this part of North West London. The Design and Access Statement and Design Guidelines give careful	Yes

UDP POLICY	KEY REQUIREMENT	COMMENT	COMPLIANCE/NON-COMPLIANCE /NEUTRAL [Yes/No/--]
		consideration to the protection of residential amenity and officers consider that an acceptable residential environment will be created.	
C4	Sustainable Design – <ul style="list-style-type: none"> • Meet high performance standards • Create a network of open spaces and cycle routes. • Restore and enhance the River Brent • Biodiversity is protected and enhanced 	It is considered that the BXC application has been designed to maximise the use of land and improve cycle and pedestrian networks. The application is supported by an energy and sustainability strategy and a number of planning conditions are proposed to ensure sustainability targets are met. The BXC application will result in a net gain in biodiversity in terms of habitat quality and connectivity. Substantial improvements are proposed to the River Brent. Therefore it is considered that all criteria of this policy are met.	Yes
C5	West Hendon and Cricklewood Town Centres – the vitality and viability of these town centres should be maintained and enhanced.	Officers consider that the impact of the BXC application on neighbouring town centres has been appropriately assessed and the proposed development will not adversely impact on the viability and vitality of these town centres. It is considered that they will benefit from the public transport improvements and the wider regeneration and growth brought about by BXC.	Yes
C6	Brent Cross New Town Centre – New retail will be supported as part of a new town centre north and south of the A406. A range of criteria is proposed including scale, range of uses, public	It is considered that the BXC development will transform the inward looking BX Shopping Centre to a new mixed use town centre with a balance of uses in what will become, as the development	Yes

UDP POLICY	KEY REQUIREMENT	COMMENT	COMPLIANCE/NON-COMPLIANCE /NEUTRAL [Yes/No/--]
	transport improvements, enhanced pedestrian and cycling links, environmental improvements, encouraging access other than by private car, primary frontages containing A1 uses, additional retail to be subject to retail impact study.	progresses, a highly accessible location. The amount of retail has been fully assessed against established planning policy criteria and is considered appropriate for the scale and quantum of growth and intended town centre creation.	
C7	Transport improvements - the following should be provided through planning conditions and/or Section 106 agreements: i. Connections and improvements to the strategic road network. ii. Sufficient transport links to and through the development, to include at least one vehicular link across the North circular Road and one vehicular link crossing the railway to the Edgware Road. iii. A new integrated railway station and new integrated bus station at Cricklewood, linked by a rapid transport system to Brent Cross Bus Station and Hendon Central and/or Brent Cross Underground Stations on the Northern Line. iv. A new bus station at Brent Cross, to north of the North Circular Road, with associated improvements to the local bus infrastructure. v. An upgrade of the rail freight facilities. vi. Provision of an enhanced, rail-linked waste transfer station serving North London.	The application proposes substantial transport improvements including new gateway junctions which have been agreed with TfL and the HA, new and improved primary routes through the development, a new Templehof bridge, new MML link bridge, new rail station, new replacement bus station, temporary RTS to link bus station with Cricklewood and Brent Cross Underground Stations, new Rail Freight and Waste Handling Facilities. There are also a comprehensive range of improvements for bus users, disabled people, walkers and cyclists	

UDP POLICY	KEY REQUIREMENT`	COMMENT	COMPLIANCE/NON-COMPLIANCE /NEUTRAL [Yes/No/--]
	vii. Priority measures for access to disabled persons, pedestrians, buses and cyclists throughout the Regeneration Area.		
C8	<p>Parking standards - the following maximum car parking standards will apply to development in the Cricklewood, Brent Cross and West Hendon Regeneration Area:</p> <p>i. Housing – one space per unit.</p> <p>ii. Business (use classes B1 or B2) – one space per 300 square metres.</p> <p>iii. Retail, leisure facilities and hotels within the new town centre, as defined on the Proposals Map – no further car parking.</p> <p>iv. Other retail locations in the Cricklewood and West Hendon town centres – as set out within the <i>London Plan</i>.</p> <p>v. Hotels outside the town centre – one space per two bedrooms, plus one space per five seats for conference facilities.</p> <p>vi. The existing and new Cricklewood Railway Stations – parking only for disabled passengers and staff and for pick up and set down purposes.</p> <p>Parking standards for development outside the uses cited above will follow the guidance set out in the <i>London Plan</i>.</p>	<p>The parking standards are detailed in the transport section of this report, and have been modified from those originally proposed following receipt of the Stage One report from the Mayor, and after discussions with TfL. The proposed overall residential maximum parking ratio is 0.86, although a ratio of 1:1 is proposed in the PDP. There is a cap on the parking at the BXSC which will not increase beyond that already consented. The Tesco car parking is proposed to be 760 spaces and this takes account of the fact that it is proposed to provide town centre parking. Office parking is proposed to be capped at 1,000 spaces. The provision of other land uses is generally in accordance with the London Plan. Parking, standards will be considered as part of the RMA's.</p>	
C9	<p>Housing and Community Development –</p> <ul style="list-style-type: none"> • Minimum of 5000 	<p>The BXC planning application proposes that 7750 new homes will be</p>	Yes

UDP POLICY	KEY REQUIREMENT	COMMENT	COMPLIANCE/NON-COMPLIANCE /NEUTRAL [Yes/No/--]
	<p>new homes by 2016.</p> <ul style="list-style-type: none"> • Mix of housing. • Supporting community facilities 	<p>provided. A mix of housing, including the provision of the maximum viable amount of affordable housing, will be provided. The need for supporting community facilities has been assessed and the impacts of the application will be mitigated. All relevant criteria of this policy will be met.</p>	
C10	<p>Employment – within the area of rail related employment land and mixed use land the council will require the provision of:</p> <ul style="list-style-type: none"> • A rail freight transfer facility • Developments for business, industrial and warehouse. • A rail linked waste transfer and materials recycling facility. Plot 39 on the proposals map. 	<p>It is estimated that the BXC application will provide more than 25,000 new jobs. These jobs will be provided across a range of sectors. The existing rail freight facility is required for other uses but a new site for a rail freight facility is provided. The existing Waste Transfer Facility will close and a new rail linked Waste Transfer Facility will be provided at the location indicated on the Proposals Map. It is considered that the application complies with all relevant criteria contained in this policy</p>	Yes
C11	<p>Implementation - a range of on and off site infrastructure, facilities and services are required to support the regeneration.</p>	<p>A comprehensive S106 agreement will be required before planning permission can be granted. Heads of Terms are attached to this committee report. It is considered that the package proposed will mitigate any impacts of the development.</p>	Yes
IMPLEMENTATION			
IMP1 & IMP2	<p>Priorities for Planning Obligation & Use of Planning Obligations</p>	<p>As C11 above.</p>	Yes

OTHER MATERIAL CONSIDERATIONS.

National Planning Policy Guidance

The statutory development plan policies are generally considered to be consistent with relevant national planning policy guidance and whilst reference is made to such guidance (where material) in other sections of this report, on specific topic areas, it is not felt to be appropriate to include a detailed analysis of that policy guidance here. However, the officers are of the view that there is nothing in national policy guidance which would justify a conclusion on the determination of the planning application which is inconsistent with the recommendation based on the statutory development plan policies.

A list of the most relevant national planning guidance documents is set out below.

- Planning Policy Statement 1: Delivering Sustainable Development (2005)
- Planning and Climate Change - Supplement to Planning Policy Statement 1 (2007)
- Planning Policy Statement 3: Housing (2006)
- Planning Policy Guidance 4: Industrial, Commercial Development and Small Firms (1992)
- Planning Policy Statement 6: Planning for Town Centres (2005)
- Planning Policy Statement 9: Biodiversity and Geological Conservation (2005)
- Planning Policy Statement 10: Planning for Sustainable Waste Management (2005)
- Planning Policy Statement 12: Local Spatial Planning (2008)
- Planning Policy Guidance 13: Transport (2001)
- Planning Policy Guidance 15: Planning and the Historic Environment (1994)
- Planning Policy Guidance 16: Archaeology and Planning (1990)
- Planning Policy Guidance 17: Planning for Open Space, Sport and Recreation (2002)
- Planning Policy Statement 22: Renewable Energy (2004)
- Planning Policy Statement 23: Planning and Pollution Control (2004)
- Planning Policy Guidance 24: Planning and Noise (1994)
- Planning Policy Statement 25: Development and Flood Risk (2006)

A summary of the key national guidance documents can be found in Appendix 3 of this report

Strategic Supplementary Planning Guidance

These documents are not part of the statutory development plan and their policies generally add detailed guidance on how those policies should be applied. The supplementary guidance is generally consistent with the analysis of policy compliance in relation to the statutory development plan policies in Tables 1 and 2 and it is not considered appropriate to analyse this in detail in this section.

Strategic Supplementary Planning Guidance (SPG)

- Mayor of London SPG: Providing for Children and Young People's Play and Informal Recreation (March 2008)
- Mayor of London SPG: Industrial Capacity (March 2008)
- Mayor of London SPG: Planning for Equality and Diversity in London (October 2007)
- Mayor of London SPG: London View Management Framework (July 2007)
- Mayor of London SPG: Land for Transport Functions (March 2007)
- Mayor of London SPG: Sustainable Design and Construction (May 2006)
- Sub-Regional Development Framework: North London (May 2006)
- Mayor of London SPG: Housing (November 2005)
- Mayor of London SPG: Accessible London: Achieving an Inclusive Environment (April 2004)

In the detailed topic areas of the report, specific references are made to some of these policy documents where they are particularly relevant to a particular topic.

It is relevant to mention here that the Sub Regional Development Framework for North London refers extensively to the proposed evolution of the Brent Cross Shopping Centre into a balanced mixed use town centre which will become an important urban centre in the region as a whole and function as part of the Polycentric strategy. These proposals are likely to be delivered over a period of approximately 20 years and this is relevant in the context of the following statement at paragraph 149 of the SRDF:

“149. Proposals for the Cricklewood/Brent Cross Opportunity Area are being brought forward as an integrated package. This is essential in order that it leads to the creation

of a sustainable town centre with a much more balanced range of uses and services and significantly enhanced public transport provision. Both the Mayor and LB Barnet have endorsed the development framework. The robustness of the proposed major office development must be monitored carefully to ensure that it does not compromise other, more viable uses, which might also contribute to the London Plan's objectives."

The office development comprised in the BXC application is within the later phases of the proposed development and is dependent on the delivery of a new railway station which will be served by the Midland Main Line services which are themselves planned to be upgraded within the development period. It is unlikely that the office development will impact on current office proposals under the London Plan because it will be delivered towards the end of the period for delivery of the BXC development and progress can be fully monitored in future reviews of the London Plan and the UDP.

Local Supplementary Planning Documents and Guidance

The following supplementary planning documents and guidance are relevant to the scheme.

Local Supplementary Planning Documents and Guidance

- Barnet Supplementary Planning Document: Contributions to Education from Development (February 2008)
- Barnet Supplementary Planning Document: Contributions to Library Services from Development (February 2008)
- Barnet Supplementary Planning Document: Sustainable Design and Construction (June 2007)
- Barnet Supplementary Planning Document: Affordable Housing (February 2007)
- Barnet Supplementary Planning Document: Planning Obligations (Section 106) (September 2006)
- Cricklewood, Brent Cross and West Hendon Regeneration Area Development Framework (December 2005)
- Character Appraisal, The Railway Terraces, Cricklewood Conservation Area (April 2004)

Of particular importance (although non statutory and not part of the statutory Development Plan) is the Cricklewood, Brent Cross and West Hendon Regeneration Area Development Framework which provides very detailed guidance on the design and delivery of the regeneration scheme. The analysis in Table 2 covers most of the issues that are addressed in the Development Framework. The BXC proposals are considered

to generally satisfy the requirements of the Development Framework as well as UDP policies.

It is however relevant to mention that the Development Framework expands on the delivery requirements under policies C1 and C6 by indicating the likely phasing of the proposed development. This guidance has been carried through into the Indicative Phasing Parameter Plan that is submitted with the application and will be tied into the planning permission if the Committee decides to resolve to grant planning permission. There will be conditions which will require the developers to submit a detailed phasing plan for approval by the LPA prior to development commencing. As explained elsewhere in this report, there is scope for flexibility in the phasing of the scheme, this will be subject to the control of the LPA to ensure that the scheme is delivered in a way which is consistent with the EIA and the need to secure comprehensive development of the whole site.

The phasing plan will also be linked to an Indicative Construction Programme, which will also be consistent with the key principles that delivery must be based on achieving comprehensive regeneration, although there are (for wholly understandable reasons) qualifications on the delivery commitments which avoid the developers being obliged to deliver Phases if they are unviable. In a scheme of this scale and complexity there are never any guarantees that the scheme will be fully delivered, but it is considered that the delivery commitments and the controls in relation to this scheme will be as firm and rigorous as is reasonably achievable and are far more rigorous than in many planning permissions.

5.0 DESCRIPTION OF DEVELOPMENT, THE SITE, AND SURROUNDING AREA

5.1 Description of Proposed Development

The application proposes the comprehensive redevelopment of the Brent Cross Cricklewood area. A new mixed use town centre for Barnet and North London will be established spanning the North Circular Road. The application is for a masterplan framework for the area and is a 'hybrid' application in that it is presented in outline for most of the proposal with full permission sought for the gateway junctions as listed in paragraph 3.2 of the RDSF.

The application proposals subdivides the site into a series of character areas, or 'development zones.' There are nine development zones in total: Brent Cross East and Brent Cross West (both to the north of the North Circular Road), Station Quarter, Market Quarter, Eastern Lands, Brent Terrace, Railway Lands, Clitterhouse Playing Fields and Cricklewood Lane (all to the south of the North Circular Road).

The development zones are identified in Figure 1 below. The mix of uses proposed for each development zone is as follows:

- Brent Cross East: mixed use including retail, residential, business, leisure, community facilities and enhanced public transport facilities.
- Brent Cross West: predominantly residential development.
- Market Quarter: mixed use including residential and retail, with a hotel and community uses including health care and leisure provision.
- Eastern lands: mixed use including education, leisure and health care facilities, business and retail uses and residential.
- Brent Terrace: residential development with retail and education facilities.
- Clitterhouse Playing Fields: improved and enhanced open space, including education and community facilities.
- Station Quarter: new mainline rail station and mainly business uses, with residential, retail and leisure uses.
- Railway lands: industrial development, including waste handling facility, rail freight facility and other business uses.
- Cricklewood Lane: mixed use including residential, retail and health care facilities with improvements to Cricklewood rail station.

Figure 1 below illustrates Parameter Plan 001 which identifies the nine development zones. Figure 2 below shows the total development floorspace proposed for each of the proposed uses within each development zone, in square metres and by gross external area.

The proposed development is intended to be carried out in phases which are presently defined on a Phasing Parameter Plan (see below). These phases may in future be varied with the prior approval of the Council on the application of the developers, provided the variations are unlikely to cause significant unassessed adverse environmental effects and/or to undermine comprehensive development in accordance with planning policy.

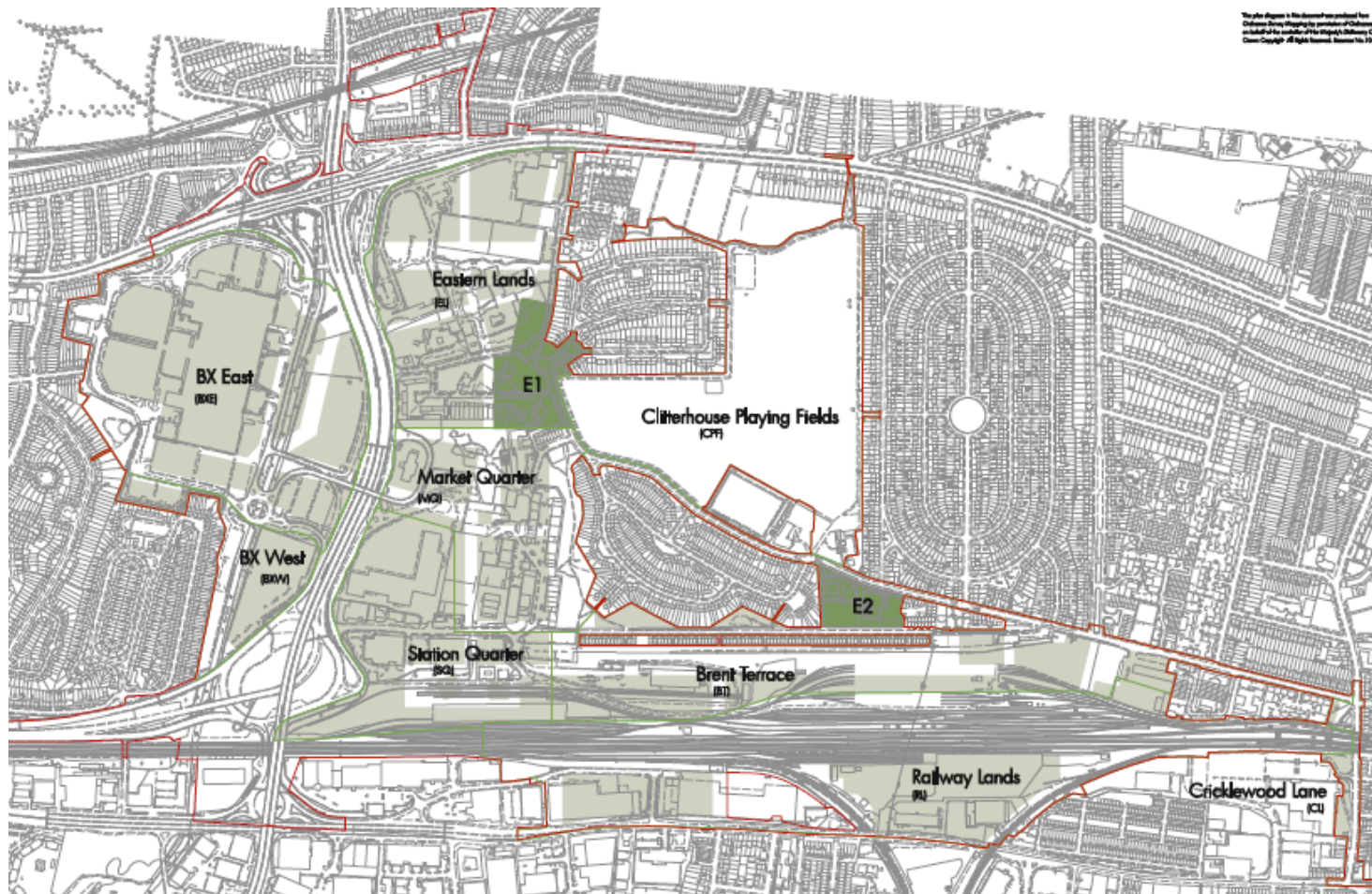


Figure 1 Parameter Plan OO1 showing development zones (source: Development Specification and Framework document).

- Planning Application Boundary
- Development Zones
- Education Zone (The general location of Plot E1 and E2 is identified).
- Building Zones

	Market Quarter	Station Quarter	Eastern Lands	Clitterhouse Playing Fields	Brent Terrace	Cricklewood Lane	Railway Lands	Brent Cross East	Brent Cross West	TOTAL (per use)
Residential (Class C3) (indicative units numbers)	170,752 (1,866)	35,230 (385)	230,761 (2,500)	0	194,554 (1,923)	2,380 (26)	0	26,034 (278)	52,342 (572)	712,053
Retail and related uses North of the A406 (Classes A1, A2, A3, A4 and A5)	0	0	0	0	0	0	0	78,133	0	78,133
Retail and related uses South of the A406 (Classes A1, A2, A3, A4 and A5)	6,735	4,645	20,438	0	372	604	0	0	0	32,794
Business (Class B1)	4,645	373,551	6,131	0	0	0	5,574	5,396	0	395,297
Industrial/Storage & Distribution (Classes B2 and B8) inc rail and freight (of which 6,500sq.m may be used within Use Classes B1, B2 and B8 as small units)	0	0	0	0	0	0	61,314	0	0	61,314
Hotel (Class C1)	11,148	29,542	0	0	0	0	0	20,574	0	61,264
Leisure (Class D2)	4,961	2,787	2,880	0	0	0	0	15,450	0	26,078
Private Hospital (Class C2)	0	0	18,580	0	0	0	0	0	0	18,580
Community Facilities (Class D1)	1,075	232	21,813	251	5,096	1,150	0	1,998	0	31,615 ¹⁵
Rail & Bus Station (Sui Generis)	0	2,416	0	0	0	46	0	71	0	2,533
PFS (Sui Generis)	0	0	326	0	0	0	0	0	0	326
TOTAL (per zone)	199,316	448,403	300,929	251	200,022	4,180	66,888	147,656	52,342	1,419,987

Figure 2 total development floorspace proposed (source: Development Specification and Framework).

5.2 Description of Site and Surrounding Area

The 151 hectare application site 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 to the north of the North Circular as well as the existing Sturgess Park.

To the south of the North Circular Road the area contains the Brent South Shopping Park, existing Tesco store and Toys 'R' Us store, the Whitefield estate (approximately 220 units), Whitefield Secondary School, Mapledown Special School and Claremont Primary School; Hendon Leisure Centre, Brent Cross London Underground Station to the east; Clarefield and Claremont Parks and Clitterhouse Playing Fields (Metropolitan Open Land); the Hendon Waste Transfer Station, Claremont Way Industrial Estate and Cricklewood Railway Station to the far south.

The Tempelhof Bridge and the A41 flyover provides the only direct north-south link across the North Circular Road. A section of the River Brent, contained within a concrete channel, flows east to west through the site to the south of the shopping centre. The London Borough of Brent is located to the immediate west of the application site, on the opposite side of the A5 Edgware Road. The London Borough of Camden adjoins the site to the south at Cricklewood Town Centre.

The site is dominated and constrained by the existing road network and rail infrastructure. It contains industrial land, former railway land, retail 'sheds' and large areas of surface car parking. In these parts of the site comprehensive redevelopment is required to enable the provision of a sustainable mixed use town centre and to create an acceptable residential environment.

To the north, east and south, the site is surrounded by traditional low rise suburban development, predominantly two storey semi-detached houses. These areas of existing housing - with the exception of the Whitefield Estate - are not directly subject to the proposals as they are not contained within the planning application boundary.

The application site currently has a public transport accessibility level (PTAL) varying between 1 and 5, where 1 is low and 6 is high. It includes key parts of the Transport for London Road Network (TLRN) at Hendon Way (A41) and the North Circular Road (A406). The site is also bounded by the A5 Edgware Road, part of the Strategic Road Network (SRN). The area also includes sections of the Midland Mainline railway between London St. Pancras and the north of

England, including the existing Cricklewood Station. The Edgware branch of the Northern line also runs close to the site and Brent Cross Underground Station is within the Eastern boundary of the regeneration area. Brent Cross Bus Station provides access to 18 bus routes (including Green Line). The majority of these services provide access from and through the site via the TLRN or SRN.

6. STRUCTURE OF THE PLANNING APPLICATION

This section sets out the following information:

- Overview of Planning Submission – setting out the structure of the BXC Planning Application as submitted by the BXC Development Partners
- Control of Development – setting out the proposed framework for Reserved Matters and Other Matters submissions to be brought forward following the grant of planning permission, to ensure that high quality, comprehensive development is brought forward in accordance with the principles and parameters established within the BXC Planning Application.

Part A - Overview of Planning Submission

The structure of the BXC planning application is described in detail in the Revised Development Specification & Framework (RDSF) March 2009. An overview is provided below.

The planning application submitted is a 'hybrid' application, in that Planning Permission is sought for most of the scheme in outline, but full permission is sought for the gateway junctions into the site (as listed in paragraph 3.2 of the RDSF)

The RDSF identifies a number of key aspects of the application as follows:

- permission is sought for the buildings comprising the development with all matters reserved. (Outline Application). Parameters and principles are proposed in relation to the quantum and mix of uses, siting, scale and massing, local means of access to buildings and the landscaping (both structural and plot landscaping) of the site. These parameters and principles will guide and govern the approval of relevant Reserved Matters and Other Matters Approvals under the permission. The Revised Design and Access Statement (including the Revised Design Guidelines appended to it) provide further guidance on the parameters and principles for development that must be applied to future applications for approval under the permission;
- full permission is sought for the creation or alteration of strategic access points into the site from the strategic highway network as described in the RDSF. The locations of these works are fixed and details of them can be found in section 3 of the RDSF;
- permission is sought for various infrastructure works including new transport infrastructure, ground engineering and river works subject to conditions under which all details of these works will be required to be submitted and approved

by the LPA before that part of the development commences. These will be required to be in accordance with the parameters and principles outlined in the RDSF, Design and Access Statement (including the Design Guidelines appended to it);

- permission is sought for pedestrian and vehicle bridges with all matters reserved for later determination, but again on the basis of parameters which are set out in detail in the RDSF.

In view of the size of the application site and long construction period, the planning application seeks to establish a series of parameters and principles which create a clear framework of planning control. Within this framework detailed elements of the scheme will be submitted as Reserved Matters and Other Matters applications at a later date in order to ensure that the detailed scheme is consistent with the scheme as assessed at this outline approval stage.

These parameters and principles are contained in various elements of the application submission, but primarily in the RDSF & Parameter Plans and the Design and Access Statement (including the Design Guidelines appended to it).

Revised Development Specification and Framework (RDSF)

A key purpose of the RDSF is to link the environmental information provided under the Environmental Impact Assessment (EIA) process and the description of the project in those areas where flexibility is sought by the applicant.

The RDSF specifies the parameters, principles, constraints and restrictions within which the Scheme is contained. The EIA process has assessed the Scheme within these defined parameters and principles, and has identified and assessed the likely significant effects of the development on the environment on that basis.

Planning conditions are imposed by the Council to ensure that any reserved matters application (or any application for other approvals required under the planning permission sought) is screened to make sure that it lies within the parameters of the assessed scheme. This will ensure that any adverse environmental impacts are not significantly greater than or different from those assessed in the EIA process and reported in the Revised Environmental Statement relating to the present application. Certain aspects of the development are subject to a 'full' planning application (as explained above) and the flexibility included in the parameters does not apply to those elements.

Wherever parameters and principles are referred to in the planning permission sought, the design and other matters subsequently submitted for approval will be

required to comply with those parameters and principles, unless any proposed departures would be unlikely to have any significant adverse environmental impacts beyond those already assessed and provided that the Council, as Local Planning Authority approves them.

The principal aim of the RDSF is to guide the physical aspects of the proposals to ensure the creation of a high quality development. The document itself is part of the application for planning permission and will form the basis for planning conditions.

In this way the RDSF (and the Design and Access Statement including the Design Guidelines appended to it) provide:

- a clear vision and a framework for the regeneration of the area;
- a clear statement of the parameters, constraints and restrictions which apply to the planning permission sought; and
- a flexible framework for delivery but always within the boundaries assessed in the Revised Environmental Statement and the whole EIA process for the project.

The development cannot deviate from the parameters and principles which are contained in the RDSF in any manner which is likely to have significant environmental effects without either a new application or an application to vary the permission. Any such further application would be subject to EIA screening and a new Environmental Statement may be required under the EIA regulations in the event that any change or extension to the development was likely to have significant adverse environmental effects, beyond those currently assessed.

Section 2 of the RDSF describes the site wide development content and key principles and parameters including environmental standards that will control the detailed design of the development. This includes:

- identification of the total development quantum by use;
- key parameters for new community facilities including health facilities and schools;
- car parking standards;
- building emission standards;
- waste handling and CHP facility parameters;
- open space;
- sunlight/daylight standards; and
- business and residential relocation principles.

A set of Parameter Plans is enclosed within Appendix 2 of the RDSF which set out the physical parameters within which future applications for approval of reserved matters and other approvals under the planning permission are required to be generally consistent. Departures from these parameters will only be approved if they are not likely to have significant adverse environmental impacts beyond those currently identified. The Parameter Plans are listed below:

- Parameter Plan 001 – Development Zones
- Parameter Plan 002 – Transport Infrastructure
- Parameter Plan 003 – Public Realm & Urban Structure
- Parameter Plan 004 – Ground Level Land Uses to Frontages
- Parameter Plan 005 – Upper Level Land Uses to Frontages
- Parameter Plan 006 – Proposed Finished Site Levels
- Parameter Plan 007 – Maximum Building and Frontage Heights
- Parameter Plan 008 – Minimum Frontage Heights
- Parameter Plan 009 – Basement and Service Access
- Parameter Plan 010 – Utilities
- Parameter Plan 011 – River Brent
- Parameter Plan 012 – Clitterhouse Playing Fields
- Parameter Plan 013 – Transport Interchanges
- Parameter Plan 014 – Floorspace Thresholds
- Parameter Plan 015 - Indicative Layout Plan
- Parameter Plan 016 - Existing Buildings and Public Open Spaces
- Parameter Plan 017 – Minor Transport Interchanges
- Parameter Plan 018 – Waste and Rail Freight Facilities
- Parameter Plan 019 – Indicative PDP Layout Plan
- Parameter Plan 020 – Indicative Zonal Layout Plan (Market Quarter)
- Parameter Plan 021 - Indicative Zonal Layout Plan (Eastern Lands)
- Parameter Plan 022 - Indicative Zonal Layout Plan (Station Quarter)
- Parameter Plan 023 - Indicative Zonal Layout Plan (Brent Terrace)
- Parameter Plan 024 - Indicative Zonal Layout Plan (Cricklewood Lane)
- Parameter Plan 025 - Indicative Zonal Layout Plan (Railway Lands)
- Parameter Plan 026 - Indicative Zonal Layout Plan (Clitterhouse Playing Fields)
- Parameter Plan 027 - Indicative Zonal Layout Plan (Brent Cross East)
- Parameter Plan 028 - Indicative Zonal Layout Plan (Brent Cross West)
- Parameter Plan 029 – Indicative Phasing Plan

Indicative Layout Parameter Plan (015) and the Indicative Construction Programme

The Indicative Layout Parameter Plan 015 contains a layout which is consistent with the broad parameters and principles that will guide and direct the detailed layout of the proposed development and these parameters and principles have, where appropriate, formed the basis of the Revised Environmental Statement.

A planning condition has been included in the planning permission which will require the delivery of the critical infrastructure to support the development as it progresses to be broadly in accordance with the Indicative Construction Programme contained as Figure 2.29 in the ES Addendum (March 2009) as well as the Indicative Layout Parameter Plan. The Indicative Construction Programme has provided a basis for assessing the likely significant impacts of the proposed development as it progresses. Although it is recognised that the detailed delivery programme may differ from the detailed assumptions in the Indicative Construction Programme, any variations in terms of the sequence of delivery of critical infrastructure to support the development and/or the approximate duration of construction operations will be subject to approval of the LPA and such approval will only be given if it is unlikely to give rise to significant unassessed adverse impacts and/or to undermine the delivery of comprehensive regeneration.

It is intended that these two documents (alongside the other parameter plans) will be used as a part of the basis for the Reconciliation Mechanism set out in Section 6 of the RDSF and described later in this report.

The Revised Environmental Statement has taken account of all the reasonable variations to the layout of the development that would be permissible under the parameters and assesses the likely significant impacts of the scheme on that basis. These parameter plans have been used as a basis for the assessment of all environmental topics except for sunlight/daylight, wind tunnel effects and landscape/visual effects, which cannot be assessed using the parameters approach. These topics require an actual example of the built form in order to model potential impacts and in that context the Indicative Layout Plan and a model based upon it have been used.

In terms of the landscape and visual impact assessment in the Revised Environmental Statement, this has been based on the 'reasonable worst case' physical form that could arise under the land use, floorspace and massing parameters (for buildings) and the infrastructure parameters (for roads, drainage etc). The landscape and visual impact assessment has been assisted by visualisation/photo montages showing potential building massing permissible under the parameters.

The Indicative Layout Plan, in three-dimensional form, has been used as a tool for testing the sunlight/daylight impacts, visual impact and landscaping, and evaluating the impacts of wind arising from disposition and scale of buildings. In both cases, the assessment based on the Indicative Layout Plan has been amplified by qualitative assessment of the potential changes to the residual impacts that could result if other permitted physical configurations of the development are constructed, within the parameters and the terms of detailed design testing.

Infrastructure and Bridges

Section 3 of the RDSF describes the strategic highway engineering and infrastructure works proposed and explains the level of detail for which planning permission is sought. All physical infrastructure items proposed as part of the scheme (and the relevant illustrative plans relating to such infrastructure items) are listed at Appendix 9 of the RDSF.

One of the principal obstacles to regeneration of the BXC site is the fragmentation caused by the river and the network of roads and railway lines, running throughout the area. Therefore, one of the major regeneration benefits that the proposed development can deliver is the extensive infrastructure needed to bridge these barriers and open up the whole area so that it can capitalise on and help to improve the excellent strategic and local transport links.

Section 4 of the RDSF describes the bridge structures that form part of the development for which outline planning permission is sought. The locations of all proposed bridge structures are shown on Parameter Plan 002, subject to limits of deviation, and descriptions are provided on the nature and form of each bridge proposed. The bridges are to be designed and constructed in accordance with the principles and parameters set out in the RDSF and in general conformity with the relevant plans contained in the Approval in Principle Documentation (Volume BXC20) of the application submission.

Development & Building Zones

The application site has been divided into development zones that reflect areas of character within the planning application site within which buildings and open spaces will be constructed. These areas are identified in Parameter Plan 001 (and listed below).

- Brent Cross East;
- Brent Cross West;
- Market Quarter;
- Eastern Lands;
- Station Quarter;
- Brent Terrace;

- Railway Lands;
- Cricklewood Lane; and
- Clitterhouse Playing Fields.

The total development floorspace stated in Table 1 of the RDSF has been divided between Development Zones in accordance with the Zonal Floorspace Schedule contained within Appendix 5 of the RDSF (Figure 2 of this report).

The identification of the core elements of each Development Zone such as vehicular and pedestrian routes, and open spaces (as shown on the Parameter Plans), divide the site up into a series of Building Zones which are also identified on Parameter Plan 001.

Floorspace allocated to each Development Zone is further sub-divided across each Building Zone, as described in Parameter Plan 014.

The Notes to Parameter Plan 014 and Table 2.13 of the Revised Environmental Statement identify the 'primary' use (within the following categories: residential, business/employment, WHF, rail freight facility, or any other use permitted in that Development Zone as shown on the Zonal Floorspace Schedule except residential) and floorspace in that use, for each Building Zone. It also shows the amount (but not use) of the remaining 'other' floorspace within the sub-zone. This provides an understanding of the general amount of development anticipated across the site. It will be permissible to increase the floorspace allocated to each Building Zone by 15% above the amount stated, subject to the limit on the overall floorspace within each Development Zone as set out in the Zonal Floorspace Schedule and the restrictions in other parameter plans, as well as the parameters and principles of the Revised Design & Access Statement and the scale thresholds set out in Appendix 10. Therefore an increase in one Building Zone will result in a decrease in another within the same Development Zone. The total floorspace within a Development Zone is fixed.

The BXC development is to be realised over a considerable period. Therefore the application does not specify the exact location of each individual use within specific areas of the scheme. However, using the Zonal Floorspace Schedule, Table 2.13 of the Revised Environmental Statement and Parameter Plans 004 and 005, the type of uses to be provided and their general location within each development zone are identified.

Should the location of routes alter as allowed by the deviation levels proposed in Parameter Plan 002, the size and configuration of building zones may change. Where this occurs it may be necessary to redefine the Building Zone areas and provide revised floorspace figures for each. This will need to continue to respect the maximum floorspace applicable within the relevant Development Zone and the other restrictions of the Parameter Plans i.e. maximum heights, etc.

Sections 2, 3 and 4 of the RDSF describe the key parameters and principles which control the development and Section 5 of the RDSF describes how these built facilities and uses, together with the associated infrastructure, services and works, come together for each Development Zone.

Part B - Control of Development

The Council will apply a series of controls established, through the planning conditions and the section 106 agreement, to ensure the comprehensive delivery of the new town centre for Barnet is brought forward in a comprehensive and logical manner, which is consistent with the assessments in the RES, the Design and Access Statement and the TA.

These controls will enable the Council to ensure that emerging proposals are in accordance with the principles and parameters set out (specifically as the basis of the TA and the EIA process) within the application documentation and are compliant with the policy requirements set out within the London Plan, UDP and Brent Cross Cricklewood West Hendon Development Framework. The controls are summarised as follows:

- Development Phasing and Programming Controls
- Site Wide Pre-Commencement Requirements
- Phase Specific Pre-Commencement Requirements
- Infrastructure Triggers and Thresholds
- Reserved Matters Applications Requirements
- Transport Matrix, Phase Transport Reports and Reserved Matters Transport Reports
- Reconciliation Mechanism

Development Phasing and Programming Controls

Parameters and principles to guide and govern phasing of the proposed development are set out within Phasing Parameter Plan 029 (and Table 8a, the indicative plot schedule contained in the explanatory text to Parameter Plan 029, Appendix 2 of the RDSF) and these parameters and principles as to use have been incorporated into the draft conditions. Whilst the Phases and Plots shown in the Phasing Parameter Plan may be subject to variation from time to time on the application of the developers, this will be subject to reasonable control of the LPA under these conditions and this will ensure that the scheme is delivered in a manner which is essentially consistent with the EIA process and the need for comprehensive regeneration under policy C1 of the UDP.

The proposed planning conditions (and associated planning obligations) enable the developers to break down large Phases into Sub-Phases, subject to the LPA's approval, which will not be given unless it is demonstrated to be unlikely to give rise to any significant unassessed adverse environmental impacts and/or to undermine the delivery of comprehensive development in accordance with policy C1 of the UDP. The purpose of sub-phases is to enable the Developers to commence the development within a large phase on the basis of securing all necessary consents for the sub-phase only rather than for the phase as a whole: this is intended to avoid the need to complete statutory agreements and bonds for the highways improvements and new roads and bridges within the relevant phase (with the associated costs) where this might otherwise delay or inhibit the commencement of a Phase. However, the officers consider that the need to obtain the LPA's approval will ensure that the risks of "cherry-picking" and incomplete phases is minimised, having regard to the other controls which will apply.

The parameters and principles for the programming of the scheme are contained in the Indicative Construction Programme (ICP), Figure 29 contained within the Addendum to the Revised Environmental Statement (March 2009). Although the applicants are not bound to deliver the final scheme in exactly this way, the Phasing parameters and ICP have formed the basis for many of the assumptions contained within the Environmental Statement and provide a logical basis to undertake development. Any deviations from the ICP in terms of the sequencing and approximate duration of operations connected with the provision of Critical Infrastructure will require the prior approval of the Council and will not be approved unless they are unlikely to have significant impacts on the environment and/or to undermine the comprehensive delivery of the overall scheme.

Phase 1 – The Primary Development Package

This represents a first phase commitment from the applicant to be completed early in the development process. The PDP represents a very significant mixed use development in its own right but importantly it unlocks the regeneration area. It will comprise development both north and south of the A406 and will cross a number of Development Zones. An Indicative Primary Development Package Layout Plan is shown on Parameter Plan 019 and Table 11 of the RDSF sets out the proportions of Phase 1 floorspace within each zone. The PDP represents Phase 1 as shown on Parameter Plan 029.

Key elements of this PDP include the following:

- Redevelopment of areas of existing surface level car parking to the east and west of the Brent Cross shopping centre and the construction of new retail and mixed use plots, and a multi storey car park;
- Creation of new Brent Cross Main Square (also sometimes referred to as Brent Cross Square) and Market Squares (Ref M2 and M3 on Parameter Plan 003) to act as anchors to the development, linked by the new A406 Bridge;

- Removal of Clarefield Park, to be compensated by improvements to Claremont Park and Clitterhouse Playing Fields and provision of temporary open space under the section 106 agreement;
- Modifications and improvements to the eastern section of the River Brent as well as beneath the two internal vehicular roundabouts, and associated Brent Riverside Park works including the Nature Park (ref NP4 on Parameter Plan 003);
- Rebuilt and expanded Claremont Primary School;
- Construction of approximately 1300 residential units;
- Residential development adjacent to Brent Terrace;
- Creation of a new superstore (replacing existing Tesco store) as part of a residential mixed use block, representing a replacement to the existing facility in the Eastern Lands which will be closed and demolished under the planning permission sought once the new store is occupied and trading;
- Replacement of A406 Tempelhof Bridge;
- A406 Brent Cross Ingress/Egress junction works;
- A41/A406 junction works;
- Improvements to BX pedestrian underpass;
- Diversion of Prince Charles Drive;
- 500 sq.m of flexible community space within Brent Cross East and 1,000sq.m in Market Quarter zones;
- Temporary health centre in the Market Quarter zone;
- Neighbourhood policing unit in the Market Quarter;
- Brent Terrace Green Corridor (Ref GC7 in Parameter Plan 003);
- Claremont Avenue linking Claremont Road with Tilling Road;
- Claremont Road junction north;
- Cricklewood Road/Claremont Road junction works;
- Scheme wide CHP facility (where individual buildings are brought forward in advance of this facility, individual CHP or other facilities may be employed, subject to detailed approvals by the LPA, and such plots will generally be connected to the scheme wide facility at a later date);
- Cricklewood Lane A407/A5 junction works;
- Waste Handling Facility and new junction with the A5.

As stated earlier, if and when the Developers commence development under the planning permission sought, they will be committed to deliver the Primary Development Package, whether or not they commence any other Phases of the development. This is subject to reasonable safeguards to guard against any supervening events (such as a collapse in the property market) which might arise subsequent to the commencement of development and make the PDP unviable: in such an event, the Developers will (with the prior approval of the LPA) be entitled to amend the Primary Development Delivery Programme (and/or to temporarily suspend operations), subject to ensuring that

committed key infrastructure works are not left half-finished and subject always to the principle that the provision of critical infrastructure will be required to keep pace with the Plot Development related to it in the ICP.

Later phases have been defined on a spatial basis and (in combination with the ICP) provide an indication of potential scheme sequencing beyond the PDP. It is intended that phases will be able to come forward on a flexible basis. Phases may come forward in alternative sequences or running concurrently as necessary, subject to the Council's reasonable control in accordance with the principles as to varying the phasing and programming of the delivery of the scheme which are described earlier. Other phases of development may be summarised as follows:

Phase 2 – Comprises the remainder of the new town centre shopping area north of the A406 and elements adjacent to the primary development area to the south of the A406. This will include the new Whitefield and Mapledown Schools, completion of the Clitterhouse Playing Fields Improvements, the Leisure and Health Centres, Brent Cross Bus Station, M1/A406 junction modifications and development around Cricklewood Lane. The completion of Phase 2 represents the completion of much of the new town centre retail elements of the scheme.

Phase 3 – Comprises predominantly residential development completing the “Eastern Lands” development zone, including private hospital, residential development to the west of Brent Cross Shopping centre on the North side of the A406, completion of River Brent works and completion of the A406 pedestrian bridge.

Phase 4 – Comprises the new road link across the Midland Mainline Railway, new rail freight facility, new rail freight facility, residential development to the south of Brent Terrace, Gas Governor Square and Millennium Green Park

Phase 5 – Comprises residential development and local retail facilities along the length of Brent Terrace, new railway station and Brent Terrace Park.

Phase 6 – Comprises high rise business accommodation, retail and hotel development adjacent to the new railway station including Northern Nature Park and new Tower Square.

Phase 7 – Comprises business and retail development on the site of the existing Brent South Shopping Park.

Detailed Delivery Programmes

Prior to commencement of development the applicant will be required to submit a detailed programme of development setting out the approach and timescales for works

within the Primary Development Package (the Primary Development Package Delivery Programme), and for the other phases of development (the Detailed Delivery (Non-PDP) Programme) if and insofar as these relate to critical infrastructure works that are to be delivered in parallel with the PDP as shown on the Indicative Construction Programme. These detailed delivery programmes will also be required to be consistent with the programming assumptions contained in the relevant approved Phase Transport Reports (as described and explained later in this report).

The applicant will also have to submit for approval, prior to (or at the same time as submitting) these detailed delivery programmes, a revised Indicative Construction Programme showing the proposed delivery programme for the whole of the application site, if and to the extent that revisions are necessary to reflect the circumstances at the time (including the past approval of revisions to the phasing of the scheme and/or detailed delivery programmes), but always on the basis that such revisions should be consistent with the parameters and principles in the latest approved Indicative Construction Programme as to sequencing of delivery of the critical infrastructure needed to support the development as it proceeds and the approximate duration of operations unless the Council otherwise approves in writing.

These programmes will be submitted to and be subject to approval by the LPA in accordance with the principles and parameters as to the sequencing and approximate duration of construction operations as identified within the Indicative Construction Programme. These programmes will ensure conformity with the assumptions contained within the ES and the TA and will ensure that development is undertaken in a comprehensive manner that minimises negative environmental effects. Any proposed variations or deviations from the parameters and principles in these programmes which are not demonstrated to be unlikely to cause significant adverse environmental impacts and/or to undermine comprehensive development in accordance with UDP policy C1 will not be approved for this purpose.

Any variation or modification to the programmes will be subject to prior approval from the LPA.

Pre-Commencement Site Wide Requirements

Due to the size and complexity of the scheme there are a number of issues that require resolution prior to the commencement of development to ensure that development is brought forward in a way that reduces to what is considered to be an acceptable level, having regard to the EIA process, the environmental, social and transport impacts.

Prior to the submission of any Reserved Matters application the applicant will be required to submit for approval to the Council a series of thematic strategies and

initiatives to address issues relating to the development and mitigation of the development of the scheme. These include:

- Feasibility reports for Construction Consolidation Centres to the north and south of the A406;
- The Transport Matrix and Phase Transport Reports for Phase 1 (and for any further phases that the Applicant wishes to commence in parallel with Phase 1) – see transport section of this report for a fuller explanation of these mechanisms;
- Establishment of a Consultative Access Forum and production of an Inclusive Access Strategy
- Estate Management Framework for Phase 1 (and for any further phases that the Developer wishes to commence in parallel with Phase 1)
- Construction Transport Management Plan
- Code of Construction Practice
- Demolition and Site Waste Management Strategy
- Employment and Skills Action Plans,
- Landscape and Ecological Strategies and Management Plan
- Vacuum Waste System Feasibility Study
- Details of the Waste Handling Facility
- Scheme of Archaeological Investigation

Pre-Commencement Phase Requirements

The LPA will require prior submission and approval of the following information before the submission of any Reserved Matters applications in any given phase:

- Matrix and Phase Transport Report – see transport section.
- Details of Critical Infrastructure (Pre-Phase) such as the primary and secondary roads, main pedestrian and cycle links and Principal Open Spaces within the relevant Phase and other works to be delivered for the relevant phase, in accordance with the relevant principles and parameters contained within the DSF, Design and Access Statement and Design Guidelines and relevant Delivery Programme.
- All necessary consents (including statutory agreements and bonds for highway improvements and new roads and bridges included within a Phase or approved Sub-Phase, together with the associated drainage) to have been obtained, agreed, permitted or authorised to enable the critical infrastructure to be brought forward in accordance with the relevant detailed delivery programme.

It should be noted that not all of the critical infrastructure in a phase or sub phase is required to be submitted and approved prior to commencement of that phase or sub-phase. This is because certain items of critical infrastructure (called “Critical Infrastructure (Non Pre-Phase)”), such as buildings on the Plots within a Phase or sub-Phase on railway or TFL operational land, may require ongoing discussions with the

Council or the relevant landowners or intended occupants (such as the Council's Childrens' Services in relation the schools, the PCT in relation to the health facilities and the NLWA in relation to the Waste Handling Facility). In these cases there is proposed to be a planning obligation to require the developers to obtain all such detailed approvals and necessary consents in time for them to be delivered in accordance with the relevant detailed delivery programme. It is considered to be inappropriate to delay the commencement of works for the remediation of the site or the provision of the infrastructure to serve the plots within the development pending the process for the detailed approval and obtaining necessary consents for these elements of critical infrastructure.

This (in combination with other mechanisms and controls) will ensure that the critical infrastructure to support the development within each individual phase is brought forward in a comprehensive manner in accordance with the parameters and principles of the planning application, and will also ensure (as far as is reasonably practicable) that the required infrastructure is in place to service overall completed development.

Infrastructure Triggers and Thresholds

A further safeguard to ensure that infrastructure is brought forward in a timely manner comprises a series of triggers and thresholds that have been defined by the applicant based upon an analysis of scheme sequencing and mitigation requirements. These triggers will be secured as part of the conditions (and in some case the planning obligations) ensuring that specific development items cannot be operational until the relevant infrastructure item is completed.

The indicative location of physical and social infrastructure items is identified on illustrative Infrastructure Diagram Ref No: 224_PD_IF_000 Rev G and Illustrative Landscape Plan Ref No: 224_PD_LA_000 Rev G contained within Appendix 7 of the RDSF.

The trigger for each item and an explanation of its configuration is described in Appendix 7 of the RDSF. The appendix is structured to identify the infrastructure associated with the PDP, beyond which remaining infrastructure is identified on a Development Zone basis. To aid understanding of the triggers a series of illustrative plans have been produced which are also enclosed within Appendix 7 of the RDSF.

The triggers and thresholds operate as a further level of control (in addition to the commitments and requirements relating to the Pre-Phase Requirements and Detail Delivery Programmes described in the preceding section of this report) to ensure that the necessary Critical Infrastructure is delivered in time to support the relevant levels of floorspace within the Plot development.

Reserved Matters Applications

Following approval of the various site-wide, and pre-phase matters by the Council, Reserved Matters applications will be brought forward for discrete elements of the scheme, including all Plot Development as defined in the RDSF. The Council has imposed conditions to ensure that Reserved Matters, and other matters requiring subsequent approval under planning conditions, will be required to conform with the principles and parameters of the RDSF (including the Parameter Plans, Global Remediation Strategy and CoCP), the Revised Design & Access Statement and Revised Design Guidelines, as well as the Detailed Delivery Programmes unless any changes are approved by the LPA on the basis that such changes are unlikely to cause any significant adverse environmental impacts beyond those already assessed and are unlikely to undermine the delivery of comprehensive development.

In view of the information set out in the application, details on the following specific matters will be provided with Reserved Matters applications:

Access - strategic access into the site via the Gateway Junctions forms part of the planning permission sought. Future applications for approval will need to provide clear details of the exact location of routes and junctions including internal routes and circulation;

Layout – this planning application shows the general location of roads, open spaces and buildings. Future submissions seeking approval of details will confirm the exact proposed layout of buildings and how they relate to public and private space, based on the parameters and principles established in the RDSF and the Revised Design & Access Statement (including the Revised Design Guidelines appended to it);

Scale – maximum and minimum scale thresholds/parameters for the detailed design of individual buildings have been defined in Appendix 10 of the RDSF and the reserved matter submissions will need to demonstrate how they have been translated into final designs and their relationship with the surroundings;

Appearance – the Revised Design & Access Statement (including the Revised Design Guidelines appended to it) establish principles for design, which need to guide and direct the detailed designs submitted as part of reserved matter or other submissions for approval;

Landscaping – this planning application defines key strategic principles including size and quality of open spaces, specifications for amenity space, etc. Full details of each proposal including maintenance will need to be provided with reserved matter submissions.

Structure of Reserved Matters (Detailed) Planning Applications

Reserved matters applications will deal with all matters not fully addressed within the Outline Permission Consent and Pre-Commencement approvals including remediation, local roads, the precise location and design of plot access, landscaping and detailed building design, as necessary.

A consistent approach is proposed for each Reserved Matters Application in order to provide clarity and enable all issues to be considered in a proper context.

The RDSF identifies within Section 6.15 the documentation that is required to support each reserved matter submission, to include:

- Covering Letter;
- Application plans – site, elevation etc;
- Explanatory Report;
- Reserved Matter Transport Report;
- Statement of Community Involvement;
- Up to date Illustrative Reconciliation Plan (where the detailed approvals sought include or affect the layout); and
- Any other drawings or materials necessary to demonstrate how the proposed details are consistent with the parameters and principles of the planning permission.

The intended content and scope of the Explanatory Report, is set out in table 10 of the RDSF. It requires a variety of information from urban design to energy to be provided to ensure each application can be thoroughly considered within the context of any outline planning permission.

Transport Matrix

Each of the Phase Transport Reports and each Reserved or Other Matters Application with strategic implications will be subject to transport testing, to be approved by the Council and TFL acting within the proposed Transport Strategy Group, using the Transport Matrix as described within an appendix to the section 106 Heads of Terms (the Matrix and Transport Reports Schedule) as a preliminary filter to the production of the relevant Phase Transport Report in order to inform the scope and specification of the Transport Report to which it relates. This will ensure that the detailed proposals at pre-Phase commencement and at Reserved and Other Matters Approvals stages are consistent with the predicted transport effects as described and assessed within the BXC Transport Assessment.

The relevant Matrix and Phase Transport Report will ensure that:

- the development within the relevant Phase (in combination with other earlier Phases) will progressively achieve its forecast mode share in accordance with the objectives set out in the Framework Travel Plan;
- the development will not impose demands or impacts on the transport network greater than those assessed in the BX Transport Assessment (including the two supplementary reports that have been submitted);
- the opportunity will be provided for transport infrastructure to be provided in accordance with actual needs (rather than simply forecast needs) generated by the development.

The Transport Matrix involves the assessment of the relevant transport impacts of the Phase in question against a series of benchmarks set out in the Matrix and Transport Reports Schedule. These benchmarks have been specifically defined to ensure that they clearly identify whether or not the relevant phase of development will have transport impacts which are likely to significantly exceed those as assessed for the scheme as a whole in the TA.

If the Transport Matrix demonstrates that emerging schemes are not compliant with the above, (in the sense that a relevant phase of development will have transport impacts which are likely to significantly exceed those as assessed for the scheme as a whole in the TA), the relevant Phase Transport Report and the Reserved Matters applications for that Phase cannot be submitted until the situation has been reconciled.

In the event that the application of the Matrix demonstrates either that the development is likely to be exceeding the predicted impacts as judged by reference to the benchmarks or is failing to meet its mode share target, this will need to be fully addressed in the relevant Phase Transport Report and (depending on the conclusions of the Transport Report) the applicants could have the following choices in order to achieve the necessary network performance outcomes in accordance with these planning obligations (and subject to obtaining the Council's approval):-

1. to impose additional demand management measures on the proposed development to control its performance, so as to bring the development as a whole (i.e. the development built thus far and that proposed in the prospective RMA) within the terms of the BXC Transport Assessment; or
2. to bring forward proposals for planned infrastructure even if their official trigger point has not yet been reached, where this would assist in bringing the development within the terms of the BXC Transport Assessment; or

3. to offer additional mitigation measures which may render the impacts acceptable to the authorities; or
4. to submit a revised planning application with a fresh Transport Assessment.

Phase Transport Reports

Phase Transport Reports are required to be submitted and approved before any Reserved Matters Applications can be submitted for the relevant phase.

As explained in the preceding section, Phase Transport Reports can only be submitted after the LPA has approved the relevant Matrix and the approved scope and specification of the Transport Report based on it. This is considered to be important in demonstrating that the proposed development within the relevant Phase can be constructed and will operate within the scope of the transport impacts as assessed in the TA and the Benchmarks as applied in the Transport Matrix.

The scope and specification of the Phase Transport Report will need to be approved by the LPA acting in close collaboration with TfL (within the Transport Strategy Group) so as to ensure that it adequately addresses the transport issues specific to that Phase and the specific context within that Phase will be constructed and operated. The Matrix and Transport Reports Schedule contains generic principles for the scope and specification of Phase Transport Reports and these will be applied to the specific circumstances and context of the Phase which is under consideration.

This process will involve the approval of a defined area of concern for the Phase Transport Assessment to ensure that the local impacts of the relevant Phase and any necessary mitigation measures are identified before the Phase Transport Report is approved.

The Phase Transport Report will be required to include clearly stated assumptions as to the delivery of the transport infrastructure and improvements so as to demonstrate that the mitigation measures and transport capacity required for the development within that Phase (and/or the cumulative impacts of that Phase with other Phases already, or about to be, approved) are appropriately addressed. The detailed delivery programme for that phase will be required to be consistent with such delivery assumptions in the approved Phase Transport Report.

There may be a need for additional Section 106 agreements to ensure that the specific capacity improvements or mitigation measures identified as being necessary in any Phase Transport Report are delivered, funded or provided in accordance with the approved Phase Transport Report.

Reserved Matters Transport Report

Relevant Reserved and Other Matters Applications will be accompanied by a Reserved Matters Transport Report which sets out detailed transport issues raised by the Reserved Matters or Other Matters Application and to demonstrate the acceptability of the proposals contained within the Reserved or Other Matters Applications

The Matrix and Transport Reports Schedule contains generic principles for the scope and specification of Reserved Matters Transport Reports and these will be applied to the specific circumstances and context of the development which is under consideration for the purposes of the Reserved Matters Application in question.

The RMTRs will set out the following for each Reserved or Other Matters Application:

1. The cumulative effects of proposed development and other developments already approved as part of the BXC scheme;
2. The design of transport infrastructure forming part of the Reserved Matters Application, including internal highway network, pedestrian and cycle provision, public realm and public transport facilities;
3. The appropriate parking strategy and proposed improvements to site accessibility via sustainable modes of travel;
4. The appropriateness of the transport infrastructure proposed having regard to existing and forecast trip generation;
5. Provisions for the impacts of construction, delivery and servicing traffic.

Reconciliation Mechanism

A “Reconciliation Mechanism” is proposed to form part of Reserved Matters or Other Matters Applications. This is defined within Section 6 of the RDSF. The Reconciliation Mechanism has been proposed to ensure that the applicants and the Council have confidence that each detailed proposal does not compromise the comprehensive redevelopment of any remaining part of the site in accordance with the development parameters and principles.

The spatial basis for the Reconciliation Mechanism is the Layout Plan provided as Parameter Plan 015 and the Zonal Layout Plans provided as Parameter Plans 020-028. The Indicative Layout Plan and Zonal Layout Plans provide an example of how the scheme (subject to the parameters and principles described in the RDSF and the Design and Access Statement and Design Guidelines) may be brought forward in accordance with the parameters and principles established within the application and incorporated into the proposed permission. However, the parameter plans enable a degree of flexibility within the scheme in terms of detailed layout and design of streets,

open spaces and building plots enabling variations of the Indicative Layout Plans to be brought forward in a way which is still consistent with the EIA process.

Variations on the Indicative Layout Plan will be enabled through Reserved Matters Applications and Other Matter Applications in accordance with the proposed planning conditions. It is proposed that an "Illustrative Reconciliation Plan" (IRP) will be submitted in support of each Reserved Matters Application that will illustrate revisions to the Layout Plan and relevant Zonal Layout plan, brought about through the proposed Reserved Matters Proposals.

The IRP will comprise the following elements to demonstrate how Reserved Matters and Other Matters proposals will fit within and be consistent with the wider comprehensive scheme layout (including earlier approved layouts in other Phases and/or Sub-Phases) in accordance with the overall parameters and principles for the development:

- An update of the Site Layout and Zonal Layout to show the confirmed location of relevant primary and secondary routes and principal open spaces within that Development Zone (or Phase or Sub- Phase). This will be accompanied by a Phased Transport Report (as previously described) which will confirm that the defined infrastructure is consistent with the terms of the planning permission sought;
- An update of the Site Layout and Zonal Layout Plans to demonstrate how pedestrian and cycle routes maintain acceptable continuity and linkage across the site and beyond, through linkage to new or existing routes within and/or outside the site;
- An update of the Site Layout and Zonal Layout as changed by the detailed proposals submitted;
- An update of the Site Layout and Zonal Layout to show the confirmed location and layout of development permitted to date;
- Identification of the anticipated distribution of green/brown roofs across the site and the Phase to achieve the minimum 10% requirement on a phase by phase basis; and
- where the above alterations necessitate changes to other parts of the IRP which are not subject to detailed application proposals (or extant approvals), the plan shall be updated to show a new illustrative solution which is compatible with the comprehensive development in accordance with the parameters approved (including any extant approvals).

This will provide a mechanism for understanding (when considering Reserved Matters and other approvals dealing with access and layout) how the indicative layout plan will gradually evolve into a complete and comprehensive development of the whole site. It will also assist in ensuring that a coherent and satisfactory outcome is achieved.

It is proposed that the plan will be maintained and updated as appropriate by a design professional/masterplanner retained by the Development Partners, who will be responsible for ensuring accuracy of the information they collate. The Council will be provided with full access to the data by held within the Reconciliation Mechanism. This is included in the Heads of Terms for the Section 106 agreement.

The applicant will make the latest site wide and Zonal plans available to developers who are preparing prospective planning applications, who will update the plan showing their proposed development. Once approved by the LPA, these details will be supplied to the Development Partners who will update the master versions of the site wide and Zonal plans based on the approved layout. This approach will be secured by planning condition and obligation.

Reserved Matters Application Effects Upon Primary and Secondary Roads, Pedestrian and Cycle Routes and Principal Open Spaces

The application defines in Parameter Plans 002 and 003 the general location of key roads and pedestrian/cycle routes (primary and secondary) including bridges, key public realm routes (main connections) as well as principal open spaces. These features are subject to a level of flexibility and deviation as established through the approved parameters and principles.

The importance of defining the overall structure of the regeneration area, including bridges, key public realm routes (main connections) as well as principal open spaces requires a commitment has been made to define the exact location of these elements within each Phase prior to, or simultaneously with, the first application for approval of any Reserved Matters within that Phase and the proposed planning conditions make this a pre-phase requirement.

As pedestrian and cycle routes are delivered on site it will be necessary for the Phase Transport Reports and the Reserved Matters Transport Reports to demonstrate how the new routes maintain acceptable continuity and linkage both across the site and beyond, through linkage to existing routes or, where appropriate the creation of new routes that may be superseded in the end state. Such new and/or improved routes will need to be covered by appropriate statutory agreements to ensure that such highways and routes are constructed, maintained, repaired and/or adopted in accordance with the relevant highway authority.

7. ENVIRONMENTAL IMPACT ASSESSMENT (EIA)

The proposed development falls within Schedule 2 of the Town & Country Planning (Environmental Impact Assessment - England & Wales) Regulations 1999 (the EIA Regulations). The EIA Regulations identify what information is required to be included in an ES; i.e. as is reasonably required to assess the environmental effects of the development. The Council's scoping opinion issued on 10 July 2007 indicated the environmental issues against which the impacts of the development needed to be assessed. The applicants submitted an Environmental Statement to accompany the planning application and this has been used to assess the full range of environmental impact. The Environmental Statement was revised following the submission of the Transport Assessment in November 2008 and again in March 2009.

Following submission of the TA and the Revised ES and consultation, it was considered that the Environmental Statement submitted by the applicants did not contain sufficient information to enable the significance of the environmental impacts to be fully assessed in accordance with the regulations. A request for further information was made to the applicants on 17 March 2009 under Regulation 19 of the 1999 Regulations.

Further to this request, additional information (including a further revision of the ES) was submitted by the applicants on 30 March 2009 and was subsequently subject to further consultation in accordance with the EIA Regulations.

The ES with this application therefore comprises the following:

An Environmental Statement prepared by the Applicant's environmental specialist consultants, ERM:

- Volume 1a (March 2009)
- Volume 1b (November 2008) plus Addendum (March 2009).
- Volume 2 (November 2008)(Appendices include Construction Method Statement)
- Non Technical Summary (March 2009)

The information provided in the ES together with the regulation 19 further information accords with the EIA Regulations in terms of what is required for inclusion within an ES. It also addresses all the issues as identified by the Council's scoping opinion and the environmental information before the Council (which includes relevant representations from statutory and non-statutory consultees as well as the public representations) is considered to be sufficient to

enable the planning application to be determined in accordance with the EIA regulations.

The further revised Environmental Statement and the further information describes and assesses the significance of impacts likely to arise from the proposals. The area of the site for which detailed planning permission is sought will need to be developed in accordance with those plans (including the parameter plans) submitted for approval with this planning application. Any reserved or detailed matters submitted pursuant to the area of the site for which outline planning permission is sought will need to be in accordance with the parameters and principles of the development as identified and assessed in the Environmental Statement.

Subject to Members' approval of these proposals, the parameters and principles of the development will be secured by conditions attached to the planning permission. Such conditions will ensure that all the details reserved and other matters for subsequent approval are brought forward in accordance with these parameters and principles.

In addition, planning conditions and obligations are required to ensure that proposed mitigation measures identified in the Environmental Statement are secured as the development is taken forward.

In accordance with the EIA Regulations the environmental information coming forward under the EIA process (including the likely significant environmental impacts of the development) has been fully considered by the local planning authority in respect of this planning application before the application is determined.

8. CONSULTATION

This section of the report describes the consultation process and summarises consultation responses. It includes brief comment on objections. Further detail on consultation responses is included in Appendix 4.

The Brent Cross Cricklewood regeneration project has been the subject of the most extensive consultation of any development scheme in Barnet to date.

8.1. Pre- Application Consultation by the applicants.

The current application has been subject to pre application public consultation carried out by the applicant. Full details of this consultation are included in the Statement of Community Involvement (BXC19) accompanying the application. The applicant's pre-application consultation consisted of the following:

a) Exhibitions (BXC Messenger)

The applicant used a fully accessible mobile exhibition unit to inform local people and businesses of the proposals with two phases of consultation in October - December 2006 and March - June 2007. This unit was placed in four locations - BX Shopping Centre, B& Q Cricklewood, Tesco Brent Cross and adjacent to the Whitefield Estate in Prayle Grove. This exhibition was supported by booklets and comments cards with translation request forms. In total over 1,750 people visited the first phase exhibition and 1,100 in the second phase exhibition.

b). Leaflets and Mailing

The applicants have promoted their exhibitions with leaflet drops to 34,000 households, adverts across local newspaper groups and flyer distribution. The applicants have maintained a database of 1,200 contacts of residents and businesses and updated these contacts on progress with the proposals.

c). Website

The applicants have maintained a website and have kept this updated with all the planning application documents and revisions to documents as well as other information on the planning proposal.

d). Meetings and workshops

The applicants held two workshops on the design of Clitterhouse Playing Fields (January 07 and June 07) and one workshop on accessibility issues (June 07). In addition the applicants have held meetings with local groups, adjoining local authorities and other stakeholders both before and after the submission of the

planning application. These meetings have included the adjoining London Boroughs of Brent and Camden, Railway Terraces Residents Association, Brent Terrace Residents Association, Dollis Hill Residents Association, North West Two Residents Association, West Hampstead Amenity and Transport, Cricklewood Millennium Green Trust, the Barnet Group of the London Wildlife Trust, the Federation of Residents Associations Barnet, Brent and Barnet Cyclists and other local groups as outlined in the applicants Statement of Community Involvement.

8.2 Consultation by London Borough of Barnet (Appendix 4)

The Council has carried out extensive consultation on the planning application. This has included sending out consultation letters to more than 20,000 local residents and businesses, including the parts of Brent and Camden adjacent to the planning application boundary. In addition, 27 site notices were placed in various locations in and around the application boundary and a notice was placed in the local press. The Council has also consulted all the usual public bodies and interest groups on the application. This process was carried out twice (April and November 2008) as the initial planning application submission in March 2008 did not include the Transport Assessment.

The Council held two public exhibitions on the proposals at the Hendon Leisure Centre in the heart of the regeneration area in May and December 2008. These exhibitions were attended by several hundred local residents and business and provided an opportunity to explain the proposals in more detail to local people.

In addition, the Council has carried out a third round of consultation (April 2009) following the receipt of additional information in response to a request under Regulation 19 of the EIA Regulations. The Council notified all the statutory and other consultees and in addition placed site and press notices in accordance with the Regulations.

All consultation responses have been carefully considered and where appropriate concerns have been addressed either through the supply of further information or through changes to the proposals or through the planning conditions and obligations. Summary details of the consultation responses are included in Appendix 4 attached to this report.

8.3 Consultations and Views Expressed

A summary of representations received at the time of writing this report is set out below. Brief comment is attached and the issues raised are more fully addressed within the Planning Appraisal Section of this report and in Appendix 4 (Summary of Consultation Responses).

Committee Members will be updated on other consultation responses received between writing this report and the committee meeting.

8.4 Comments from Residents

Comments in letters, e-mails and comments from the exhibitions have been summarised below.

(i) Principle of Development

- Scheme is based on an outdated model of development that relies on the private car.
- Too much development and too little consideration of existing local people.
- Height and density of buildings is out of keeping with the rest of Barnet.
- Concern about the effects on Cricklewood Town Centre and other town centres.

Comment: The principle of the comprehensive redevelopment of the Brent Cross Cricklewood Regeneration area to provide a new town centre for Barnet is fully supported in the London Plan and Barnet UDP. A mixed use high density development such as is proposed is considered to be the most sustainable use of this accessible urban land. The impact on existing town centres has been considered by the LPA and the LPA, advised by an independent retail specialist consultant, considers that the applicants Retail Report (BXC6) appropriately addresses the likely significant retail impacts of the application proposals and comes to essentially sound conclusions. The report includes a specific chapter on the potential impacts to surrounding town centres which demonstrates to the satisfaction of the LPA the acceptability of the application proposals in terms of retail impact and trade draw considerations. See the appraisal sections of the report and Appendix 4 for more comment.

(i) Traffic and Transportation

- A new light rail system would be a better alternative to link with other areas in North West London.
- Proposal is deficient in details and amount of public transport to be provided. The railway station should be built first.
- Concern about possible threat to Cricklewood Station.
- Scheme too reliant on the private car and the likely increase in vehicle numbers will lead to congestion and air pollution.

- Layout maximises motor vehicle movements and results in a poor environment for pedestrians and cyclists. There should be more provision and incentives for cycling and walking.
- Concern about impact of parking on existing streets.

Comment: See Appendix 4 and transport section of the report.

(iii) Density, Design, Townscape and Visual Impact

- Too many flats and not enough houses.
- High density is acceptable but not high rise buildings.

Comment: See (i) above as well as the appraisal section of this report.

(iv) Waste Handling Facility

- Concern about the location and process to be carried out.
- Concern about the increase in traffic on local roads, particularly to the west of the A5

Comment: This is an outline planning application and the exact process to be carried out cannot be determined at this stage. Should the application be approved this facility will be controlled by condition to safeguard local residential amenity. This facility will also be subject to a permitting process under the Waste Management Licensing and the Pollution Prevention and Control legislation which will require detailed assessments of the relevant processes to be carried out and this may involve further EIA processes. See the appraisal and Appendix 4 of the report for more detail.

(v) Combined Heat and Power

- Concern about the process i.e. no incineration.

Comment: As (iv) above. The planning permission will not allow mass burn incineration processes to be used.

(vi) Social Infrastructure

- Concern that schools, health and community facilities will be in the correct location and will be adequate to serve the new and existing population.

Comment: The Social Infrastructure Strategy and the Revised Environmental Statement provides projections of the future population within the application area and demonstrates that there will be sufficient facilities to meet projected need arising from the proposed development. The detailed delivery programmes and the thresholds and triggers mechanisms described earlier in this report will

help to ensure the timely delivery of social infrastructure within the scheme. See the appraisal section of the report for more detail.

(vii) Open Space

- Concern that the amount of open space is inadequate for the extra population.
- Concern about the loss of the Brent Terrace Triangles
- Concern about proposals for Clarefield Park, Cricklewood Millennium Green and green space outside B & Q in Cricklewood.

Comment: The application provides for a net increase in open space. Some open spaces will be lost and new ones will be provided as part of the comprehensive regeneration process. The LPA considers that an appropriate amount and mix of open space and other public realm will be provided as part of this development. See the appraisal section of the report for more detail

(viii) Amenity

- Need for a buffer between Railway Terraces and the proposed new rail freight facility
- New roads - and the proposal in general - will cause disruption, noise and pollution for those already living in the area

Comment: A buffer to the rail freight facility is proposed and the impacts of the proposal have been assessed in the Environmental Statement and appropriate mitigation proposed and will be secured by the planning conditions and obligations. See the appraisal section of the report for more detail.

(ix) Process

- Application should not have been registered without the Transport Assessment.
- Insufficient consultation.

Comment : The LPA is required to exercise judgment as to whether it is appropriate to register a planning application. Having regard to the scale and complexity of the application proposals and the widespread knowledge that the application had been submitted, the LPA took the view that it was appropriate to register and commence the consultation process rather than to leave the application unregistered and out of the public domain. Two periods of consultation were carried out with letters delivered to more than 20,000 household (including addresses in Brent), site and press notices . One period of consultation took place from 9 April 2008 - 30 May 2008 when the initial documents were received and a second consultation period from 17 November 2008 - 5 January 2009 when the TA and revisions to other documents were

received. Two public exhibitions were held on 6 and 7 May 2008 and 2 and 3 December 2008. In addition, a third period of consultation 2 April - 23 April 2009 was carried out in respect of information received in response to the Regulation 19 request. This amount of consultation is in excess of the norm and is considered reasonable and adequate.

8.5 Comments in Support

8 letters of support have been received, stressing the significant long term benefits the proposal will bring in terms of better transport links, new local schools and health facilities. Many of the other letters expressed support for the principle of the regeneration and improvement of the area whilst expressing specific concerns about the proposals.

The following organisations have submitted letters in support of the proposal:

North London Business (NLB)

NLB is the London Development Agency sub-regional partner for inward investment and business development. Support the proposal as it will create new opportunities for local businesses and attract new companies to the area. This will create jobs for local people. The proposal will provide high quality office facilities at a gateway junction. It will expand the retail, leisure and hospitality sector. Brent Cross Shopping Centre will be boosted and a truly desirable new town centre will be created which will be a powerhouse of the North London economy.

Claremont Primary School

The headteacher supports the application as it will provide the school and its students with new facilities. The school has recently received a positive Ofsted report and feels that a new well-equipped building will have a positive impact on pupils and teachers and help the school reach its full potential.

Metropolitan Police Service

Barnet Borough Commander supports the scheme and states that Barnet Police have worked with the applicant to identify what features and facilities are need to ensure the safety, security and welfare of local people. The police have been involved from an early stage in the design of new facilities which could allow for two police units on either side of the A406 or alternatively for one larger police unit. Public safety features have been integrated into urban design and the proposed residential developments will have regard to community safety principles.

Barnet College

The Principal of Barnet College, who is also a member of the Barnet Local Strategic Partnership, supports the positive impact the scheme will have on local skills levels and job opportunities. The applicants have been involved in the skills development agenda far in advance of the delivery of the scheme and are committed to working with Barnet College and others to ensure residents are equipped with the necessary skills to access the employment opportunities. Barnet College state that the applicants are committed to funding a training and job brokerage fund and to engage with local colleges and schools. The employment opportunities have never been more important considering the current economic climate. The regeneration will contribute to the wider economic and social success of Barnet and North London.

Barnet Voluntary Service Council

Support the creation of a new town centre for Barnet. Have met regularly with the applicant over the last two years and encouraged by their attempts to engage with local residents. Improvements to the public realm and the proposed 'community campus' will provide more opportunity for social interaction and will have the flexibility to support a range of cultural, sporting and learning activities. The applicant has been involved in the Skills Development Plan. The proposals relating to community and training facilities follow extensive consultation with a range of community groups. The applicant has asked BVSC advice on reaching 'hard to reach' groups such as young people.

8.6 Petitions

Two petitions have been received. A standard letter has also been received from customers of the Bestway cash and carry warehouse.

Petition submitted by Cricklewood Regeneration Petition Group (360 signatures).

Requests that planning permission should not be granted on basis of existing plans as:

- Contradictions between stated objectives and the actual plan in terms of creating a new town centre. The plan maximises car traffic through the urban area.
- Area is not big enough to support an extra 20,000 people.
- Affect on road traffic is catastrophic. Station should be built first.
- There is no clear plan for pedestrian or cycle routes.
- Only way to stitch together the urban fabric is to tame the roads - A406 and A41.
- Loss of trees, green spaces and gardens - loss of Clarefield Park, open space in front of B & Q and the gardens around Whitefield Estate.
- Scale of the commercial development.

- Absence of the Transport Assessment.

Comment: See Appendix 4 for detailed comment.

Petition Submitted by Sarah Teather MP for Brent East (approximately 800 signatures)

Objecting to the location of the Waste Handling Facility and the increase in noise, traffic, pollution, dust and other health hazards. Concerned about the proposed siting so near to a school.

Comment: See Appendix 4.

Standard letter from customers of Bestway Cash and Carry (800 approximately)

Objecting to the loss of the Bestway warehouse and the siting of the waste handling facility.

Comment: See Appendix 4 and the appraisal section of the report.

8.7. Comments from MPs and GLA Assembly Members

Andrew Dismore MP

Concerned about the inadequate supply of affordable housing. Even a target of 30% is below what should be provided. The provision is so inadequate that there is a risk it will not be approved by the Mayor and will be called in by the Government.

Comment: The amount of affordable housing has been subject to a review carried out by the Valuation Office on behalf of the GLA. A review mechanism is proposed to ensure that the maximum viable amount of affordable housing is achieved.

SarahTeather MP - Objection

Raises concerns about:

- Location and nature of the Waste Handling Facility.
- Timing of the consultation.
- Increase in traffic generated by the waste facility and the scheme in general.
- Possible closure of Cricklewood Station.
- Concern about the process to be carried out at the CHP

Comment: See Appendix 4 and the appraisal sections of the report for a response.

Dawn Butler MP and Navin Shah London Assembly Member for Brent and Harrow - Objection.

Raise concerns about:

- Timing and length of consultation.
- Concern about the nature of the Waste Handling Facility
- Low priority given to transport proposals.
- Proposal should aim for no increase in traffic and should give priority to walking and cycling.
- Proposals should consider orbital public transport.
- Impact on Brent and Harrow's town centres, schools and other infrastructure.

Comment: See Appendix 4 and the appraisal sections of the report for a response. As with the Sarah Teather MP concern about consultation, it is reemphasised that the regeneration plans and the BXC outline planning application has been subject for most extensive public consultation including areas of Brent and Camden close to the site.

Brian Coleman GLA Assembly Member for Barnet and Camden

Objects to the proposal on the grounds of density, design, height, transport provision, retail impact and the principle of a new town centre for Barnet.

Comment: The proposals will result in an urban form very different from surrounding areas of Barnet entirely appropriate for its strategic location at the start of the M1 Motorway, its proximity to the A406 North Circular Road as well as its existing very urban setting. It is considered that the high density urban nature of the proposal - which does include tall buildings at the heart of the new town centre - responds appropriately to national, London and local planning policy as being the most sustainable way to make use of urban land.

It is considered that increased public transport provision and the restraint on car parking will facilitate a mode shift to more sustainable forms of transport.

Car parking ratios are in accordance with the London Plan and are considered acceptable.

Retail impact on surrounding centres is considered to be not significant.

The creation of a new town centre in this location is supported by the London Plan and the Barnet UDP.

8.8 Consultation Responses from Statutory Consultees and Other Bodies

Greater London Authority & Transport for London (GLA and TFL)

The Mayor of London considered the BXC application on 11 February 2009 and issued a substantial Stage 1 report to the Council. The Mayor expressed support for the principle of the development and the benefits that it will deliver.

The covering letter raised the following outstanding detailed issues:

- Car parking. The proposed parking levels (for residential, retail and office) are in excess of what would normally be acceptable for a town centre.
- Public Transport Provision. There needs to be a closer integration of transport and spatial development. It will be necessary to front load public transport infrastructure. The levels of car parking could be considered acceptable if more public transport is brought forward at an earlier stage. Otherwise a reduction in car parking would be expected.
- Section 106. Transport for London would need to be a signatory to the S106 due to the lengthy implementation period and the strategic transport implications.
- Bus Station. The location is considered acceptable subject to agreeing the most efficient circulation routes for pedestrians and buses.
- Affordable Housing. Mayor considers it unacceptable that there should be no net increase in affordable housing in the first Phase. The scheme is expected to deliver the maximum reasonable amount of affordable housing. Further negotiations will be informed by the viability review being carried out on the GLA's behalf.
- Flat layouts. More detail is required to ensure that the masterplan will deliver high quality residential accommodation.

Following receipt of the Stage 1 report the Council and the applicant have been in constructive discussions with the GLA and TFL. Further information has been supplied and various matters have been agreed with the GLA and TFL to address the concerns raised in the Stage 1 report. As will be clear from the Heads of Terms for the Section 106 agreement and the summary at the beginning of this report, TFL are intended to be a signatory to the Section 106 agreement for the purposes of their protecting the Strategic Transport Network during the relevant approval processes under the planning permission and it is suggested that they will be a member of the BXC Transport Strategy Group in order to ensure that the LPA and TfL act collaboratively in dealing with these matters. The planning and transport aspects of the Stage 1 report are further considered in Appendix 4 and in the appraisal sections of the report.

Should Members resolve to grant planning permission the application will need to be referred to the Mayor who has the power to direct refusal of the application under pre-GLA 2008 new powers.

Highways Agency

The Highways Agency commented in May 2008, January, April and May 2009. Initially the Highways Agency objected and expressed concerns relating to the assessment of the M1/A5/A406 junction and the applicant's proposal to leave the upgrading of the junction until after Phase 1. The applicant has been in discussion with the Highways Agency and has submitted further information in the various additional transport documents. The Highways Agency have agreed to lift their objection subject to reassurances as to phasing and the imposition of Grampian style conditions to relate the delivery infrastructure to an appropriate phase of the development.

Network Rail (Property) - No objection.

Network Rail (Property) have been involved with the applicant in the formulation of the outline planning application and are satisfied that the proposed railway facilities are appropriate for current and future requirements.

Network Rail (Planning)

Support the application and emphasise the need to be involved in the detailed design of the area required for the Thameslink depot and stabling. Network Rail wish to be consulted over the inclusion of railway works within the S106 and the phasing and triggers for provision of works on railway land.

EWS Railway

Support the redevelopment of Cricklewood but do not want to commit to substantial fixed infrastructure for rail freight at this stage. Market conditions in the rail freight industry change rapidly.

English Heritage - No objection.

Subject to a condition to secure a written scheme of archaeological investigation.

Environment Agency - An objection was initially received in May 2008 in respect of:

- An adequate assessment of fluvial flood risk had not been undertaken.
- An adequate assessment of surface water flood risk had not been undertaken.
- Adequate information in regard to the Bridge designs and access ramps to the River Brent had not been provided.

- The river diversion and naturalisation scheme had not been assessed and designed by a qualified geomorphologist.
- Proposed decking within the channel of the River Brent is unacceptable to the Environment Agency.

Following the receipt of further information the Environment Agency have supplied further comments in September 2008, January and April 2009 and now have **no objection** subject to conditions.

Sport England

Have **no objection** to the proposal but emphasise the need for any outline permission to lay the basis for strategic planning for sport provision in subsequent applications. Future detailed applications should plan for increased levels of participation in sport. It is of critical importance that both indoor and outdoor sports facilities needs for children and young people are fully addressed in order to avoid future social problems. Sport England would like to draw attention to the following points:

- The site is well served by existing outdoor provision but an indication of how existing spaces will be used and accessed and an indication of needs would prove useful at subsequent stages of the planning process.
- Small scale facilities such as multi use games areas would prove useful.
- The development may pose capacity issues at existing local indoor facilities. Residential growth in the area is likely to exacerbate the demand for indoor facilities.

Comment: The proposed improvements to Clitterhouse Playing Fields will significantly improve the provision of sporting facilities in the area as well as making better provision for general recreation. Less formal sports provision will be made within the four proposed local parks as well as a number of recreational routes throughout the area with provision for walking, jogging and running. The replacement of the Hendon Leisure Centre is proposed for Phase 2 and the range of indoor facilities to be provided will respond to the needs of the increased population.

Natural England - No Objection

Although there may be a reduction in the amount of habitats in terms of quantity there is potential for a net gain in biodiversity through an increase in habitat quality and connectivity. Natural England would like to be involved in developing approaches and principles as part of the detailed design stage. Recommend that the applicant be required to produce an Ecological Mitigation and Management Plan.

Comment: A condition will require the submission of a Landscape and Ecological Mitigation and Management Plan.

Thames Water - No objection

Thames Water have no objection in principle but have requested Grampian style conditions relating to waste water infrastructure, the existing inadequate water supply and Surface Water Drainage be imposed.

Barnet Primary Care NHS Trust (PCT) - No objection.

The PCT are broadly satisfied with the proposals but have raised a number of concerns about the timing, location and size of the health facilities proposed. These issues are discussed in the Social Infrastructure section of this report and the provision of adequate health facilities will be secured, in consultation with the PCT, through planning condition and S106 obligation. A letter of support from the PCT was received in April 2009 emphasising the support of the PCT for the concept of close proximity for schools, the health centre and sports facilities in the proposal and outlining the collaborative way that this proposal has been developed.

Metropolitan Police Service.

A letter was received in May 2008 with an assessment of the need for floorspace for police facilities within the development. Discussions have continued with the applicant and the locations and sizes for two new police facilities have been included in the masterplan. The police wish to retain the option for one larger police facility and this can be resolved at the detailed design stage. These facilities will be secured by planning condition and obligation.

Detailed applications will need to meet Secured by Design standards.

As reported above, in April 2009 the Barnet Commander of the Metropolitan Police submitted a letter in support of the scheme.

London Fire Brigade - No objection

National Grid.

Major electricity power lines and gas mains pass through the site. The locations of these have been identified both through consultation and in the applicants Utilities Strategy (BXC 11). Detailed applications will take account of these constraints.

Commission for Architecture and the Built Environment (CABE)

The application was considered by the CABE Design Review Panel on two occasions, on the 17 January 2007 and the 25 June 2008.

CABE concluded that they **support** the masterplan in principle and encouraged Barnet to continue the dialogue with the developer to ensure that design quality underpins the masterplan.

London Wildlife Trust – Barnet Borough Group

This group have expressed concern about:

- The extent of the games areas on Clitterhouse Playing Fields and the lack of open grass spaces accessible to all. Green space provision is inadequate and should be reassessed.
- The designation of Clitterhouse Playing Fields as a Site of Local Importance for Nature Conservation is at threat from the proposals. The corridor along Clitterhouse Stream to Eastern Park should be widened.
- Nature parks proposed are tiny and fragmented.
- The River Brent should be reinstated to flow through natural banks for the benefit of wildlife as well as people. Activities that adversely affect wildlife should be located elsewhere.
- The amount of development proposed will lead to an increase in traffic congestion and pollution.
- The effect of the proposal on the neighbouring town centres should be assessed.
- The highest standards of sustainability should be a basic requirement of new construction.
- The Environmental Statement has not encompassed all forms of wildlife and no habitat or species should be excluded from survey.
- Mature trees should be retained and large trees planted.
- The development should substantially improve the baseline environment.
- A formal working party should be established to explore the above issues.

Comment: See Appendix 4 for a response. The Environmental Statement has assessed the impact of the proposals and mitigation is proposed where necessary. The LPA considers this assessment and response to be appropriate.

London Borough of Harrow - No objection.

London Borough of Haringey - No objection subject to increases in capacity on the 232 bus service and measures to increase capacity of the A406 north of the site.

Hertsmere Borough Council.

Generally support the proposal but have concerns with regard to the extent of comparison retail and transport improvements. Concerned that Borehamwood has been excluded from the Retail Impact Assessment.

Comment: See Appendix 4 for a response

London Borough of Brent - Object.

Brent Planning Committee considered the application on the 4 February 2009. Brent Council support the principle of the regeneration of the Brent Cross

Cricklewood Area. However the committee considered that insufficient information had been supplied to allow the satisfactory assessment of the effects of the proposal on Brent. Brent will object until the following concerns have been addressed:

- The proposals will have a significant impact on traffic movement, management and parking in Brent that have not been fully assessed.
- The full quantum of development proposed at Wembley should have been assessed.
- Various incorrect assumptions have been made in the assessment and modelling.
- Unrealistic assumptions have been made about increase in vehicles at key junctions.
- Full impact of new MML bridge on Brent has not been assessed.
- Junction with the freight handling facility should have a pedestrian crossing.
- More significant proposals for orbital public transport should be made.
- Concern about effects of re-routing buses from the Staples Corner employment area.
- Concern that proposals should not prejudice future fixed transport links to Brent.
- Concern about parking for the new railway station and town centre.
- Further information is required on the generation of HGVs to and from the waste facility.

The applicant and Barnet Council officers have met Brent Council representatives on a number of occasions and have supplied further information. Further responses were received from Brent in April and May 2009. Brent maintains its objection on the basis that the overall assessment of the impact on Brent's transport system has not been adequately addressed and that no acceptable mitigation strategy has been put forward. In particular, Brent objects to the lack of information on predicted traffic movements and access arrangements to the proposed Waste Handling Facility. (A5/Humber Rd and A5/Dollis Hill Lane/Oxgate Gardens/MML Bridge Link).

Should Barnet Council resolve to grant permission Brent suggest that the following will need to be addressed.

- A mitigation package of £5million (figure suggested by Brent officers) index linked within the S106 to traffic management and parking in the affected areas of Brent.
- A Route Management and Servicing Strategy for the Waste Handling Facility and Rail Freight Facility.

- The design, operation and control issues of A5/Humber Road and A5/Dollis Hill Lane/Oxgate Gardens/MML Bridge Link.
- The junction design and, control and improvement works along the A5 for which it is joint highway authority.
- An A5 corridor study should be undertaken.
- An immediate review of the Final Bus Strategy.
- Brent become a full member of the proposed Transport Advisory group.

Comment: A response to this is contained in Appendix 4 to this report and a number of planning conditions and obligations are proposed to resolve many of their concerns, including the traffic implications in Brent and with the proposed waste handling facility and CHP/CCHP. It is considered that the sum proposed by Brent of £5 million to be secured through the S106 Agreement is not considered justified or reasonable in the context of the significant controls in place and mitigation measures proposed which will directly benefit Brent residents.

London Borough of Camden - Object

Camden Planning Committee considered the application on 2 April 2009 and **object** on the following grounds:

- Proposal relies too heavily on the private car and would lead to increase in traffic on Camden's roads. Undue attention to increasing capacity of road junctions and more attention should be given to public transport, walking and cycling. Likely to require S106 contribution to mitigate the impacts in Camden.
- Modal share to public transport would only rise significantly towards the end of the development. Applicant should be held to mode shift targets. TFL should be a signatory to the S106 to enforce.
- Camden would wish to be consulted on Reserved Matter applications which might affect their roads.
- Further information is required on impact on specific junctions and roads in Camden
- Precise impact of traffic associated with the rail freight facility and waste handling facility should be provided.
- Bus subsidy should be paid to TFL.
- Any increased likelihood of closure of Cricklewood Station is of concern and further detail is required in respect of loading to trains.
- More information is required to cover the likely volume of construction related vehicles that would pass through Camden.
- Impact on Kilburn Town Centre and Finchley Road/Swiss Cottage Town Centres and West Hampstead Town Centre should be evaluated.
- Proposals include an unacceptably low amount of affordable housing. A higher proportion of larger homes should be provided. Essential that

relevant amount of social infrastructure is provided to prevent impacts in Camden.

- Would like links from CHP to similar networks in Camden.

Comment: A response to the transport aspects of this objection is included in the Appendix 4 of this report.

As noted earlier, the LPA, after thorough examination and obtaining independent specialist retail advice, accepts the assessment and conclusions in the BXC 06 (Retail Report), which estimates that the impact in terms of comparison shopping would be -1.29% for Kilburn and -1.01% for Swiss Cottage. These levels of impact are considered small compared to the overall forecast in expenditure. In terms of convenience shopping the impact is also considered to be insignificant and would be focused on out of centre destinations rather than traditional town centres. The GLA have recently published their 2009 Comparison Needs Assessment which considers the impact of BXC, as well as other committed projects, on existing town centres. This suggests the impact on Kilburn of BXC will be 0.2% and a cumulative impact of other projects (as well as BXC) of 7.1%. The same low level of impact can be expected at West Hampstead and other nearby centres, these figures are regarded as acceptable levels of impact.

The amount of affordable housing has been subject to a viability assessment carried out by the Valuation Office on behalf of the GLA. A review mechanism is proposed to secure the maximum viable amount of affordable housing for each Phase or Sub-Phase. The impact on schools and community facilities has been assessed in the Environmental Statement and the LPA considers that appropriate mitigation is proposed. The possible link from the proposed CHP to other proposals in Camden is more appropriately explored at the detailed design stage.

North London Waste Authority

NLWA have an overall position of support for the application and are willing to work with the applicants. NLWA wrote in June 2008 with a number of concerns:

- Size of proposed waste handling facility is inadequate. The proposed site is too small to meet NLWA operational requirements and to meet the relevant London Plan and other policies. Application is not specific about the site area to be allocated for this facility.
- NLWA would prefer either freehold or 30 year plus lease.
- Number of detailed concerns about the layout including use of rail sidings, access and traffic routes.
- Disappointed that a bulky household waste facility is not included.
- Existing facility must not be closed until the new facility is completed.
- NLWA not in a position to commit to supplying a developer operated energy from waste facility with a minimum amount of fuel derived from North London municipal waste

The applicant and Barnet Council officers have met NLWA several times since June 2008 to resolve these issues. Officers are aware that the NLWA is undertaking a complex procurement process where new facilities, technology and site requirements have yet to be resolved. A further letter was received in May 2009 confirming that NLWA had reached broad agreement with the applicants.

- The applicant has demonstrated to NLWA that the site proposed in the planning application is sufficient to meet at least one option for replacing the existing site. The applicant has agreed to work with NLWA to secure a larger site. This may require a separate planning application.
- Some of the land required will need to be acquired through CPO. This carries a degree of uncertainty and risk that the Committee should be aware of.
- NLWA request that a planning condition is imposed to ensure that the existing Hendon transfer facility is not redeveloped until the new facility is completed and brought into use.

Comment: Should the Committee resolve to approve the application it is expected that a number of sites and properties will need to be acquired under CPO powers in order to enable development to take place. A planning condition will require the new Waste Handling and Recycling Facility to be in operation before the existing facility is closed.

Freight on Rail

Freight on Rail made comments in September 2008 and January 2009. The principal concern is that the Cricklewood site is the last remaining site in North London for a rail freight terminal and a rail connected waste transfer station with scope for expansion. They would like a firmer and earlier commitment to this facility from the applicant. They also have a number of detailed comments about the proposed facility and the planning background.

Comment: A response to this objection is included in the consultation Appendix 4. Planning conditions are proposed to secure the rail freight facility.

Greenwich Leisure (operators of the existing Hendon Leisure Centre)

Wish to be involved in any detailed design and relocation discussions for the leisure centre. Wish to be consulted about proposed co-location with the school

Cricklewood Millennium Green Trust

An objection was submitted in May 2008 into proposals to reduce the size of Cricklewood Millennium Green. The applicant has since met with the trust and the proposals have been amended to keep the Millennium Green at a comparable size.

Comment: The Cricklewood Millennium Green Trust have confirmed that all their concerns have been satisfactorily addressed and that they no longer object to the proposals.

Whitefield School

- Require clarification about number of students and the footprint of the school.
- As a sports college require capacity to stage large sporting events and require car and coach parking to support this.
- Clarification required on security, access, changing facilities and management in respect of the synthetic pitches.
- Need for a range of play areas.
- Further information needed on detailed aspects of the design and management of the new school.

Comment: This is an outline application and does not deal with the detailed design of the school. The parameter plans fix the site size and approximate location of the school. See Appendix 4 and the appraisal section of the report for detail.

Campaign for Better Transport

Object concerns expressed include:

- Over 29,000 extra vehicles will be attracted every day to Brent Cross.
- Better, fast and reliable public transport should be provided.
- Concerned that new Thameslink Station will lead to closure of existing Cricklewood and Hendon.
- Propose a new Brent Cross Railway linking all rail and tube routes to Brent Cross.

This proposal is supported by more than 240 standard letters and has been quoted in many more of the responses received.

Comment: A response to this proposal is included in Appendix 4 to this report but it should be noted that this is a strategic transport proposal and will require land not included within the boundaries of this planning application .

Barnet and Brent Cyclists

- All lifts and steps should be replaced on the cycle network.
- Train and Tube stations should allow cyclists to take bikes on trains and provide safe cycle parking
- Concern about the provision of the new train station late in the proposals.
- More cycle crossings of the A406 required.
- Completion of the London Cycle Network should be reflected in the proposals.
- Proposed new cycle routes should be fast, direct and safe and agreed with all the cycling interest groups.

- Development must be permeable for cyclists. Should consider using Space Syntax analysis.
- Too much money will be spent on improving roads that could be spent on sustainable transport.
- Suggest a number of possible routes to encourage cycling in north west London,
- Design for Staples Corner junction is unsatisfactory for cyclists.
- Scheme should be planned on the basis of no increase in motor traffic and the prioritisation of cycling walking and public transport.

Comment: A response to this objection is included in Appendix 4 to this report.

Brent Friends of the Earth

Concerns expressed in relation to:

- More detail required on the CHP and the application in general.
- Effect on traffic leading to pollution and congestion.
- Should preserve routes for light rail routes.
- Scale and appearance of the proposal.
- Impact on the surrounding area.
- Effect on nature conservation.
- Noise and Disturbance.
- Consultation and request the application be called in
- Scheme should aim to be zero carbon with profitability not an excuse
- Renewable energy and environmental sustainability targets are too low
- Should have applied for an Environment Permit for the Energy from Waste.

Comment: See Appendix 4 and the appraisal section of the report for a response.

Federation of Residents Associations in Barnet

Concerns expressed in relation to:

- Impact of such a major development on the wider community.
- Impact on other retail centres in Barnet.
- Transport and movement.
- Housing Proposals
- Impact on the natural environment.

Comment: See Appendix 4 and the appraisal section of the report for a response

Barnet Women's Design Group

- Request that an Inclusive Design Group is formed and that Barnet Women's Design Group are represented.

- Better public transport should be brought forward to the beginning of the development.
- Improvements to pedestrian routes into, from and around the site. All routes should have step free access.
- Affordable family sized housing is underprovided.
- There should be generous provision of open space, play facilities, accessible toilets with baby changing facilities and nursery facilities.

Comment: The first Phase will include public transport and pedestrian improvements. The second Phase will include step free access to Brent Cross Underground and Cricklewood Station as well as a substantially improved new Brent Cross Bus Station. Open space and play proposals are considered acceptable and the provision of family sized housing is also considered acceptable given the high density nature of this proposal.

Brent Terrace Residents Association.

- Not enough time to respond and inadequate consultation carried out by developers.
- Scheme is based on an old model that relies on the private car.
- Disappointed by loss of RTS - would like to see a direct rail link.
- LBB should demand tough restrictions on the car.
- Better cycle routes and secure parking and more incentives to cycle and to walk.
- Concerned about the environmental impact of the Spine Road and its use as a rat run. Should be terminated at the new bridge.
- Concerned that development will result in more parking in Brent Terrace.
- Concerned that the quality of Brent Terrace Park will be compromised, particularly by the Spine Road. Object to the name. The existing green triangles act as Brent Terrace Park.
- Object to plans to shrink the Millennium Green.
- Strongly resist the building on the Greens (green triangles).
- Object to the felling of trees and their replacement by other trees. All replacements must be mature or semi mature trees.
- The building on the sidings will have an adverse affect on existing wildlife.
- Blocks of flats and commercial properties to be built in view of Brent Terrace are out of scale and inappropriate.
- Cities evolve and grow over time - quickly built large schemes are usually seen as expensive mistakes.
- The large number of flats will cause a transient population - not settled families.
- Remaining Victorian architecture of the area should be retained. (Cricklewood station and Clitterhouse Farm).
- Fear loss of light, loss of privacy and overlooking from proposed buildings.

- Object to filling in of gaps in the terraces.
- Welcome the retention of the allotments and the creation of a Homezone.
- Concerned that Estate Management proposals will lead to no go zones and gated communities and remove democratic accountability.
Concerned that service charges for Brent Terrace may be introduced.
- Scheme should integrate with existing communities and bring benefits to them.
- Development should enable and encourage alternative smaller scale local commercial provision (farmers markets etc).
- Public and community focus of the development is unclear. Would like a community centre and smaller centres.
- Social infrastructure provision and health care provision must be adequate.
- Support the retention of Hendon Football Club.
- Housing should meet the Level Five of Code for Sustainable Homes.
- Concern about details of Energy from Waste facility.
- Consider the scheme should lead the way in green issues

Comment: See Appendix 4 for a response

Railway Terraces

- Traffic congestion and pollution is already at untenable levels
- Development will result in an unacceptable level of noise pollution.
- Rail freight proposal may result in dust pollution.
- Concerned about increased vibration from the railway.
- Believe scheme will damage the community and the environment.
- Without TA cannot assess whether public transport proposals are adequate.
- Proposals to improve Cricklewood station are minimal.
- Concerned that the new station will result in closure of existing station.
- New units will rely on mechanical ventilation - this is unacceptable.
- Roads will turn into wind tunnels.
- Proposal removes some of green space to the west of the railway tracks.
- Playground and sporting facilities for the schools are likely to be inadequate.
- Adverse effect on radio and TV coverage.
- Concerned that the geographical shift of development northwards will detract from the vibrant traditional centre of Cricklewood.
- The application should provide for a substantial and dedicated buffer zone between the new rail freight facility and the RT Conservation Area. This

should not include the Cricklewood Curve track and embankments and trains and road access to the facility should be from the north.

- Will the new schools be sufficient to cater for the increased population?
- Concerned about height of CHP chimney.
- Concerned that arrangements for policing may be inadequate.
- Concerned about loss of Clarefield Park and the impact on wildlife and ecosystems.
- Concerned about loss of Hendon Sports Centre.

Comment: See Appendix 4 for a response.

Dollis Hill Residents Association

Concerns expressed in relation to:

- Increase in traffic on the A5 with resulting queues and rat running on local roads.
- Concern about increase in traffic on Dollis Hill Lane.
- Inadequate response to impacts identified in traffic modelling.
- Exit from the Waste Handling Facility to the A5 not appropriate.
- Insufficient detail on the Waste Handling Facility and potential processes and emissions. Suggest alternative location.
- Wish to see details of emissions from proposed WHF and CHF and firm controls to respond to any possible environmental impacts.
- Train station should be brought forward earlier and crossing the A5 made easier.

Comment: The traffic aspects of this objection are covered in the response to the objection from Brent Council. The location of the WHF has been established through the Barnet UDP and the Development Framework and the reason for its location on the west of the Midland Mainline is explained in the transport section of this report. Further detail on the facility is provided in the appraisal section of this report. A detailed application will be required for this facility in due course and both the WHF and CHP will be subject to separate permitting procedures under Pollution Control legislation. The requirement for the train station is particularly linked to delivery of the office development that is anticipated in the later phases of the development. Other public transport improvements are included in the earlier phases.

West Hampstead Amenity and Transport

- Welcome the priority to public transport and bus lanes in the proposal.
- More should be done to encourage use of Brent Cross Underground Station.
- Should be no uncertainty about the provision of the new train station.

- Stress the importance of retaining Cricklewood Station
- Support the limits on car parking and car parking charges.

Comment: See Appendix 4 for a response

UK Waste Incineration Network

An outline application is not appropriate for the energy from waste element of the proposal.

Comment: The Revised Environmental Statement fulfils the requirements of the the EIA Regulations as interpreted in the two Rochdale judgments and in other relevant cases. If, at the detailed design stage, proposals are brought forward that fall outside these parameters, the proposals will need to be screened to check whether a further environmental assessment, or whether a new planning application is necessary.

Barnet Green Party

- The plans should be rejected unless the development is to be carbon neutral.
- The extension of Brent Cross Shopping Centre would harm other local centres. Contributions should be made to the improvement of other centres.
- There should be a direct rail link to the expanded shopping centre.
- Pedestrian and cycle access from the surrounding area should be improved.
- Parks and open spaces should be laid out first and the upgrade of the River Brent should be beneficial to local people and to wildlife.

Comment: See Appendix 4 for a response.

Mapesbury Residents Association:

Concerned about the impact on Cricklewood, Willesden Green, Kilburn and Mapesbury. Would like the application called in. Particular concerns:

- Impact on Cricklewood Broadway. As the border of three boroughs there is no cohesive policy. Proposal will take business away from the Broadway. Barnet should protect the Broadway and spend S106 money there.
- Transport. Development will only make traffic heavier. Will create problems for buses. No consideration of sustainable alternatives to driving. New Thameslink station will not help and would prefer money to be spent on light-rail. Concerned that Cricklewood Station will close

Comment: See Appendix 4 for response.

8.9 Adjoining landowners and businesses

Bestway

The site of the Bestway cash and carry warehouse is the proposed site for the Waste Handling Facility. Bestway have **objected** to the application in May and December 2008 and April 2009. A further letter summarising their objection was received in May 2009:

- No justification as to why the Bestway site is the most appropriate and suitable location for WHF.
- Application is not 'comprehensive' as does not include some sites included in the SPG e.g. Parcellforce, West Hendon.
- Allocation of site in UDP is flawed.
- Proposed site for WHF is larger than that included in the UDP - so the application is a departure.
- No investigation of alternative sites has taken place.
- The site is too small and the traffic and environmental implications will be unacceptable
- Insufficient detail has been supplied in relation to the operation and process of the waste handling facility. Floorspace and capacity figures are inconsistent/inaccurate.
- Application is premature in advance of the North London Waste Plan.
- Lack of clarity in respect of hours of operation and whether industrial or commercial waste will be handled.
- Ambiguity in terms and no residential recycling facility has been included.
- The A5 Humber Road junction has been inaccurately modelled and layout is inappropriate. Staff trip generation is unrealistic.

Comment: Appendix 4 contains a detailed response to this objection. It should be noted that the site is identified in both the UDP and the Development Framework as the appropriate location for a Waste Handling Facility. The North London Waste Plan (NLWP) Preferred Options report was approved by the London Borough of Barnet Cabinet on 1 September 2009 for public consultation. This public consultation will be carried out in the autumn of 2009. The site at Edgware Road/Geron Way (occupied by the Bestway cash and carry warehouse) was identified as a potential waste management site in Schedule C. The NLWP identifies a number of sites in Schedule C and it anticipates that all of the sites that appear in Schedule C of the adopted NLWP are likely to be required. The location of this facility to the west of the railway line away from the heart of the new town centre represents the appropriate location of the facility for both operational (rail related) and masterplanning reasons. A larger site is required (than the existing Hendon Transfer Station) for the more complicated mix of technologies required for the Waste Handling Facility and there is a need for the new facility to be fully operational before the existing Waste Transfer Station closes.

John Lewis

Support principle of regeneration but initially objected to the proposal due to:

- Lack of detail and inadequacy of information and specific proposals relating to the JLP premises.
- Proposals include the redevelopment and relocation of the JLP store. Details of the proposed site are not in the documents submitted.
- Highways impacts during and following the development.
- Concerns over the reduction of car parking relative to the quantum of floorspace

Comment: A further letter was received from the John Lewis Partnership in May 2009 removing their objection.

Toy R Us

Object:

- Flagship store which has recently been refurbished.
- No mention of role of Toys R Us in the area as a local employer and the support given to LBB over the last 20 years.
- Unique and prestigious location.

A further letter was received in May 2009. This expressed concern as to the consideration of alternatives in the ES and confirmed that Toy R Us remain interested in considering how the existing store could be incorporated into the proposal. Toy R Us maintain their strong objection.

Comment: The ES identified that current employment is approximately 5,400 and this will rise to 30,700 on completion of the development. The Consideration of Alternatives in the ES is considered adequate, having due regard to the existing London Plan and local planning policy which supports the comprehensive redevelopment of the area. See Appendix 4.

Holiday Inn

Object:

- Although detailed plans are not yet available the parameter plans suggest that part of the Holiday Inn site (including part of its car park) is required for the new road layout. This will prejudice the use of the hotel as car parking is critical to the operation of the hotel.
- Extended construction programme will disrupt the operations of the hotel.

Comment: Only outline permission is sought for roads in the vicinity of the Holiday Inn. See Appendix 4.

Lidl

Lidl occupies a part of the proposed site of the Rail Freight Facility. **Object:**

- Lidl extended their store in 2005 and it has one of the highest turnovers of all Lidl's UK stores.
- TA does not contain an assessment of track capacity in relation to freight movements.
- No analysis of rail freight capacity in the north west London area.
- No assessment of need for the rail freight facility has been undertaken
- Inadequate information on traffic generated by the rail freight facility.
- Site is not of a sufficient size to accommodate a strategically significant facility.
- Inter-relationship between the rail freight facility and rest of development is unclear.

Comment: The application proposals will involve the loss of an existing rail freight facility and policy C7 of the UDP seeks to secure its replacement. The absence of a committed operator and full details of the facility is not considered unusual at this early stage of the development. The proposed Rail Freight Facility is in Phase 4. See Appendix 4 and appraisals section of the report.

Quintain (Wembley)

Submitted comments in May, June and December 2008 and January, February and April 2009. For a full summary of comments submitted please see Appendix 4:

Object:

- Failure of retail report to assess need, scale and impact of retail proposed.
- Retail in excess of UDP.
- Incorrect catchment areas applied.
- Lack of assessment of impact on Wembley.
- Unrealistic highways assumptions that have been adopted.
- Inadequate provision of affordable housing.
- Inadequate commitments to renewable energy and sustainability.
- Inadequacies in the approach to environmental impact assessment.
- Inadequate assessment by the GLA in the Stage 1 report of the retail aspects of the proposals. Including need, scale, sequential testing and impact.
- Criticism of the LBB commissioned audit into the BXC Retail Report.

Comment: A response to the transport aspects of this objection is included in the Appendix 4 of this report. A response to the retail objection is also included in Appendix 4. It should be noted that the retail element of this planning application is fully supported by an adopted planning retail policy framework and a robust retail impact assessment which has fully assessed need, scale and impact of the retail proposals has been submitted and has been assessed by the Council and found adequate.

9. PLANNING APPRAISAL

9.1 The Principle of Development

The BXC scheme has been planned for nearly 10 years and is underpinned by a robust planning policy framework. This outline application is the next stage in the development of the BXC vision and has undergone thorough and detailed assessment. The application now before the Committee is the largest and most important ever to be considered by Barnet Council and represents an enormous contribution to the local economy with the creation of over 25,000 new jobs and 7,550 new homes around a new metropolitan scale town centre.

The principle of the comprehensive regeneration of the Brent Cross Cricklewood area is supported by local and London wide planning policy. The area is designated as an Opportunity Area in the London Plan where it is anticipated and expected that substantial new housing and employment will be provided. Chapter 12 of the London Borough of Barnet UDP (May 2006) contains specific policies in support of this approach. The Cricklewood, Brent Cross and West Hendon Regeneration Area Development Framework SPG provides detailed guidance as to what will be acceptable to support this regeneration in terms of land uses, design principles and housing densities.

It is considered that the proposals contained in this application will deliver the comprehensive regeneration of the area and the establishment of a new sustainable town centre for Barnet and North London in accordance with local and regional planning policy.

9.2 Consideration of Alternatives

The 1999 Regulations require that an Environmental Statement includes an outline of the main alternatives studied by the applicants for the use of the site and an indication of the main reasons for their choice, taking into account environmental effects. Chapter 3 of the Revised Environmental Statement deals with the alternatives that the applicants have considered. It considers the likely evolution of the site without the proposals and the alternatives that were considered for specific site uses. The Council considers that the information as to alternatives considered by the applicants is sufficient to satisfy the requirement in the EIA regulations.

The Revised Environmental Statement considers that in the absence of a comprehensive approach landowners would make piecemeal applications for a mix of uncoordinated and poorly planned land uses over a number of years. This approach would be unlikely to achieve the comprehensive regeneration of the

area and the establishment of a new town centre for Barnet in line with current planning policy, nor secure the step change in infrastructure investment required to unlock the potential of the regeneration area and achieve sustainable development.

The Waste Handling Facility and the Combined Heat and Power facility and the school locations have been subject to specific consideration. It is concluded that the sites identified in the planning application are the most appropriate.

9.3 Delivery of a new Town Centre

Key Planning Policy

The creation of a new mixed use town centre for Barnet at Brent Cross Cricklewood is supported in both the London Plan and the Barnet UDP.

Paragraph 5.42 of the London Plan specifically identifies the nature of development envisaged at BXC as a town centre:

“The planning framework seeks the redevelopment of Brent Cross as a town centre complementing the roles of other centres nearby. This would entail an extended mix of town centre activities beyond retail including housing.”

The identification of BXC as a town centre is reflected in strategic UDP Policy GCrick 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.”

The Development Framework (December 2005) establishes a series of strategic principles for the redevelopment of the area to create a new town centre, the overall vision for which is stated as:

‘To create a new gateway for London and a vibrant urban area for Barnet’.

Policy C1 of the UDP refers to the need for comprehensive redevelopment. Policy C6 indicates that the Council will support additional retail development at Brent Cross as part of a new town centre extending north and south of the A406

North Circular Road and sets out clear requirements in respect of this new town centre as detailed below.

Paragraph 12.3.16 also states that the Council expects the redevelopment of Brent Cross to produce a town centre, spanning the A406 North Circular Road, sustaining a viable evening economy and serving a catchment area wider than the borough. The key components of the new town centre are identified within Policy C6 which lists the criteria that need to be met in creating a new town centre which extends north and south of the A406.

- i. “The scale of new comparison retail floorspace falling within the identified requirement of 55,000 square metres; and**
- ii. The provision of a broad range of uses, to include homes, business units, leisure services, entertainment facilities, restaurants, hotels, community facilities and open space, in a pedestrian-friendly environment; and**
- iii. The provision of significant public transport improvements; and**
- iv. The provision of enhanced pedestrian and cycling links to the surrounding areas; and**
- v. Significant improvements to the setting and environment of the centre; and**
- vi. Measures to encourage residents, shoppers and employees to access the town centre by means other than the private car; and**
- vii. Floorspace within the primary frontage, as defined on the Proposals Map, being for predominantly class A1 uses; and**
- viii. Any proposal for retail floorspace in addition to that stipulated in Condition i above will need to be assessed against the tests contained in PPS6, other policies in this UDP, and any overall limits for the scale of convenience retail floorspace that are supported by the results of a retail impact assessment.”**

This planning application relates to proposals for the redevelopment of BXC, including the establishment of a new mixed use town centre which will fulfil the above criteria, and is therefore, in this respect, a direct response to regional and local planning policy.

Proposal

The BXC planning application will deliver a new town centre for Barnet in accordance with planning policy in this respect. The proposal includes the extension and conversion of the existing 'out of centre' Brent Cross Shopping Centre into an outward-facing heart of the new town centre which will extend across the A406 North Circular Road and will be well-integrated to the rest of the site and the wider surrounding area by virtue of the new and improved transport infrastructure to be provided by the scheme as well as the service improvements on public transport which will be largely funded and facilitated by the developers. This is discussed in the Planning Statement BXC4 (paragraph 7.52 on), submitted by the applicants, and a summary table from that document is extracted below in an amended form to reflect the views of officers as to the compliance of the development proposals with the criteria contained in this policy.

Policy C6 Criteria. Source: BXC04 Planning Statement but amended by LBB.

Policy C6 Criteria	Response
i. New comparison retail at 55,000 sq.m	The net additional increase of comparison retail floorspace north of the A406 is up to 55,000m ² , in accordance with this UDP criterion.
ii. The provision of a broad range of uses	The proposed Zonal Floorspace Schedule contains a broad mix of proposed uses within the new town centre and in the majority of zones across the site, particularly those along the High Street i.e. Brent Cross East and Market Quarter, and the Eastern Lands. This would appear to fulfil the requirements of this criterion.
iii. Provision of public transport improvements	The proposed development will incorporate an enhanced and improved Brent Cross bus station, a new railway station and interchange, as well as improvements to Brent Cross London Underground and Cricklewood stations. Furthermore, enhanced bus services (including then Rapid Transit Service and improvements to the wider bus service network which will be subsidised under the Consolidated Transport Fund) will link all 4 of these facilities and integrate the new town centre with the wider community and surrounding areas. This would appear to fulfil the requirements of this criterion.
iv. Pedestrian and cycle links	The parameters and principles that will apply to the development will ensure that it creates a network of pedestrian routes and cycleways which will link the new town centre to the rest of the site and to the surrounding area, as shown on Parameter Plan 003 and provided for under the planning conditions and obligations relating to the Area Wide Walking and Cycling Study. This would appear to fulfil the requirements of this criterion.
v. Significant improvements to the setting and environment of the centre	As demonstrated in the Design and Access Statement (including the Design Guidelines appended to it), Brent Cross Shopping Centre will be converted to an

	<p>outward looking facility, primarily through the reconfiguration of the units in and around the northern part of the site and the creation of a new High Street extending over the new Tempelhof Bridge to the southern part of the town centre. The existing Shopping Centre will retain its primarily retail focus, with the High Street incorporating a broader mix of uses, particularly adjacent to the re-aligned River Brent and adjacent to the new Tempelhof Bridge. The Brent Cross West Zone will include primarily high density residential uses and there will also be the introduction of some residential used in the Brent Cross East Zone. South of the A406 there will be a wide range of town centre uses (such as schools, library, medical uses and ancillary services). This would appear to fulfil the requirements of this criterion.</p>
<p>vi. Measures to encourage residents, shoppers and employees to access the centre by means other than the private car</p>	<p>The proposed development will incorporate a range of public transport improvements (including those discussed in criteria 3 above) and an effective route network to facilitate walking and cycling. Furthermore a Framework Travel Plan is submitted with the application and will be updated in accordance with the planning conditions, to ensure that sustainable travel modes are encouraged and required to be provided for in the construction and operation of the development. These matters are also underpinned in the proposed planning conditions and planning obligations. This would appear to fulfil the requirements of this criterion.</p>
<p>vii. Floorspace within the Primary frontage as defined on the proposals map being predominantly Class A1 uses</p>	<p>The proposed planning conditions by reference to Parameter Plans 004 and 005 and the Zonal Floorspace Schedule, will ensure that ground floor uses within the Brent Cross East Zone and in other parts of the new town centre will include an appropriate balance of town centre uses including primarily Class A1 retail floorspace and (as stated earlier) the existing Brent Cross shopping centre will retain its retail focus. This would appear to fulfil the requirements of this criterion.</p>
<p>viii. Any proposal for retail floorspace (in addition to criteria 1 above) will need to be assessed against the tests contained in PPS6, other policies in this UDP and any overall limits for the scale of convenience and retail floorspace that are supported by the results of a retail impact assessment</p>	<p>The application submission is supported by a Retail Report which justifies the Class A1 convenience retail floorspace as well as the Class A1 comparison element of the neighbourhood floorspace south of A406. As indicated earlier, the officers have carefully reviewed this Retail Report and have taken specialist retail advice on its conclusions and are satisfied that it is essentially sound. This would appear to fulfil the requirements of this criterion.</p>

This Table presents a reasonable summary of the planning position. The proposals meet the criteria set out in UDP Policy C6 and that a new town centre with a full range of uses and improved public transport access will be established on the basis of the redevelopment proposed in the BXC application.

The proposal will significantly change the appearance and the range of uses to be found in the Brent Cross Shopping Centre. A new John Lewis store, a new

town square that opens up to the realigned River Brent, a new high street with residential uses above, a new bus station and hotel and leisure use will all be provided on the north side. On the south side a new 'urban quarter' will be created and the existing low rise retail units will be replaced by mixed use blocks which will contain substantial new residential communities. A new train station will be provided in the later phases of the scheme and new parks and improved parks will be provided with cycle and pedestrian links into the existing residential areas. The new town centre anticipated by policy C6 of the UDP and paragraph 5.42 of the London Plan will be established.

Delivery

The UDP acknowledges that the town centre will be delivered over a period of at least 15 years, and requires that the overall regeneration proposals should contain mechanisms to ensure appropriate infrastructure, facilities and services are provided in order to support subsequent development (Policy C11). The explanatory text specifically refers to the Development Framework in this connection.

The Development Framework recognises that the proposed development is to be delivered in phases and contains illustrations as to how the development could proceed in four key phases. It notes on Page 72 that the implementation of the proposals for BXC will depend on a number of factors including land ownership, viability, phasing and delivery. The document notes that the phasing of the scheme is yet to be refined, but nevertheless identifies an indicative approach by reference to four key milestones. The proposed Phasing and Programming parameters and principles incorporated into the BXC application (particularly in terms of the Indicative Construction Programme, the Indicative Phasing Parameter Plan (029) and the triggers and thresholds set out in Appendix 7 to the RDSF) are considered by officers to provide a robust framework of control which accords with the general principles set out in UDP policy C11 and the Development Framework.

As mentioned earlier, the proposed planning conditions and Section 106 Agreement carefully address the important issue of implementation of the proposed development in order to ensure that the Council has proper control over variations in the phasing and/or programming of critical infrastructure whilst allowing reasonable flexibility to enable the developers to respond to relevant circumstances and opportunities relating to the delivery of the scheme.

The applicants have identified a first phase of development which is shown on Parameter Plan 019 (Primary Development Package). This represents a substantial start in the creation of the proposed new town centre and provides a

substantial platform from which the remaining phases of comprehensive development can proceed. It proposes retail development both north and south of the North Circular Road linked by a new bridge for vehicles (including public transport) cyclists and pedestrians. It includes new residential units, two new town squares (Brent Cross Main Square (M3) and Market Square (M2) as well as new urban squares at Brent Cross LUL Station and Cricklewood Railway Station and phased improvements to Claremont Park and Clitterhouse Playing Fields. This phase will include a new and expanded Claremont Primary School (to be constructed alongside the existing school buildings which will continue to operate until the new school is built), as well as improvements to the pedestrian and cycling network as well as a number of transport related improvements.

The first phase will provide a significant change in the character of the Brent Cross Cricklewood area. It will begin the transformation from a car based 'out of town' retail shopping centre characterised by large areas of surface level car parking and low rise retail units and warehouses into a new town centre. The new John Lewis store (on plot 101) and improved retail offer will help retain Brent Cross's prominent role in the local economy. The first phase will create civic spaces on the north and south sides and mixed use blocks will bring life to the area outside of business hours. A start will be made on the creation of the River Brent riverside park and the creation of the new River Brent Nature Park (NP4). The improved pedestrian and cycling links will make this an accessible location for other than car based visitors.

It is considered that the first elements of a new town centre will be delivered in Phase 1. This will begin the transformation of BXSC from an inward facing shopping centre to a new town centre containing an appropriate range of uses on both sides of the A406 including the creation of the first element of the external pedestrian high street to the west of the shopping centre.

Other phases (as described earlier in this report) will continue the regeneration process until the new town centre and its regenerated hinterland is fully completed. The applicants wish to ensure that the delivery obligations that they accept are realistic and achievable. It is considered that the proposed framework of control in relation to implementation and delivery will provide a robust framework to ensure (insofar as is reasonably practicable in a scheme of this scale and complexity) that the proposed development will be effectively delivered in Phases and that the necessary physical and social infrastructure and environmental improvements will be provided in time to meet the needs created by the new development, so as to satisfy policy requirements and achieve comprehensive regeneration across the whole site. These arrangements are set out more fully in the draft planning conditions and the Heads of Terms for the Section 106 agreement.

Conclusion

The proposed development, if permitted on the basis of the planning conditions and S106 planning obligations recommended by the officers, will help to deliver a sustainable new town centre that is highly accessible and integrated with the rest of the site and the surrounding area and will, through the range and diversity of the facilities offered, complement the role of other centres nearby in the hierarchy of centres. The development will provide a very full range of key town centre activities including retail, housing, leisure, community, social and educational facilities. It will become a focus for the new and existing communities and will encourage sustainable transport choices. Phase 1 represents a substantial start to this process and other phases will be controlled and encouraged so as to deliver the comprehensive regeneration required by relevant planning policies.

9.4. Retail

Policy Background

The application proposals have been evaluated against the policy background established by the London Plan Consolidated with Alterations since 2004 (February 2008) and the Barnet Unitary Development Plan (May 2006) together with the more detailed guidance for the regeneration of the area provided by the Cricklewood, Brent Cross and West Hendon Regeneration Area Development Framework (December 2005).

Officers have taken into account the recently issued DCLG consultation draft PPS4 (May 2009) into account in preparing this report and in particular emerging policies EC18, EC19, EC20 and EC21 in that consultation document. However, in view of the recently saved UDP policies and the recently published London Plan Policies, it is considered that these policies are consistent with the emerging policy in the consultation PPS4 and no further specific analysis against the emerging policy guidance is required in this report. Emerging policy EC24 has been taken into account in formulating the planning conditions needed in relation to the retail elements in the proposed development.

Officers have examined carefully the applicants Retail Report and have taken specialist retail advice before coming to the conclusion that the methodology and conclusions in that Retail Report are robust and essentially sound and have largely based this appraisal on it. In doing so, they have also considered carefully (in the light of specialist advice) the representations made by some objectors as to perceived shortcomings in the Retail Report and have concluded nevertheless that the approach and conclusions in the applicants' Retail Report are essentially sound.

Both the London Plan and the Barnet UDP identify BXC as a major Opportunity Area. There is specific policy support for the creation of a new town centre spanning the North Circular Road at Brent Cross as part of a package of regeneration proposals. As noted earlier in this report, Policy C6 of the Barnet UDP states that:

"The Council will support additional retail development at Brent Cross as part of a new town centre extending north and south of the North Circular Road (A406) subject to:

1) The scale of new comparison retail floorspace falling within the identified requirement of 55,000m² ...

8) any proposal for retail floorspace (in addition to criterion 1 above) will need to be assessed against the tests contained in PPS6, other policies in this UDP, and any overall limits for the scale of convenience retail floorspace that are supported by the results of a retail impact assessment."

The UDP policy was based on an assessment of comparison goods potential contained in the North West London Retail Study (NWLRS). This study was jointly commissioned by the London Borough of Barnet, the Greater London Authority and principal landowners within the BXC regeneration area. The report assessed the need (capacity) for new retail floorspace at Brent Cross to 2011 and the impact on surrounding town centres. The study primarily focused upon comparison retail floorspace need. The NWLRS satisfied the requirement of the London Plan for a retail study to inform the scale of development at BXC and it underpinned the amount of comparison retail floorspace identified within the Development Framework and UDP policy.

The NWLRS examined issues of need and capacity only up to 2011, concluding that by 2011 capacity existed in the wider study area for 172,000 m² net of comparison floorspace. Officers accept the conclusion in the applicants' Retail Report that it is therefore reasonable to expect that over the life of the BXC development (with a completion forecast in 2026) additional expenditure generation (through increases in population and expenditure per head) will translate into an additional retail floorspace need, even given the current economic climate.

The NWLRS demonstrated the sufficiency of locally available retail expenditure (arising from within a 20 minute drive time) to support at least an additional 55,000m² gross new comparison goods floorspace as part of the proposals for the BXC regeneration area. The use of a 20 minute drive time is considered to be conservative. The latest visitor surveys demonstrate that a considerable proportion of Brent Cross shoppers travel from beyond the 20 minute drive time identified by the NWLRS. The purposes of calculating retail capacity using a 20 minute drive time, has the effect of limiting the calculated level of capacity for new floorspace. Similarly, the use of the 20 minute catchment for the impact assessment has the effect of artificially concentrating the impact of the proposals. In respect of both capacity and impact, therefore, a conservative approach has been taken.

The NWLRS confirms an identified need in the wider study area for 172,000m² net comparison floorspace in the period 2003-2011, after allowing for all existing retail floorspace to grow at 1.5% per annum in real terms. The figure of 55,000m² at Brent Cross was tested as an input to the NWLRS as it was the

figure already suggested in the BXC Development Framework. It was not the whole of the available capacity which was substantially greater. The figure was confirmed as acceptable for Brent Cross Cricklewood on the following basis:

- Growth was only projected to 2011, despite the much longer timeframe for the BXC development;
- No account was taken of very high levels of over trading already experienced at Brent Cross, which would themselves have justified substantial additional floorspace;
- No account was taken of the need generated by the expectation that Brent Cross would continue to draw trade beyond the immediate catchment area;
- The NWLRS found that commitments and physical capacity in other centres would not be sufficient to met the full scale of identified need, even allowing for the 55,000m² at Brent Cross.

The NWLRS projected a turnover for 55,000m² of comparison goods floorspace at Brent Cross of approximately £270 million at 2011 compared with a total identified surplus of expenditure of more than £1.7 billion. The study noted that Brent Cross was an appropriate and sustainable location at which to focus additional comparison floorspace, not least because:

- It fulfilled an important role in North West London where there was currently a significant gap in the balance of large centres;
- Given the scale of need in the area, the lack of growth at Brent Cross would have unsustainable consequences for longer journeys to more distant locations;

Paragraph 10.10 of the NWLRS concludes:

"The provision of circa 55,000m² gross of additional comparison shopping floorspace at Brent Cross/Cricklewood by 2011 is consistent with the capacity arising within the inner catchment area, and provides the 'best fit' between identified retail needs and development opportunities within the wider study area. This strategy, allied to planning improvements in neighbouring centres, offers the greatest potential to achieve more sustainable shopping patterns and maximise its contribution which identified key regeneration areas are able to make to meeting identified retail needs."

The Development Framework identifies a requirement for a foodstore as part of town centre south and the NWLRS identifies a substantial need for convenience floorspace, concluding (paragraph 9.46):

"It is difficult to determine precisely the scale of local convenience, services and other 'local' shopping needs arising as a consequence of the Development Framework based on these projections. However, our estimates indicated significant additional local convenience and other associated A1/2/3 floorspace will be required to support the wider needs of the new residential and business population."

This was reflected in the Barnet UDP in criteria 8 of Policy C6 which requires comparison retail floorspace above the stipulated 55,000m² figure and convenience retail floorspace to be assessed against the other policies of the UDP and the tests contained within PPS6.

The Development Framework proposes approximately 20,000m² convenience floorspace (Page 28 refers). The Framework identifies the need for a new foodstore as part of town centre south, and specifically in the Eastern Lands, stating (Page 67):

"This area will also include a new foodstore. The scale of the foodstore will be dependent upon a retail impact study for convenience floorspace."

The *Town Centres Floorspace Needs Assessment (April 2009)* by GVA Grimley commissioned by the London Borough of Barnet confirms that the level of retail floorspace proposed for Brent Cross Cricklewood is appropriate:

"We have identified more than sufficient capacity to support the comparison goods proposals on the basis of existing market shares and it is likely that the new town centre will enhance market share, clawing back trade currently lost to other destinations.....Although the convenience goods performance is not as strong, the market share will increase with all the new development such that this floorspace will be supported."(page 116)

The GLA recently published an updated Comparison Retail Needs Assessment which will contribute directly to the replacement London Plan's evidence base. The document identifies Brent Cross as a committed major development and suggests that at 2006 it will provide an additional 79,471m² of comparison floorspace. The document considers the impact of Brent Cross and notes the greatest impact, although relatively low, upon Queensway/Westbourne Grove (4.9%), followed by Angel (4.2%) and Edgware (4%). The impact on Wembley is estimated to be only 0.5% and cumulatively taking account of other major development scheme, the impact on Wembley raises marginally to 1.6%.

Retail Proposals

Retail proposals set out in the application may be summarised as follows:

- Provision of up to 110,927 sq m (GEA) gross new retail floorspace (Use Classes A1, A2, A3, A4 and A5) including replacement of existing floorspace which is to be demolished.
- Demolition of 35,262 sq m (GEA) including the existing Tesco, Lidl, Toys R Us, Brent South Shopping Park and reconfiguring 6,545 sq m of the existing floorspace contained within Brent Cross Shopping Centre.
- Net increase of 42,973 sq m comparison retail (60,766 sq m until demolition of Brent South Shopping Park), 11,354 sq m convenience retail, and 11,150 sq m of Other Retail – Class A2-A5 (new retail floorspace, minus demolished retail floorspace)
- 78,133 sq m gross new retail floorspace to the north of A406 comprising:
 - 61,545 sq m comparison floorspace (equating to 55,000 sq m net additional floorspace accounting for the 6,545 sq m existing floorspace demolished in Brent Cross Shopping Centre
 - 5,866 sq m convenience floorspace
 - 10,722 sq m class A2-25 including financial and professional services, restaurants, bars, cafes and nightclubs
- 32,794 sq m gross new retail floorspace to the south of A406 comprising:
 - 19,509 new Tesco store comprising:
 - 11,720 sq m gross sales area with a maximum of 6,446 sq m comparison retail and 5,247 sq m convenience retail;
 - 7,789 sq m for ancillary facilities including plant, machinery and warehousing.
 - 13,284 sq additional retail floorspace (to be evenly split between Comparison, Convenience and Class A2-A5 uses.

Retail Mix

A new Town Centre High Street

The application proposals involve the creation of a new 'High Street' to the north and south of the North Circular Road linked by a new bridge. The High Street will be modelled on traditional shopping streets and will include a diverse mix of town centre uses including shops selling a range of convenience and comparison

goods together with other neighbourhood and service uses and food and drink establishments.

Town Centre North

The application proposals comprise a net addition of 55,000m² gross comparison retail floorspace as part of town centre north which is equivalent to the quantum established by the adopted UDP. Comparison floorspace to the North will feature up to 61,545 sq m of new floorspace with 6,545 sq m of existing floorspace within Brent Cross Shopping Centre to be decommissioned.

The proposals provide an opportunity to radically reconfigure the existing floorspace comprised within Brent Cross Shopping Centre with the aim of creating a new externally facing High Street adjacent to the centre. A major new feature to be developed within the first phase of development will be the provision of a new store for the John Lewis Partnership on Plot 101, which is outside the existing shopping centre and to the west of their existing premises. The floorspace of this new store will be restricted to the same floorspace as the existing store.

The existing JLP store will be sub-divided to form a series of smaller unit shops, reflecting the character of the existing centre and the existing fourth floor will no longer be used for retail purposes reflecting the remainder of the shopping centre which is three storeys. The Council will impose a planning condition to ensure this takes place.

The creation of a new circulation mall through the existing JLP store to serve the smaller units also results in a loss of existing retail floorspace. The overall effect of reconfiguration will result in the loss of 6,545m² of existing floorspace.

The application proposals seek to re-provide this floorspace elsewhere as part of the proposals for Brent Cross East Development Zone. Therefore, the proposals seek permission for 61,545m² gross comparison goods retail floorspace within Brent Cross East, the net increase is however limited to 55,000m² gross i.e. consistent with the development plan requirement for high order comparison goods.

Accordingly, this element of the application proposals accords with the provisions of an up to date development plan and consequently, in terms of the guidance provided in PPS6 (paras 3.8 and 3.13), should not be required to be tested in relation of retail need or the sequential test etc. Nevertheless, these issues are examined within the Retail Report (BXC6) submitted with the planning application.

Town Centre South

A new Tesco Extra store (11,720m² gross trading area) will be an integral part of the proposals for town centre south. The replacement Tesco store will sell an extensive range of convenience goods and an enhanced comparison goods offer including clothing, electrical and homeware. The store will help to meet a growing local need arising from the established community and the resulting rise in both the residential and working population generated directly by these and other proposals. The proposed Tesco will be offset by the closure and demolition of the existing Tesco store – thus replacing an out of centre store with a store fully integrated into the sustainable new town centre. The convenience floorspace for Tesco will increase from 3,247 m² in the existing store to 5,274 m² in the proposed new store. The existing foodstore will close and be demolished when the new store opens in accordance with the terms of the proposed planning conditions and obligations.

The new store will anchor the retail offer of town centre south and stimulate retail attraction and footfall around Market Quarter. It will have an active frontage onto Market Square, which is the proposed focus of the new town centre south. This is intended to encourage linked shopping trips within the wider town centre retail provision, combining food shopping with other activities and assist in providing activity between Tesco in the South and the High Street North. Tesco will include a new car park that will function as a town centre wide facility.

Aside from the proposed replacement Tesco foodstore a number of smaller unit shops are proposed to provide for a greater mix of retail uses (Use Classes A1-A5). Because of the need to let the smaller unit shops on the open market the application is not precise about the ratio of floorspace to be used for the sale of comparison/convenience goods or other uses (within the total of 13,284m² gross floorspace - Use Classes A1-A5 proposed for town centre south). This mixed nature of the retail component of the application is anticipated by the NWLRS.

To facilitate development to the south of the A406 the following existing retail floorspace will be demolished:

- Tesco (5,313m²)
- Toys R Us (4,229 m²)
- Brent Cross South Shopping Park (17,802m²)
- Lidl (1,372m²)

Appendix 6 of the Revised Retail Report (BXC06) has regard to specific turnover potential of Toys R Us and Tesco which are off set against any new floorspace. Lidl is excluded as it is not proposed for redevelopment until post 2012.

The existing Brent South Shopping Park will also be demolished as part of the scheme. This is a longer term proposal expected to take place in the final Phase (circa 2026). As a worst case scenario, the Park's prolonged retention would mean an increased interim floorspace need for 60,779sqm gross comparison floorspace i.e. 5,776sqm gross in excess of the 55,000sqm that is directly established by development plan policy. The LPA will seek to ensure the redevelopment of the Brent South Shopping Park to form part of the wider comprehensive town centre as soon as is practicable.

Retail Floorspace

The table below provides detail of the type and overall quantum of retail floorspace (gross) that will form the new town centre, including the distribution across each Development Zone (as shown on Parameter Plan 001 of the RDSF).

(Source: BXC06 Revised Retail Report)

Type of Floorspace	Floorspace by Location (m ² gross external area**)							Floorspace by type (m ² gross)		
	Market Quarter	Station Quarter	Eastern Lands	Brent Terrace	Cricklewood Lane	Brent Cross	Total	Comparison (Class A1)	Convenience (Class A1)	Other Retail (Class A2-A5)
Proposed Retail Floorspace North of the North Circular Road										
Comparison (Class A1)						61,545*	61,545*	61,545		
Convenience (Class A1)						5,866	5,866		5,866	
Class A2-A5						10,722	10,722			10,722
Sub-Total						78,133	78,133	61,545	5,866	10,722
Proposed Retail Floorspace South of the North Circular Road										
Tesco Extra (Class A1)			19,509				19,509	6,446	5,274	
Other Retail (Classes A1 - A5)	6,735	4,645	929	372	604		13,285	4,428	4,428	4,428
Sub-Total	6,735	4,645	20,438	372	604		32,794	10,874	9,702	4,428
Total Proposed	6,735	4,645	20,438	372	604	78,133	110,927	72,419	15,568	15,150
Existing Retail Floorspace to be Demolished/De-Commissioned										
Tesco			5,313				5,313	464	3,247	
Toys R Us			4,229				4,229	4,229		
Lidl		1,372					1,372	405	967	
Brent Cross (Class A1 comparison)						6,545	6,545	6,545		
BSSP		17,803					17,803	17,803		
Sub-Total		19,175	9,542			6,545	35,262	29,446	4,214	
Net increase	6,735	-14,530	10,896	372	604	71,588	75,665	42,973	11,354	15,150
Proposed increase with BSSP	6,735	32,333	10,896	372	604	71,588	93,468	60,776	11,354	15,150
UDP/SPG Requirement								55,000	20,000	-
Difference (assuming redevelopment of Brent South Shopping Park)								-12,027	-8,646	-
Difference (assuming retention of Brent South Shopping Park)								5,776	-8,646	-

Retail Phasing

Due to the scale of the proposals, the overall scheme will be implemented over the period to around 2026 or beyond. The applicants have not identified precise phasing for the delivery of the scheme beyond Phase 1 (Primary Development Package (PDP) and this is likely to depend to a large degree on market conditions, although the relevant parameters and principles are set out in the RDSF and the delivery of other phases will be controlled to some extent under the conditions relating to the Phasing Plan and detailed delivery programmes. The PDP comprises approximately 20% of the overall quantum of development proposed and 55% of the proposed retail floorspace. This mix is important to generate viable development that can act as a catalyst for future economic regeneration of the wider area. The table below identifies the retail floorspace (Class A) forming part of the Primary Development Package, remaining quantum of floorspace within each Development Zone and likely development phase.

(Source: BXC 06 Revised Retail Report)

Development Zone	Floorspace m ² gross			Likely Phase
	Proposed	Decommissioned/ demolished	Net Increase	
Primary Development Package North	38,626	6,545	32,081	Phase 1
Primary Development Package South	22,575	5,313	17,262	Phase 1
Brent Cross East	39,507	0	39,507	Phase 2
Market Quarter	3,669	0	3,669	Phase 2/7
Eastern Lands	929	4,229	-3,300	Phase 2/3
Station Quarter	4,645	17,803	-13,158	Phase 5/6/7
Brent Terrace	372	0	372	Phase 4/5
Cricklewood Lane	604	0	604	Phase 2
Rail Lands	0	1,372	-1,372	Phase 1/6
Total	110,927	35,262	75,665	

The table above shows that not all of the proposed retail floorspace will be a net increase in floorspace - some 35,262m² existing retail floorspace will be demolished. Accordingly the net increase in retail floorspace (Use Classes A1 to A5) proposed overall is 75,665m² (gross external area), with the net increase at Brent Cross being limited to 55,000sq.m. 17,803m² gross comparison goods floorspace will be lost through the redevelopment of the existing Brent South Shopping Park to make way for the proposed office development in the Station Quarter Development Zone within Phase 7. In the interim period the Shopping Park will continue to trade and the Retail Report (BXC6) accompanying the planning application has demonstrated the sufficiency of available comparison goods expenditure to support the retention of the Shopping Park.

Retail Needs

The application's response to the key retail tests is set out within in the Retail Report. Key issues arising from this assessment is provided below.

Comparison Goods Retail Need

The need for 55,000m² gross comparison goods floorspace at Brent Cross is specifically supported by an up to date development plan having previously been tested by the NWLRS. Accordingly, there is no policy requirement to undertake a fresh study to test the appropriateness of that floorspace. This is supported by PPS6, which advises applicants to base their assessment of need upon that undertaken for the Development Plan.

The *North West London Retail Study* (NWLRS) establishes that 55,000m² gross of comparison goods floorspace was capable of being supported at Brent Cross Cricklewood by 2011 without adverse effects elsewhere. Critically, the study informed the policy designation of Brent Cross Cricklewood as a new town centre within the development plan (adopted UDP 2006) and underpins the adopted Development Framework (SPG 2005) for the regeneration area. It is important to recognise that due to the scale of the application proposals a significant proportion of the new retail floorspace would not commence trading until post 2011, albeit that 55% of the floorspace could potentially be trading by 2016 – the period tested by the NWLRS report in terms of the sufficiency of available expenditure to support new retail floorspace.

Policy C6 of the Barnet UDP supports in principle the development of an additional 55,000m² gross comparison goods shopping floorspace at Brent Cross Cricklewood, specifically north of the A406. The policy is not intended to impose a cap on the amount of new comparison goods retail floorspace but instead it requires any additional floorspace, over and above that identified by the NWLRS (i.e. in excess of 55,000m² gross), to be tested principally in terms of need, trade draw and retail impact considerations (as explained in criteria 8 of Policy C6).

The Retail Report demonstrates the conservative nature of the 55,000sqm floorspace calculation in the NWLRS and the existence of sufficient capacity to support the additional floorspace proposals and the interim situation while Brent South Shopping Park remains operational. The key conclusions are as follows:

Study Area

The study area defined for Brent Cross as set out in the NWLRS was derived having regard to the wider pattern of retailing and the availability of survey

information (including a household survey in 1999 and a Brent Cross Shopping Centre visitor survey in 2005). Based on this information, a 0-20 minute drive time was considered to represent the likely area of influence of new retail development at Brent Cross.

The 0-20 minute catchment area produces a conservative level of expenditure capacity (need) and also artificially focuses impact. Therefore, should the catchment area be expanded to reflect the current trade draw of Brent Cross then the level of available expenditure would grow, and the impact across town centres would be more widely dispersed with calculated impact on individual centres correspondingly reduced.

Expenditure Growth

Since the NLWRS was prepared local expenditure on comparison goods has grown substantially, particularly when consideration is had to actual levels of average growth achieved. Over the period 1998-2006 (short term trend), actual growth in comparison goods expenditure has averaged 7.2% (i.e. more than double that assumed by the NWLRS). By simply factoring in known rates of actual growth and a corresponding rise in the ultra long-term growth rate, expenditure per head on comparison goods increases by in excess of a quarter in the base year (2008) and by 30.8% by 2016, however the current recession is likely to have slowed the rate of growth.

The Retail Report estimates that the NLWRS significantly underestimates the level of available expenditure and the ability to support new comparison goods floorspace at Brent Cross, perhaps by as much as 28% by 2011.

Current Market Conditions

The Retail Report is sensitive to the current uncertainties regarding the strength of the UK economy including the effect of a down turn on future growth in retail expenditure. Nevertheless, it is predicted that retail expenditure in London is likely to remain relatively strong over the period to 2011 (albeit at lower levels than experienced in the previous 5 years).

Comparison Goods Capacity

The NWLRS supports the addition of 55,000m² gross comparison goods retail floorspace at Brent Cross by 2011. It is extremely unlikely that any construction works associated with the application proposals will commence prior to 2010. Accordingly, by the time the primary development package of the new town centre is complete (circa 2016) there will be substantially more locally available expenditure capable of supporting both growth in the existing floorspace but also new comparison retail floorspace than identified by the NWLRS by 2011.

In view of the above, there is more than sufficient capacity to support the 10,874m² gross additional neighbourhood comparison retail floorspace proposed within town centre south (which reduces to 5,776m² gross after demolitions assuming the retention of the Brent South Shopping Park post 2016).

Conclusion

The Retail Report concludes that the 55,000 sq m comparison floorspace quantum is a conservative allocation and that additional retail floorspace beyond 55,000sqm is acceptable in accordance with UDP Policy C6 (viii) as it has been assessed and it meets the policy tests of PPS6 and accords with the London Plan. It is considered, having taken appropriate advice from specialist retail consultants, that this is a reliable and reasonable conclusion.

Convenience Retail Needs

The proposed new foodstore (Tesco replacement) forms the majority of convenience floorspace proposals (5,274 sq m GEA) and will replace the existing out of centre Tesco store. There will therefore be a direct transfer of trade between the old and new Tesco store. In addition High Street South and North are anticipated to accommodate 5,866 sq.m and 4,428 sq.m net Class A1 convenience retail (totalling 15,568 sq m of new convenience retail floorspace). This is balanced against a net loss of 4,214 sq m of convenience floorspace, equating to net additional convenience floorspace of 11,354 sq m)

For the purposes of assessing the convenience retail element of the application proposals, consistent with the approach adopted by the NWLRS, the BXC Retail Report has examined an area approximately equivalent to a 10 minute drive time (the inner catchment) from Brent Cross Cricklewood.

This is considered to represent a realistic core catchment area for the proposed foodstore and individual unit shops that will comprise high street south and north. The adopted study area has regard to the distribution of existing large scale convenience shopping facilities. There are already large Tesco stores located to the west (Brent Park) and east (Colney Hatch) which help to define the area from which it is reasonable to assume the new Tesco store will principally draw its trade.

In reality, the location of the convenience floorspace within the wider BXC town centre will mean that a proportion of its turnover will be taken from those shoppers and workers who are drawn to the metropolitan centre from further away. By adopting a 10 minute study area, therefore, this study is robust in that

it takes a conservative area within which to calculate capacity and to focus impact.

In terms of expenditure capacity, the Retail Report demonstrates a need for 25,736m² gross convenience floorspace in 2011 rising to 31,596m² in 2016 (including an allowance for the turnover of existing floorspace to grow in accordance with PPS6). Based on these findings the figure of 20,000m² set out in the Development Framework is likely to underestimate the need for new convenience retail floorspace within the study area.

The application proposals of 15,568 sq m gross additional convenience floorspace (11,354 sq m net additional) therefore fall comfortably within both the 20,000m² specified by the Development Framework.

Sequential Approach

PPS6 requires Local Planning Authorities to apply a sequential approach to site selection for retail development that prioritises town centre sites over edge-of-centre and out-of-centre locations.

The proposals for a new Metropolitan Town Centre on both sides of the A406 at Brent Cross Cricklewood have been clearly set out within Local and Regional Planning Policy, and the proposals for retail development established within the application will be the primary means for meeting these policy objectives.

Although the UDP identifies a need for 55,000m² (gross) comparison goods retail floorspace by 2011 this does not prevent further appropriate retail floorspace coming forward in order to create mixed use neighbourhoods that benefit from retail amenities.

The main focus for high order comparison goods will be accommodated within the 55,000m² gross within the town centre north, with complementary high street retail extending to the south of the A406, creating a diverse and comprehensive town centre.

The Development Framework specifically envisages the provision of a foodstore as part of town centre south. In accordance with paragraph 2.41 of PPS6, it is considered appropriate for the proposed scale of the Tesco store to be located within a metropolitan scale town centre. It is therefore appropriate and sustainable that that floorspace is located at BXC.

In addition to the retail floorspace that will form part of the town centre, further “neighbourhood floorspace” is proposed primarily to meet the day to day needs

of the local community. The neighbourhood floorspace is required in order to make lively and attractive streets, consistent with the development plan vision for BXC as a fully functioning town centre surrounded by a series of vibrant and attractive neighbourhoods resulting in a vital and viable town centre.

The policy requirement to create a new town centre is contained within an up to date development plan with UDP Policy TRC2 confirming Brent Cross as a preferred location for retail development. It is therefore considered that the application proposals are clearly justified in terms of the PPS6 sequential approach, the London Plan and UDP with the predominant retail floorspace focused within the emerging town centre, and additional retail floorspace providing amenity to surrounding residential neighbourhoods.

Retail Impact and Trade Draw

The NWLRS undertook an impact test on the 55,000m² comparison retail at BXC, the conclusions of which were adopted in the Barnet UDP. As the proposed retail floorspace sits within the capacity of available expenditure, no significant impacts are predicted to arise.

Impact on Nearby Centres

All centres will benefit from the growth in expenditure and therefore the low levels of impact predicted will not be significant. The NWLRS considered cumulative impacts arising from the comparison proposals together with other schemes (e.g. White City and Wembley) of less than 6% upon existing centres.

Details of impacts on existing centres are set out within Document 9 of the Retail Report (which encloses an extract of the NWLRS) and highlights that the scheme will have minor impacts on nearby centres within Barnet, Brent and Camden. This includes Edgware (expected to decline by -1% due to the scheme development) Golders Green (-0.31%) Cricklewood (-0.61%), Kilburn (-1.29%) Swiss Cottage (-1.01%), whilst North Finchley, Finchley Central and Burnt Oak are unlikely to be significantly affected. The cumulative impact having regard to both the BXC proposals and other committed development proposals (i.e. Wembley, Stratford City, White City etc) is forecast to be below 4% for each of the above centres.

In addition, the GLA recently published their 2009 Comparison Needs Assessment. This document specifically considers the impact of the BXC proposals, as well as other committed retail projects, on existing town centres. In respect of Kilburn, the assessment suggests the impact solely as a result of BXC will be 0.2% (considerably below the estimates in the North West London Retail Study) and a cumulative impact having regard to other committed projects for 7.1%. The cumulative impact at Edgware is 4.2%, whilst a positive impact of

1.6% is forecast at Wembley as a result of the consented regeneration proposals around the National Stadium.

These levels of impact are small compared to the overall scale of expenditure growth forecast for the area and it is anticipated that this will assist in mitigating any effects.

Impact on Convenience Goods Trading

The Retail Report has undertaken an up to date assessment of impact in relation to the proposed convenience retail floorspace which was not previously assessed by the NWLRS. That assessment is set out in Table 12, Document 6 of the Retail Report. In order to assess the likely level of impact on particular centres arising from the convenience element of the application proposals, the Retail Report has had regard to a series of town centre health checks that have been undertaken. These centres are identified in a plan in Appendix 3 of the Retail Report.

Town Centre Health Checks

The town centre health checks demonstrate that each of the centres located within the convenience study area are healthy. The application proposals are qualitatively different to the retail offer of many of the centres. Large foodstores tend to compete directly with other large foodstores rather than small and specialist convenience outlets generally found in town centres and neighbourhood centres. Significantly in this case, any impact associated with the opening of the new Tesco store is offset by the closure and demolition of the existing Tesco store and the significant number of new residential units proposed as part of the regeneration proposals.

In the case of town centres, impact arising from the proposed convenience floorspace would be very small, focused on out of centre destinations, and in any event all town centres would benefit from the general growth in available expenditure over the period to 2016 which would cancel out any impact.

The Retail Report concludes that there is a substantial and growing quantitative need for additional retail floorspace (both comparison and convenience) to serve the needs of north west London residents and the growing workforce, despite the current economic downturn. The scale of this need means that it cannot readily be met by existing centres. BXC is well placed to meet that need.

Conclusions

The expansion of BXC and its evolution to a fully-fledged town centre in accordance with the application proposals is justified by policies of the statutory

development plan which confirm BXC as the most sustainable location to meet the retail need identified within the study area. The Retail Report demonstrates that the development can occur without any harmful impact upon the role and function of existing shopping centres in the locality. The retail component of the town centre proposals is fundamental and integral to the success of the BXC regeneration as a whole and will deliver sustainable benefits in terms of travel patterns and economic prosperity within the local community and the surrounding area.

The retail representations made including those by Quintain have been carefully considered. In light of the background to the retail element of the proposals including NWLRS, UDP (including Inspectors Report) and the submitted Retail Report, the retail component of the proposals is considered acceptable.

It is clear that the retail element of the application is supported by established planning policy. The NWLRS was produced in response to the London Plan's original designation of BXC as an Opportunity Area and emerging town centre and its conclusions were taken into consideration by the UDP Inspector in the consideration of the Barnet UDP. In view of this, and taking account of the specialist independent advice of CBRE on the validity of the approach and conclusions in the Retail Report submitted by the applicants, the retail proposals of the scheme are considered to be appropriate and justified by development plan policy, without any significant harmful impacts on nearby town centres or local neighbourhoods.

9.5 THE PHYSICAL ENVIRONMENT

9.5.1 Masterplan and Design

Key Policy Background

PPS 1 states that good design ensures attractive usable, durable and adaptable places and is a key element in achieving sustainable development. Good design is indivisible from good planning. It advocates that planning authorities should plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes. Good design should contribute positively to making places better for people.

PPS 3 (Housing) addresses design in a number of ways and states that good design is fundamental to the development of high quality new housing, which contributes to the creation of sustainable, mixed communities.

Policy 4B.1 of the London Plan sets out key principles for the design of new development for the compact city including maximising the potential of sites, promoting high quality inclusive design including improving the public realm, mitigating the effects of climate change, respecting local context, providing a mix of uses, creating permeable and accessible environments that are sustainable and secure and attractive, respecting the natural environment, enhancing green networks and addressing health inequalities.

Policies 4B.9 and 4B.10 of the London Plan set out the circumstances, criteria and principles for the location of tall buildings and for the design and impact of large scale buildings. These policies support the strategy of creating the highest level of activity at locations with the greatest transport capacity. The policies stress the need for tall and large scale buildings to be flexible and adaptable and of exemplary design.

The policies in the Built Environment Chapter of the Adopted UDP encourage high quality design and emphasise the need to create accessible, legible environments (GBEnv2, Policies D1 and D2). Policy D17 (High Buildings) sets out the criteria for acceptable locations for tall buildings. These include being carefully related to their surroundings, being of the highest design quality and contribute positively to any relevant point of civic or visual significance.

Policies GCrick and C2 of the UDP confirm that the Council will seek the highest standards of urban design for Brent Cross Cricklewood which must result in proposals of landmark quality,

The Cricklewood Brent Cross and West Hendon Development Framework SPG stresses the need for a high quality cohesive environment, not just a collection of individual buildings.

Application Material

BXC03 Revised Design and Access Statement (including the Design Guidelines appended to it) states the design parameters and principles for the development. They will act as the basis for informing and assessing the acceptability of detailed proposals for individual parts of the site at Reserved Matters and Other Matters Stage.

Parameter Plan 015 provides an indicative layout and Parameter Plans 020- 028 provide indicative zonal layouts. As this is an outline application and the development will be built out on a plot by plot basis over many years, the final form of the proposal is not entirely certain. These layouts show how the development could be built out in accordance with all the parameters and principles contained in the RDSF and the Design and Access Statement (including the Design Guidelines appended to it) and also in accordance with the proposed planning conditions that will guide and govern the detailed design of the development by reference to those parameters and principles. The detailed layouts will be subject to Council approval in accordance with these parameters and principles and will also be subject to the detailed reconciliation process which is described elsewhere in this report.

Design Approach

The aim of the masterplan in design terms is to exploit and enhance the existing elements of road and rail infrastructures to open up the regeneration area and to make it both accessible and permeable. The masterplan seeks to connect isolated areas back into the surrounding suburban fabric. New connections, together with a new network of streets and open spaces, will establish a high quality and varied urban grain that seeks to form a relationship between the adjoining suburban areas and the scale and density of the new town centre. The masterplan has been developed over a considerable period of time and has been considered and found acceptable by the Commission for Architecture and the Built Environment (CABE) and they have encouraged the Council to continue to work with the developers to deliver a high quality development.

The masterplan maximises the use of the site in accordance with London Plan Policy guidance and produces an urban form and density that is different from the surrounding area of Barnet. It should be recognised that this is a new urban quarter for Barnet and although the built form is likely to be higher and denser

than the surrounding area, the applicant has employed accepted urban design principles to make sure that the new area functions as a successful and integrated part of Barnet. The parameters and principles established in the application documents, including the Design and Access Statement and its appended Design Guidelines, are considered likely to produce a successful fully functioning urban area where residential amenity is protected.

Urban Design Principles

The masterplan structure is based on an analysis of existing connections, spaces and routes, plots and hierarchy. It sets out how these can be enhanced and maximised through new access networks and proposed urban form. The masterplan establishes a series of development zones each of which has a distinctive character.

Development zones

Parameter Plan 001 identifies each of the nine development zones across the masterplan and each zone has an indicative Parameter Plan layout. This is further refined through other Parameter plans which illustrate minimum and maximum frontage heights and land uses. Each zone has a key open space which varies in scale, use and structure and helps define the particular character of the zone. The masterplan makes use of perimeter blocks and central courtyards with linear blocks and terraces and includes an acceptable mixture of open space and amenity space.

Market Quarter

Market Quarter is centrally located within the regeneration area and includes a mix of uses with ground floor primarily used for retail, hotel and leisure uses. Upper levels will be for residential or other permitted uses. The minimum building frontage heights will be between 7.5 – 16 metres and maximum building heights of between 15 – 100 metres.

Residential density in this zone is anticipated to be approximately 386 dwellings per hectare.

Market Square (0.81 ha) will be the focus of activity in this zone. It will be an urban square enclosed by large scale buildings and connected into the key routes through the regeneration area. The western end of the square will have the potential for the incorporation of a taller landmark building while the lower eastern end will contain the entrances to a public library and the new Whitefield School. It is intended that ground floor frontages will be active with a range of uses. Within the square pedestrians will be given priority over vehicles with space for outdoor activities and events.

Claremont Park (increased from 1.95 ha to 2.30 ha) is to be improved as the principal open space of the zone. It will have a woodland character with existing

trees being retained. The park is expected to take advantage of existing level changes to provide quieter areas at the upper levels with more active lower levels.

Eastern Lands

A mix of uses is proposed for this zone although it will be primarily residential in nature. Ground floor uses will be a mix of residential uses overlooking the new Eastern Park and non-residential uses along the mixed use spine road which will link the new A41 pedestrian bridge from Brent Cross Underground Station to the new town centre. This zone also includes the new Tesco store and the new Whitefield and Mapledown School along with the new Library, Primary Care Facility and Leisure Centre. Upper levels will be predominantly residential. A new pedestrian footbridge across the A406 will link the Eastern Lands to the Brent Cross Shopping Centre.

Minimum frontage heights will be between 6-12 metres with maximum building heights of 12-65 metres. The residential density in this zone will be approximately 289 dwellings per hectare.

The new perimeter blocks to be formed in this zone will incorporate the backs of dwellings outside the regeneration area. This will provide natural surveillance from the surrounding area that can help to deter anti-social behaviour. The masterplan also sets out a clear transition of scale which is lower towards the smaller scale existing suburban residential properties to the south of the proposed development.

The new Eastern Park (1.20 ha) will form the key piece of public open space in this zone. The park will contain new trees and planting to define spaces for play, recreation and pedestrian and cycle routes. There will be a clear pedestrian link into this open space to encourage its use and to increase permeability.

Two urban squares will also be located in this zone; Whitefield Square (0.13 ha) and School Square (0.26 ha). Whitefield Square will incorporate a new forecourt to existing housing with new play facilities. School Square (0.26) will be the centre of the new education campus with the entrances to the new schools and children's centre. It is envisaged that this will be a secure space during school hours and will function as a public space out of school hours. The education campus will have access to Clitterhouse Playing Fields.

Station Quarter

This will be the commercial hub for the new development. It will include approximately 370,000 m² of office space which would provide accommodation for an estimated 17,000 employees. The predominant use within this zone is business and employment with some retail and other commercial uses at ground floor and some residential at upper levels. This zone will contain the new railway station and interchange at Station Square as well as the CHP/CCHP plant.

This zone is the location where the tallest buildings will be contained. Minimum building frontage heights will be between 4-30 metres and maximum building heights could extend up to 100 metres (and the stack of the CHP/CCHP could be up to 140m high). Tall buildings in this zone are supported given the nature of uses and the high public transport accessibility (London Plan policy 4B.9 and 10). This zone will be the commercial and business part of the new town centre and will be most accessible being located adjacent to the new railway station.

Three areas of public open space are provided in this zone. Station Square (0.87 ha) is the focus of the zone and will be designed as an urban square with predominantly hard landscaping and with priority given to pedestrians at this key public transport interchange. Tower Square (0.51 ha) and Office District Park (0.60 ha) are likely to be predominantly hard landscaped spaces primarily intended for the use of workers in the new commercial district which surrounds it.

Brent Terrace

The predominant use within this zone will be residential with the majority of development facing onto the new open space of Brent Terrace Linear Park (2.1 ha). Brent Terrace will have a mix of building typologies. Some will be terraced housing (which will be built on the existing Brent Terrace 'triangle') that relates to the existing row of railway cottages. Between the new park and the railway line the majority of the new housing will be in a sequence of courtyard blocks built around internal courtyard gardens. Minimum frontage heights will be between 6 - 12 metres with the maximum building height up to 65 metres facing the railway. Approximate residential density will be 289 units per hectare.

Brent Terrace Linear Park will be approximately 700 metres in length and will provide the transition between the new and existing housing. It will link with Claremont Park to the north. Millennium Green (0.48 ha) will be retained and enhanced.

This new Midland Mainline bridge is also a key feature of this zone. It will link the new southern spine road from Claremont Road to Station Square.

Cricklewood Lane

Proposals for the Cricklewood Lane zone are based around the provision of a new urban square at Cricklewood Station (0.16ha). The square will give the station a safer and more secure forecourt. Buildings will have a minimum frontage height of 6 metres and a maximum frontage height of 16 metres. Land uses will include a mix of commercial at ground floor with a new drop in health centre with residential at upper levels. Residential densities will be approximately 106 dwellings per hectare for this zone.

A new mixed use building (possibly to include the drop in health centre) is proposed for the green area in front of B & Q. This will provide a continuous street frontage along Cricklewood Lane.

Railway Lands

This zone forms the western boundary of the regeneration area and is bordered by the railway and the A5. It will contain important pieces of infrastructure for the regeneration area including the waste handling facility and the rail freight facility.

This zone will not contain residential uses. The scale of development will range from 16-65 metres in terms of minimum and maximum frontage heights with some smaller business units fronting the southern elevation of the freight facility. The final design of the waste facility will ultimately be determined by the North London Waste Authority.

Parameter Plan 018 provides further details of the waste and rail freight facilities illustrating approximate building footprints and circulation routes. These are both likely to be long, low, linear industrial buildings. To the south the proposed rail freight facility will adjoin the Railway Terraces Conservation Area. In this part of the zone the height of the building will be limited and a new acoustic screen and landscape buffer will protect residential amenity as part of the mitigation measures.

Clitterhouse Playing Fields

Clitterhouse Playing Fields will be restructured with parts of the park delineated and improved for particular uses. Pedestrian and cycle routes will be more structured to provide links and to separate different recreational uses. A new park pavilion will be located at the centre of the park. There will be no other buildings.

New synthetic turf pitches and a play facility will be provided to the north. The pitches will be terraced into the park and a landscape buffer will be provided to protect residential amenity and to respect the park's designation as Metropolitan Open Land.

The proposed new layout of the park will help to realise the full potential of this extensive area of open space.

Brent Cross East

This covers the area currently occupied by Brent Cross Shopping Centre and will form the retail heart of the new town centre. The existing area of surface car parking will be developed. New buildings to the south and west of the existing shopping centre will define the edges of the new pedestrianised High Street and Brent Cross Main Square. Pedestrian routes from the High Street to the Brent Cross Shopping Centre will ensure that the existing internal shopping malls form an integral part of the wider street network allowing pedestrian movement throughout the new town centre. In addition to the shops there will be hotel,

leisure facilities, bars, cafes, office accommodation and residential uses. This will ensure that the area functions outside business hours and forms a true town centre.

Buildings will have a minimum height of 5 - 22 metres and a maximum building height of 6 - 65 metres. Residential densities will be approximately 217 dwellings per hectare.

The new Brent Cross Main Square (0.34 ha) and High Street will be a focal points for visitors and the re-alignment of the River Brent provides a feature for the south facing retail units. Brent Cross Main Square will be the focus for activity in the area and will accommodate a variety of activities including a meeting place and a street performance space. A restaurant pavilion will occupy the centre of the space with steps leading down to the River Brent. Pedestrian routes will lead down to the restored and realigned River Brent. A cycle path will run along the northern bank with the southern bank planted with native wetland species where appropriate which will create habitat along the entire length of the river within the site. Principles for the reconfiguration of the River Brent are contained in Parameter Plan 011.

The existing roads and junctions will be improved and realigned to allow for the separation of vehicular traffic from the public realm to allow the existing inward looking centre to become part of an outward looking town centre. The north and south side of the North Circular will be linked by a new landmark bridge (Tempelhof Bridge) which will provide the principal route for buses, cars, cycles and pedestrians between Brent Cross and the south. The bus station will be enlarged and moved and a new footbridge will cross the A406 to improve access to Brent Cross Tube Station.

Brent Cross West

This zone adjoins the M1 slip road and the A406 and is currently used as surface car parking. The River Brent flows through this area at present in an open concrete channel and will be realigned to form the Brent Riverside Park (2.70ha). Cycle and pedestrian paths will link the realigned river with the wider area and the greening of the river banks will encourage a vital habitat for wildlife.

The predominant land use within this zone will be residential. Buildings will have a minimum height of 6-20 metres and a maximum height of between 12 - 65 metres. Residential densities will be approximately 241 dwellings per hectare in this zone.

The transition in scale from the surrounding suburban area is important in this zone. The indicative proposals show a broadly acceptable layout that provides a buffer to the slip road and creates an internal courtyard block arrangement providing protection from the busy road network. This sheltered courtyard approach is likely to be the only acceptable solution to achieving acceptable residential development in this location.

Tall Buildings

Key Policy Background

London Plan Policy 3A.3 Maximising the potential of sites - states that the Mayor and boroughs should ensure that development achieves the maximum intensity of use compatible with the local context and public transport capacity.

London Plan Policy 4B.1 Design Principles for a compact city - states that developments should (among other things) maximise the potential of sites.

London Plan Policy 4B.9 Tall buildings-location - states that the Mayor will promote the development of tall buildings where (among other things) they help to provide a coherent location for economic clusters of related activities and/or act as a catalyst for regeneration.

London Plan Policy 4B.10 Large-scale buildings - design and impact - states that all large scale buildings, including tall buildings, should be of the highest design quality with all potential impacts fully considered and assessed.

Adopted UDP Policy D17 (High Buildings) sets out the criteria for acceptable locations for tall buildings. These include being carefully related to their surroundings, being of the highest design quality and contribute positively to any relevant point of civic or visual significance.

The Cricklewood, Brent Cross and West Hendon Regeneration Area Development Framework (SPG) – states that: “tall buildings will define the heart of a new town centre. A building height profile is proposed including a range of taller buildings from 10-25 stories with some landmark commercial buildings located at the gateway to the site, the M1 motorway. The positioning of tall buildings across the area defined by the Development Framework will be in response to the surrounding context...with taller buildings located adjacent to the existing heavy infrastructure of the Midland Mainline Railway, Brent Cross Underground Station, the M1 motorway junction and Staples Corner and the A406 North Circular Road “(p32 and Figure 19 p33).

Application Proposals

Parameter Plan 007 defines maximum height of buildings. Details of the height and massing principles are included in the Revised Design and Access Statement. The majority of buildings in the regeneration area will be between 4 and 9 storeys, it is estimated that 80% of the development will be below 8 storeys. It is proposed that the scale and density of the buildings within the regeneration area will gradually diminish as they move away from the surrounding rail and road infrastructure.

The tallest buildings are proposed within and around Station Quarter and Market Quarter development zones, the central core of the regeneration area. Tall buildings in these central locations are considered to be acceptable in terms of their impact on their surroundings and in terms of the excellent public transport accessibility of these locations. A transition in height is proposed between these central areas and the established suburban area. Individual tall buildings will be

subject to the submission of full design details and will be expected to be of high design quality, demonstrate sustainable design and construction, be sensitive to micro climates and provide high quality spaces with a mix of uses.

It is considered that the proposals for the location of tall buildings within the development are in accordance with London Plan and UDP policy. The proposal will provide a cluster of tall buildings which will mark the business district of the regeneration area and which will be acceptable in terms of their impact on their surroundings in accordance with London Plan Policy 4B.9. In accordance with London Plan Policy 4B.10 the future design and impact of the individual tall and large-scale buildings has been carefully considered in the Design and Access Statement and anticipated in the guidance contained in the Design Guidelines. The urban design framework contained in the application documents ensures that the proposed tall buildings will be carefully related to their surroundings in accordance with UDP Policy D17 and the SPG Development Framework.

The use of tall buildings within the framework of the masterplan is considered acceptable at this location and this change in urban form has been supported by the Commission for Architecture and the Built Environment who have considered the plan on two separate occasions and have commented in their letter dated 23 July 2008:

“We are pleased to see a masterplan that shows a clear arrangement of land uses and residential areas which seem to knot in well with the existing area. We also think that the team is clear about the nature and context and the opportunity for a radical change of focus that it provides. We believe that this location is one of the few areas in London that can accommodate such a radical departure.”

Tall buildings are therefore considered acceptable and appropriate in the locations proposed in the masterplan as they are part of a clear urban design framework. This framework proposes that tall buildings define the heart of the new town centre (in accordance with the Development Framework) and that the height profile of the proposed buildings steps down to respect the existing established suburban area. Tall buildings are part of a coherent design strategy for the site which is aimed in part at fulfilling the policy requirement to maximise the use of the site in a manner which is sustainable.

9.5.2. Inclusive Access

London Plan Policy 4B.5 ‘Creating an inclusive environment’ states: “Design and access statements should be submitted with *development proposals explaining how the principles of inclusive design, including the specific needs of disabled people, have been integrated into the proposed development, and how inclusion will be maintained and managed*”. The policy further states that “*the Mayor will require all future development to meet the highest standards of accessibility and inclusion... so that development:*

- *can be used safely, easily and with dignity by all regardless of disability, age, gender, ethnicity or financial circumstances,*
- *are convenient and welcoming with no disabling barriers, so everyone can use them independently without undue effort, separation or special treatment,*
- *are flexible and responsive taking account of what different people say they need and want, so people can use them in different ways,*
- *are realistic, offering more than one solution to help balance everyone's needs, recognising that one solution may not work for all."*

The Design and Access Statement (BX03) sets out the applicants approach to access and provides a commitment to achieving an inclusive environment across the masterplan area. The document identifies broad principles for the overall scheme and commits to addressing detailed issues for individual plots and buildings at the Reserved Matters stage. A statement will be provided with each individual application demonstrating how the application will deal with inclusive access.

Improvements to access at both Brent Cross Underground Station and Cricklewood Railway Station are included in the development. The 'step free' improvements are currently planned for Phase 2 of the development. The new railway station and bus station will be fully accessible.

'Lifetime Home' standards will be met for all new residential buildings as far as it is possible to do so in a high density mixed use development. Where one or more standards cannot be met for an individual scheme the reasons will be highlighted and explained at the Reserved Matters Stage.

The London Plan standard of 10% of new homes designed to meet wheelchair housing standards or easily adapted for wheelchair users will be met.

The commitments of the applicants in relation to inclusive access will be secured through planning condition and obligation. This will include the establishment of a Consultative Access Forum at the request of the GLA and a requirement that they are consulted in the detailed strategies and design issues relevant to ensuring that inclusive access is achieved across the whole development.

9.5.3 Open Space, Play Space and Amenity Space Provision

Key Policy Background

PPG17 states that open spaces underpin people's quality of life. It identifies that the provision of local networks of high quality and well managed and maintained open spaces help create urban environments that are attractive, clean and safe.

Development involving the loss of open space should include new provision that is at least equivalent in terms of size, usefulness, attractiveness and quality. Wherever possible, the aim should be to achieve qualitative improvements to open spaces, sports and recreational facilities.

PPG17 encourages local planning authorities to use planning obligations or conditions to secure the exchange of land, ensure that any necessary works are undertaken and that new facilities are capable of being maintained adequately through management and maintenance agreements.

London Plan Policy 4B.3 – Enhancing the quality of the public realm – states that there should be a coherent and strategic approach to public realm which should be accessible and usable for all. This should include high quality design for all waterside development.

UDP Policy H20 seeks to ensure that new housing developments provides for proportionate amounts of public recreational space and facilities or contribute to providing for children’s play, sports grounds and general use where a deficiency of open space exists to the National Playing Fields Association Standard of 2.43 hectares per 1000 population.

Open Space Provision

The proposal includes a series of open spaces shown on Parameter Plan 003 (Public Realm and Urban Structure). In addition, the Revised Design and Access Statement (including the Design Guidelines appended to it) (BXC 03) sets out the applicant's aspiration to knit together new and existing communities through the provision of a network of new and existing parks, gardens, streets and squares. BXC 7, Public Realm and Open Space Strategy sets out the background and detail to the open space proposals contained in the planning application.

Amount of open space

The scheme proposes a series of new parks and urban spaces including improvements to existing open spaces. Within the Brent Cross Cricklewood area there are currently seven existing areas of open space, providing a total of 25.23 hectares. UDP Policy L12 and associated Map 6.1 identify a small element of the application site to the south west as being deficient in local parks and states that the Council will seek to negotiate additional provision where possible. The application proposes a number of new spaces in this southern area including Gas Governor (0.16 ha) and Cricklewood Station Square (0.16 ha), Railway Land Nature Park (0.42ha) as well as improvements to Millennium Green (0.48 ha).

A three tier approach is set out for the proposed development based on large open spaces, medium sized open spaces and small open spaces. Parameter

Plan 003 defines each type of open space and should be read in conjunction with RDSF Table 5 reproduced below. The Parameter Plan and Table 5 identify the network of open spaces and new public realm that will be created.

It should be noted that as this is an outline application, the exact size of individual open spaces cannot be precisely confirmed. However the parameters and principles will ensure that the total amount of open space to be provided in the application is at least 33.76 hectares. An increase of around 8.53 hectares. The detailed design and size of each open space will be subject to individual and other matter applications at a later date. However, minimum areas for each open space are outlined below and both the total amount of open space and the minimum sizes of each open space will be secured through planning conditions:

Schedule of Existing and Proposed Open Spaces

(Source: RDSF, March 2009)

Location (Ref on Parameter Plan 003)	Existing Area (ha)	Proposed Area (ha)	Net Gain or Loss
Large Open Spaces			
Clitterhouse Playing Fields (incl. Clitterhouse Stream Nature Park NP1) (CP1)	17.60	18.20	+ 0.60
Medium Open Spaces			
Clarefield Park	2.0	-	- 2.0
Eastern Park (NH1)	-	1.20	+ 1.20
Claremont Park/Claremont Way Open Space (NH2)	2.30	1.95	- 0.35
Brent Terrace Park (NH3)	-	2.1	+ 2.1
Sturgess Park (NH4)	0.70	0.70	=
Eastern Lands Green Corridor (GC1)	-	1.43	+ 1.43
Brent Riverside Park (RBC)	-	2.70	+ 2.70
Small Open Spaces			
Whitefield Sports Facilities	1.10	Within CP1	- 1.10
Whitefield Estate Amenity Space	1.10	-	- 1.10
Station Square (M1)	-	0.87	+ 0.87
Market Square (M2)	-	0.81	+ 0.81
Brent Cross Main Square (M3)	-	0.34	+ 0.34
Community Square (S1)	-	0.19	+ 0.19
Gas Governor Square (S2)	-	0.16	+ 0.16
Cricklewood Station Square (S3)	-	0.16	+ 0.16
Brent Cross LUL Station Square (S4)	-	0.15	+ 0.15
School Square (S5)	-	0.26	+ 0.26
Tower Square (S6)	-	0.51	+ 0.51
Whitefield Square (S7)	-	0.13	+ 0.13
Railway Lands Nature Park (NP2)	-	0.42	+ 0.42
Northern Nature Park (NP3)	-	0.20	+ 0.20
River Brent Nature Park (NP4)	-	0.20	+ 0.20
Office District Park (CG1)	-	0.60	+ 0.60
Millennium Green (CG2)	0.43	0.48	+ 0.05
	25.23	33.76	

These spaces will contain a variety of facilities for play leisure and sport for visitors and residents, while also being utilised by local schools. Design specifications for each open space are provided in the Revised Design Guidelines (BXC03).

Network of Open Space

As this is an outline application a series of parameter plans have been used to illustrate the broad limits of deviation for key elements of the planning permission. Parameter Plan 03 (Public Realm and Urban Structure) specifically defines the following aspects.

- The principal circulation corridors for pedestrians and cyclists
- The approximate locations of:
 - secondary and tertiary routes for pedestrians and cyclists.
 - managed pedestrian and cyclist routes.
- The network of open space and public realm and minimum areas for each.
- Key building frontages.

The application has sought to create an effective network of public realm and to deliver a key piece of public open space within each district or development zone. This approach is strongly supported.

Temporary Provision of Open Space

The application proposes that Clarefield Park will be lost in the first phase of the redevelopment. However a temporary open space will be provided north of Clitterhouse Playing Fields as shown on Parameter Plan 019. In the longer term, the loss of Clarefield Park will be compensated for by the new Eastern Park as part of the current Phases 2 and 3. There may be changes to the amount and location of other areas of open space during the lifetime of the proposal and it is essential that a satisfactory amount of open space is maintained at all times to serve the existing and the new population.

It is proposed to require the applicant to produce a temporary open space strategy for each phase of the development where existing open space is to be lost or reduced in size so that appropriate amounts of temporary or permanent replacement open space are available at all times for local residents, workers and visitors. This will be secured through planning obligation and condition.

Clitterhouse Playing Fields

Clitterhouse Playing Fields is the principal open space in the area and also contains a number of football and cricket pitches. The capacity of the playing fields at present is estimated to be 9 senior football pitches and 2 junior football pitches, 2 cricket squares and 1 Gaelic football pitch (Source:BX07).

Clitterhouse Playing Fields are designated as Metropolitan Open Land and the proposals respect this designation by ensuring that the open character is maintained whilst improving and upgrading facilities. There is no reduction in area proposed, although part of the grassed area of the park will be replaced by synthetic turf pitches to be used in conjunction with Whitefield School. The all weather pitches will be terraced into the park to minimise their visual impact and a landscape buffer will be provided to limit noise and light pollution to adjoining residential properties. Drainage will be improved to the remaining grassed sports pitches and this should ensure that although there is a reduction in the total number of pitches, the number of playing hours will increase.

It is proposed to significantly enhance Clitterhouse Playing Fields as part of the development proposals. It will be the focus of recreational activities for new and existing residents, workers and visitors. The southern part of the park will be redesigned to improve sports facilities while the northern section will incorporate new all weather sports pitches and a play facility. It is proposed to rationalise the use of space in the park and establish a clear structure through the use of paths and planting. Proposals for the park are identified on Parameter Plan 012 which identifies the general location of uses proposed. More detail on what is proposed is contained in section B3 of BXC3 Design Guidelines and BXC7 Public Realm and Open Space Strategy.

The proposals for Clitterhouse Playing Fields will be delivered in two phases. In Phase 1 (Primary Development Package) the majority of the works will be delivered including:

- Rationalisation of park and introduction of clear spatial hierarchy and structure through the development of a network of paths marked by avenue planting. This will improve access and circulation through the park as well as clearly defining different areas of use;
- improved community facilities, including provision of cafe, changing rooms and secure cycle parking;
- provision of extensive play facilities, for a wide range of age groups, in a safe and accessible location;

- reconfiguration and improvement of playing fields, including remodelling levels and improving drainage, to provide for a range of field sports and age groups;
- provision of a 'dog park' to enable dog owners to exercise their dogs off the lead whilst preventing fouling to sports pitches and other areas likely to be used by young families;
- provision for informal recreational opportunities, including trim trail, boules courts, picnic areas and open grassland;
- series of communal gardens along avenue, with seating and feature planting;
- development of a Nature Park alongside Clitterhouse Stream, on the eastern boundary of the site;

In Phase 2 the following improvements are proposed:

- provision of all weather sports pitches, senior football and junior football pitches, to replace Whitefield School pitches and supplement existing grass pitches;
- provision of a plaza area between the playing fields and Whitefield school to act as a gathering space and gateway to the park ;
- provision of structure planting around the boundaries, to minimise the impact of the proposed changes to the park on adjacent residents.

The specification and timing of the improvements will be secured through planning conditions and obligations.

Clitterhouse Playing Fields will be the principal open space in the regeneration area and will be capable of accommodating a range of activities in keeping with this status. Pedestrian permeability will be improved and play areas and nature areas will be provided. The proposed improvements to Clitterhouse Playing Fields have been carefully designed to retain as much of its function as a major location for sporting activities and its unique open character as possible. The improvements to the playing areas will allow a similar intensity of sporting use on a smaller area allowing other activities to be accommodated. Clitterhouse Playing Fields will therefore be able to accommodate a full range of uses and be accessible to all in accordance with London Plan and UDP Policy.

Millennium Green

This important local space is managed by a community trust. The original proposals for this space appeared to result would have resulted in a reduction in size. Following an initial objection from the Cricklewood Millennium Green Trust the applicants have amended their proposals. The Millennium Green may be been reconfigured but will remain at a comparable size.

Brent Terrace

Brent Terrace Linear Park will form a new green space between the existing Brent Terrace and the proposed new residential blocks. The park will be approximately 700 metres long and will run parallel with the existing houses along Brent Terrace and will link to Claremont Park. The new park will make connections between the new and existing residential areas to the north.

Final proposals for the park will be agreed at the detailed design stage but in addition to the public areas of the park, the space could also contain separate private garden allotments for the existing homes along Brent Terrace and which would be separated from the park by a fence and additional trees and shrubs to ensure privacy. An illustrative example of how these open spaces could be configured is included in section B3 of the Revised Design Guidelines which are a part of the Design and Access Statement.

The application proposes the removal of the existing two triangles of open space in Brent Terrace. These areas are not formally designated as open space, although they are used by local people. The sites are separated from Brent Terrace by a mature hedgerow. The proposal is to develop these sites for terraced family housing. The new houses will be set back to ensure that the existing hedgerow is retained as a landscape feature along with additional street planting.

Objections have been received from local people who would like these open areas to be retained. Overall the development of these areas is supported as they represent one of the few areas where it is proposed to build family houses. It is considered that Brent Terrace will retain its existing character and will be integrated into the new development through the detailed design of this new housing and the additional landscaping and planting. This will be secured through planning condition and obligation at the detailed design stage.

Delivery

The overall provision and location of open spaces within the BXC regeneration scheme is supported by the officers. The development will be built out over a number of phases and over a twenty year period with the approximate locations fixed in Parameter Plan 003 and the approximate sizes fixed in the Revised Development Specification and Framework. The Design Guidelines and the

Public Realm and Open Space Strategy (BX07) provide detail showing indicative layout and illustrative landscaping options.

The applicant will be required to submit a detailed delivery programme at the start of each phase indicating approximately when principle open space areas (comprising all of those included in Table 5 and Parameter Plan 003) will be delivered, together with temporary open space. Details of the individual designs of open spaces will be secured at the Reserved Matter stage through planning conditions and obligations. The key principles for the design of each open space are contained in the Revised Design Guidelines appended to the Design and Access Statement and although these are stated to be illustrative, they will form the basis upon which individual detailed applications will be prepared and determined at a later date under the proposed planning conditions.

Management and Maintenance

The maintenance and management of the new and existing open spaces and other public realm is of great importance in securing an acceptable environment for residents, workers and visitors. The applicants have proposed that the BXC Estate Management Company take over the management and maintenance of open spaces in the area. This is not agreed or approved by the LPA at this stage and will be considered under the pre-commencement planning conditions in connection with the approval of the Estate Management Framework. The detail of this proposed framework will be discussed and agreed with the LPA before any development commences. The principles and parameters for this Estate Management Framework will include an appropriate combination of management arrangements ranging from adoption (with commuted sums where appropriate) for some areas of public realm and thoroughfares, to covenants to manage, maintain and repair and renew other parts of the public realm and private communal amenity spaces, with appropriate safeguards to ensure that the Council can step in to address any defaults in carrying out such obligations where appropriate. It will be for the developers to satisfy the LPA that its proposed arrangements in the Estate Management Framework are acceptable and robust as a long term framework for the future of the development and its public realm before the submission of any reserved matters application for Phase 1 or any other phase of the development. This will ensure that the design of the development proceeds on the basis of a clear understanding as to the future principles and responsibility for achieving high quality management of all public realm areas and facilities.

Play Space Provision

A site specific play space strategy has been developed for the Brent Cross Cricklewood Area. A hierarchy of sizes for play areas and appropriate age categories has been developed and appropriate locations have been established.

The Play Strategy has been developed to ensure that there is appropriate play provision throughout the development and that play is central to each of the proposed residential neighbourhoods. Example layouts and guidelines are provided in the Revised Design and Access Statement and Revised Design Guidelines. These will provide guidance to ensure that the need for play is anticipated and provided for as the development progresses.

Three play space typologies are proposed:

- Doorstep play: Informal play areas with a setting that encourages and stimulate play (communal courtyards and public realm).
- Neighbourhood play space: Play spaces provided to complement neighbourhood park provision. Provision will be made for both formal and informal play activities including play equipment sports facilities and social spaces. (Claremont Park, Eastern Park, Sturgess Park and Brent Terrace Park).
- Community play space: A 'destination' play area to be included within Clitterhouse Playing Fields. Provision will be made for both formal and informal play activities including play equipment, sports facilities and social spaces. Water and adventure play areas will also be included.
- Child occupancy levels will depend on the mix of market and affordable housing eventually agreed and delivered. Based on the current housing strategy and delivery of units, the expected child occupancy levels will be as follows:

Under 5 year olds	1,089
5 – 11 year olds	1,199
12 – 16 year olds	716
Total	3,004

In 2008 The Mayor of London produced Supplementary Planning Guide on child play space provision ('Providing for Children and Young Persons Play and Informal Recreation'). The SPG proposes a minimum standard of play space provision of 10m² per child to establish the quantitative requirements for play space arising from new developments. This would generate a need for approximately 30,000 m² of open recreation space. This target is met across the BXC area through access to a range of spaces.

It is considered that the amount, location and type of play facilities provided is satisfactory and will meet the anticipated requirements for play for both residents and visitors to the area.

Amenity Space Provision -

UDP Policy H18 provides the following standards for provision of gardens or amenity space in new residential schemes.:

- For Flats:
 - > 5 square metres of space per habitable room.
- For Houses:
 - > 40 square metres of space for up to four habitable rooms.
 - > 55 square metres of space for up to five habitable rooms.
 - > 70 square metres of space for up to six habitable rooms.
 - > 85 square metres of space for up to seven or more habitable rooms.

The residential element of the proposal will comprise approximately 7,550 units, a mix of houses and apartments. A mix of balconies, terraces, communal courtyards and private gardens will be delivered using the following guidelines:

Table 1 Access to private amenity space (source: BXC 7 Public realm and Open space strategy).

Housing type	Amenity: minimum size	Type of space
Houses		
3 bed house	25 sq.m.	Private garden, balcony or terrace
4 bed house	40 sq.m.	Private garden, balcony or terrace
Apartments		
1 and 2 bed (ground floor)	5 sq.m.	Private terrace minimum 1.5m deep separate from communal courtyard
1 and 2 bed (upper levels)	5 sq.m.	Communal courtyard, terrace or balcony minimum 1.5m deep
3 and 4 bed (ground floor)	14 sq.m.	Private terrace minimum 1.5m deep separate from communal courtyard
3 and 4 bed (upper levels)	8 sq.m.	Terrace or balcony minimum 1.5m deep

The applicants have produced guidance in BX03 Revised Design and Access Statement and Revised Design Guidelines which inform the reserved matters applications to ensure that as residential blocks come forward for development each flat will benefit from direct access to either communal or private amenity space.

The residential amenity standards proposed for Brent Cross Cricklewood were developed by the applicant following a number of case studies to review provision within new high density residential schemes across the country. The

proposals meet the UDP requirements for flats but not for houses. However, when considered together with the proposals for play space and for communal and open space provision the proposed amenity space for houses is considered in the main acceptable. It should be noted that Policy H18 of the UDP recognises that residential spatial standards might not be achieved in town centre sites and states that:

"Proposals in or near town centre sites may be exempt from this requirement if alternative amenities are provided."

It is considered that - taken together with the applicants proposals for play space and for open space - the residential amenity space standards are acceptable.

9.5.4 Ecology and Nature Conservation

Planning Policy Background

PPS9 provides guidance on nature conservation in the context of the planning process. This guidance states that the presence of protected species and the potential impact on designated nature conservation sites are material considerations.

The Applicant's Conclusions (based on Chapters 20 and 22 of the RES)

The assessment has identified long term negative impacts of local significance to biodiversity from the loss of Clarefield Park SLINC owing to its statutory designation. There will also be some negative impacts on nature conservation as a result of habitat change, damage or loss of habitats outside the river corridor.

The assessment has identified that no significant residual impacts to birds, bats, invertebrates and amphibians will occur.

Major positive impacts to biodiversity will occur at Borough level as a result of the improvements to the River Brent and its corridor.

In the short term the assessment has demonstrated that no significant impacts will occur on the Brent Reservoir SSSI as a result of pollution. The short term assessment has also shown that no significant residual impacts to birds, bats and tree habitat will occur.

The assessment of three intermediate year 'snapshots' of the likely significant environmental impacts of the Scheme (as parts are complete and others are under construction) are that there will be minor negative ecology impacts in all three years (2014, 2016 and 2023).

Commitments made by the Applicants

The proposal will provide new landscaped areas on site that will enhance biodiversity and represent a significant improvement when compared to the existing site situation. Four new nature parks will be provided, as well as a comprehensive network of habitat rich green corridors across the development area. Details are provided in Parameter Plan 003.

The Code of Construction Practice will provide measures to ensure compliance with protected species legislation and 10% of the building roof area within the site will have green or brown roofs in accordance with details to be approved pre-phase commencement.

Peat-free compost shall be specified at detail design stage and natural weathered limestone will be excluded.

Comment

The ES concludes that there are no overriding concerns with respect to ecology and nature conservation which would prevent redevelopment taking place. Officers and specialist advisers to the Council consider that this is a reasonable conclusion.

The development provides the opportunity to increase the diversity of habitats across the site and reinforce wildlife corridors. The realignment of the River Brent with the creation of a naturalized stream bed should provide improvements to the aquatic and riverside habitats. A minimum of 10% of roofs area will be green or brown across the site and on a phase by phase basis and the reconciliation process under the prospect planning conditions will be required to demonstrate how this will be achieved as the development moves forward.

Further protected species surveys will be undertaken in advance of any development being undertaken within the appropriate survey season. This will be used to inform licensing requirements for the loss of the roost site in the Clitterhouse Farm out-buildings as well as mitigation measures such as location of bat boxes, lighting hoods and the location of new ponds. A planning condition will require the applicant to submit an Ecological Mitigation and Management Plan.

Trees

Planning Policy Background

UDP Policy D13 states that when assessing development proposals the Council will seek to ensure that as many trees of value are retained on site as is practical,

that existing trees are protected during works and that an appropriate level of new tree and shrub planting is provided.

There is an existing Tree Preservation Order at Brent Cross Shopping Centre. This is an area designation.

Assessment

An assessment of the existing tree provision within and adjacent to the site was carried out by the applicants in order to identify both individual and groups of trees that make a significant and positive contribution to the landscape character of the area. Tree surveys were undertaken at specific locations within the site boundary. The surveys indicated that a significant number of the trees were in poor health. An area of land north of the A406 around Brent Cross Shopping Centre is subject to an area Tree Preservation Order. Some of these trees will need to be removed to allow development to take place. Details of the tree surveys can be found in Appendix 14 of the Drawings and Plans contained in BXC1.

Proposal

The masterplan for Brent Cross Cricklewood has been developed to respond to the nature and location of existing trees and to allow for their retention where possible. Important trees such as those at the boundary of Clitterhouse Playing Fields have been retained. Where this has not been possible, replacement planting has been proposed using species and locations that reflect the trees lost. New tree planting will form an integral part of the overall planting strategy and will include the following:

- Avenue planting along primary vehicular, cycle and pedestrian routes;
- Screen planting alongside A406 North Circular and A41 Hendon Way;
- Screen planting between residential area and Clitterhouse Playing fields;
- Native tree planting in Nature Parks and along River Brent Corridor;
- Native tree planting within Green Corridors;
- Tree planting within communal courtyards and home zones.

It is estimated that around 750 new trees will be planted.

Whilst the redevelopment will result in the loss of some trees across the site, efforts have been made to retain trees where possible and substantial replacement planting will take place as part of the landscape strategy to ensure a net increase in trees is provided. On balance, the regeneration benefits arising from the development are considered to justify the loss of trees. A condition will be attached to the planning permission requiring a detailed tree planting scheme

to be submitted for approval including a scheme for the protection of existing trees during construction.

9.5.5 Landscape and Visual Impact

The Applicant's Conclusions (based on Chapters 20 and 22 of the RES)

Despite the overall scale of the Scheme, the adverse impacts during construction, after completion and in the longer term are all assessed as being relatively minor.

The effects on the physical landscape as a resource are limited to the construction phase. Post-completion, the provision of an improved built environment and new landscape ensures that the limited adverse impacts are mitigated to give rise to a positive effect.

The direct impacts on the open space areas will occur mainly during the early years of the Scheme. There will be some continued adverse impacts arising from the intrusion of adjacent construction works for other stages of the Scheme. However, the overall scale of such effects is limited and the long term improvements will be evident from an early stage.

The direct physical effects are considered as minor local effects of limited significance to the overall assessment of the Scheme.

The overall change in the character of the area is from the run-down condition of the existing environment to that of a new high quality townscape. The increased height, scale and density of the Scheme will be significant changes to the internal character of the site. While this Scheme is dense in nature, this would be a part of a dynamic and vibrant environment. The design process has aimed to control the structure of the Scheme to create spaces and building groups with a positive environment. The design aspirations illustrated in the various submissions are intended to provide a strong green and well designed public realm and landscape framework to the Scheme. As a result, such changes in character are not therefore, perceived as significant adverse effects.

At a more local level the effect on Brent Terrace will be a minor localized adverse effect on the immediate setting of the buildings. The terrace will at the same time, benefit from the rejuvenation of the wider area.

The visual impact of the construction works is commensurate with the scale of Scheme proposed; a large number of properties would be affected (although most for only distinct phases of work). On completion, the comparison between the quality of existing views and the Scheme demonstrates that the general

visual amenities of the area will be improved, although some existing residents may have a general reduction in view or will have lost views of tree cover and other screening.

The assessments have been undertaken on a comparative basis, related to the generally poor local visual amenities of the existing townscape. In terms of the overall significance of the impact assessment the degree of effect is considered to be a minor, since in many respects the general visual amenities of the location will be substantially improved. The impact on residential properties is an important issue for the design and mitigation. Taken on their own the effects are not disproportionate to the scale of new development created. However, some residents are likely to be affected quite significantly at an individual level and there is the potential for visual impact to be combined with other effects, covered by other sections of the RES.

The Scheme respects the landscape policy framework and helps advance the regeneration objectives. Furthermore, the more efficient use of urban land in the manner proposed, has a wider landscape benefit by helping accommodate development away from green field sites, where landscape impacts could be more significant.

The assessment of three intermediate year 'snapshots' of the likely significant environmental impacts of the Scheme (as parts are complete and others are under construction) are that there will be:

- moderate negative landscape and visual impacts in 2014;
- minor negative landscape and visual impacts in 2016; and
- moderate positive landscape and visual impacts in 2023.

Commitments made by Applicants

The applicants commitments are contained within the RDSF and the Design and Access Statement and Design Guidelines. They will be tied into the planning permission by the proposed planning conditions and section 106 agreement.

Comment

The RES acknowledges that the proposed scheme will change the character of the surrounding area. Chapter 10 provides a fair and robust assessment of the scheme. Its conclusions are based on the commitments set out in the application being delivered. It is considered that the landscape proposals will make a positive contribution to the regeneration area.

9.5.6. Air Quality

Barnet is designated as an Air Quality Management Area due to due to high levels of nitrogen dioxide (NO₂) and particulate matter (PM₁₀) attributable to road traffic emissions.

The Applicant's Conclusions (based on Chapters 20 and 22 of the RES)

Baseline monitoring was carried out at 30 locations agreed with the Council on and around the site. The assessment identifies that traffic related NO₂ concentrations will rise at some locations, particularly in areas adjacent to Claremont Road Primary School, Clitterhouse Street and to a lesser extent, Brent Terrace. This is not judged to be significant. Long term positive impacts will arise as a result of decreases in NO₂ concentrations at 11 of the 30 receptors assessed.

There will be no residual impacts associated with changes to the rail infrastructure at the Site and impacts as a result of emissions from the exhausts of construction vehicles will be very small.

Impacts on sensitive receptors from construction dust are expected to be negligible provided that the mitigation measures contained within the Code of Construction Practice and Construction Traffic Management Plans are fully implemented.

The impact to air quality as a result of emissions from the chimney of the proposed CHP unit at Staples Corner by the M1 Junction has been assessed, focusing on the pollutant that has potential for the greatest impact, namely NO₂, but including all of the pollutants specified in the Waste Incineration Directive. The impact of emissions from the additional vehicles that will be required for the operation of the WHF and the CHP/CCHP plant have also been assessed.

Impacts from the operation of the CHP/CCHP unit will vary according to the height of the stack and the location of receptors. Even with a chimney height of 140 metres, predicted concentrations at some locations will occasionally approach the target levels set out in the Air Quality Strategy for England, Scotland, Wales and Northern Ireland.

The assessment of three intermediate year 'snapshots' of the likely significant environmental impacts of the Scheme (as parts are complete and others are under construction) are that there will be:

- minor negative air quality impacts in 2014;
- moderate negative air quality impacts in 2016; and
- minor negative air quality impacts in 2023.

Commitments made by the Applicant

Any gas boilers used to deliver heat will have NOx emissions of less than 70 mg/kWh at 0% excess oxygen.

Inert and low emission materials (e.g. finishes, construction materials, carpets and furnishings) will be used throughout the development wherever practical.

Contractors will be required by tender requirements to comply with the Mayor and ALG's London Best Practice Guidance (BPG) on the control of dust and emissions during construction and demolition. Mitigation measures to achieve this are contained in the Code of Construction Practice. They will be tied into the planning permission by the proposed planning conditions and Section 106 agreement.

Comment

The assessment of construction-related dust in Chapter 14 (of the RES) is general (as opposed to location-specific), and relies on appropriate mitigation measures being taken. The officers and specialist advisers to the Council consider that this is a reasonable approach at this outline planning stage.

For the CHP plant further detailed process and design assessments will be required under the separate statutory consents regime (Pollution Prevention and Control). These will go beyond the current assessment (which is considered adequate and appropriate for land use planning purposes), which relies on modeling and assumed mitigation measures to reach its conclusions. When those further detailed applications come forward, conditions are likely to be imposed to ensure that adequate provision is in place to protect the environment and residential amenity.

A major influence on air quality throughout the construction phase of the proposed redevelopment is likely to be dust-generating activities such as earth moving and the movement of heavy equipment and vehicles both on and around the site of development. It is considered that the Code of Construction Practice, which forms part of the Applicant's proposal, provides a suitable mechanism for ensuring that best practice measures are taken. The CoCP (and site-specific Construction Environmental Management Plans) will specify those measures to be employed during the construction period to minimise adverse air quality effects e.g. use of water as a dust suppressant, covering of loads entering or exiting the site, and turning vehicle engines off when on site.

On this basis, officers are of the view that the ES conclusions as to the likely significant residual environmental effects and the necessary mitigation measures

are reasonable. They will be tied into the planning permission by the proposed planning conditions and S106 agreement.

9.5.7. Noise and Vibration

The Applicant's Conclusions (based on Chapters 20 - 22 of the RES)

The ES is considered to be appropriate in addressing the likely noise and vibration impacts at this largely outline planning stage. Where there is a current lack of detail (which will be supplied at the later detailed approvals stages), in general the worst case has been considered so as to identify the worst likely impacts and greatest level of mitigation likely to be needed. Mitigation has been prescribed in terms of design commitments and standards, included in the Revised Development Specification and Framework where appropriate, and to be enforced through planning conditions and the Section 106 agreement. Mitigation has been considered in view of the current policy context, including the London Noise Strategy and taking account of local conditions through consultation with LB Barnet environmental health officers.

During construction there is considerable scope to reduce levels of noise through mitigation, and suitable measures will be applied through the Code of Construction Practice which will require the use of the 'prior consent' procedure under the Control of Pollution Act 1974 administered by LB Barnet. However, residual construction noise impacts are expected at the majority of residential properties and other noise sensitive receptors bordering the Site and around areas of associated works, including demolition, foundation works, junction improvements and bridge construction. The Whitefield Secondary School and Mapledown School on Claremont Road are likely to be affected during demolitions and construction of the PDP. As the Scheme progresses into the later phases, noise sensitive uses on the edge of adjacent built phases will also be impacted.

The duration of noise impacts will vary from site to site, but in most cases the highest noise levels during demolition, foundations and other heavy engineering works will be short-lived. In the longer term construction noise levels will be lower as lower noise emitting works progress and the works are more distant from receptors, and are more commonly screened by intervening structures.

Night work may create significant noise impacts when it is required as part of junction improvements, bridge construction and railway works in residential areas.

Some disturbance due to vibration from brief periods of sheet piling is possible.

The Scheme has been developed bearing in mind that it is bounded by noisy major roads and the railway corridor. Various mitigation measures have been included and specified in the Scheme and further measures will be pursued as the detail of the Scheme progresses. In any event, much of the residential development will require a high level of sound insulation and some will require ventilation provisions to allow windows to remain closed in order to achieve good internal noise standards.

Off site road traffic noise is generally not expected to increase significantly as a result of the Scheme. Exceptions include the northern end of Brent Terrace where significant increases in road traffic noise are predicted. Some noise reductions are also predicted including on Vale Road. The noise modeling also suggests that the central part of the Clitterhouse Playing Fields could become slightly quieter due to new buildings increasing screening of noise from the distant A406. The A406 will be resurfaced with a low noise road surface. However, modeling at this range has unavoidable uncertainties.

The Scheme will generally have small effects on railway noise and vibration levels so that significant impacts will be avoided. Increases due to new freight train services will be partly off-set by works to the railway tracks, but some increases are expected.

The rail freight facility will be designed with noise mitigation measures, and while impacts should be substantially reduced, some residual impact on the Railway Terraces Cricklewood Conservation Area is expected.

Noise emissions from buildings, including the Waste Handling Facility and the CHP/CCHP, will be designed to strict noise limits to avoid significant impacts. Increased activities in the neighbourhood parks and on the Clitterhouse Playing Fields could cause some minor disturbance to local residents at times.

The assessment of three intermediate year 'snapshots' of the likely significant environmental impacts of the Scheme (as parts are complete and others are under construction) are that there will be moderate negative noise and vibration impacts in all three years (2014, 2016 and 2023).

Commitments made by the applicants

The applicants have identified various noise standards that will be achieved at a detailed design stage including BS4142, the standard for fixed noise source.

The Mayor's objective of meeting the performance targets set for residential development in BS 8233:1999 (Table 5) (i.e. 'good' standards for external to

internal noise) and improving on Building Regulations (2003) Part E for internal sound transmission standards by 5dB will be met.

There are various commitments related to construction noise within the Code of Construction Practice related to the construction phase.

Comment

There are difficulties in assessing noise impacts over such a large, complex and flexible development proposal. It will therefore be important to check outcomes on the ground throughout the construction and post-construction phases. There will also be a need to carry out further noise and vibration impact assessment work at the reserved matters application stage. Buildings will be expected to comply with the prevailing standards for acoustic design.

Subject to the imposition of suitable conditions and the approval and implementation of site specific Construction Environmental Management Plans to implement the generic principles in the Code of Construction Practice, the Council's officers and specialist advisers consider that the proposals will not give rise to any unacceptable adverse impacts arising from noise. Such conditions are included in the proposed planning permission as recommended.

9.5.8 Contaminated Land

The Applicant's Conclusions (based on Chapter 20 - 22 of the RES)

With the implementation of the mitigation measures the residual impacts from the Scheme likely to arise from contaminated ground or groundwater will be reduced so that the impacts are not significant.

The remedial measures undertaken will result in an overall beneficial effect with regard to the effects of contamination in the Site area.

The assessment of three intermediate year 'snapshots' of the likely significant environmental impacts of the Scheme (as parts are complete and others are under construction) are that there will be:

- minor negative contaminated land impacts in 2014 and 2016; and
- no significant residual contaminated land impacts in 2023.

Commitments made by the Applicants

The need for further ground investigation work which will better define the extent and nature of contamination on the site is acknowledged in the RES. Output from this work will inform the detailed design and the various mitigation measures that will be required.

The Development Partners' commitments are primarily contained within the Code of Construction Practice and the Global Remediation Strategy (Annexes 12 and 13 to the RDSF respectively).

Comment

The ES and the further information provided in response to the Regulation 19 request are considered to provide an appropriate assessment of the likely significant environmental effects due to contamination of ground and groundwaters and to provide a satisfactory framework for the future design of detailed programmes for effective remediation and mitigation in accordance with relevant parameters and principles.

Reflecting the above, planning conditions and planning obligations are proposed with a view to ensuring that the site is remediated in an appropriate and coordinated manner as part of the redevelopment and regeneration process. The officers and specialist advisers to the Council consider that this is a reasonable basis for determining this application.

9.3.9 Archaeology and Cultural Heritage

The Applicant's Conclusions (based on Chapters 20 - 22 of the RES)

The assessment has established that no physical archaeological remains are known to be present in the Site but that the potential exists for such remains to be present. Specifically, deposits and features associated with the manorial centre at Clitterhouse Farm are thought likely to be present within the area of Clitterhouse Playing Fields. In addition, the course of the Roman road from Londinium to Verulamium runs close to the west side of the Site and remains of the actual road, or associated features, may be present. The assessment has also concluded that there is some potential for remains of other periods in the general area.

The potential adverse impacts identified by the assessment would arise from the loss of physical remains. Such physical loss is irreversible and thus the potential effects, if realised, would be permanent. Likewise, any potential positive effects that arise from mitigation would also be permanent.

The assessment concludes that it would be appropriate for the archaeological potential of the Site to be evaluated through an archaeological field evaluation. The mitigation measures described in the assessment will not necessarily prevent archaeological resources from being disturbed. However, they will ensure that any sites and finds can be fully and appropriately recorded or preserved in-situ where appropriate and practicable. These measures are

considered appropriate to ensure that there are no residual effects on archaeology.

Where archaeological work is required as compensation for the loss of any remains, the findings will likely add to our knowledge of the history of the area, and therefore represent a potential positive effect of such mitigation. Likewise, any requirement to preserve in situ important archaeological remains will ensure their future safeguarding and this too should be viewed as a positive effect.

The assessment of three intermediate year 'snapshots' of the likely significant environmental impacts of the Scheme (as parts are complete and others are under construction) are that there will be no significant impacts on archaeological and cultural heritage resources in any of the three years (2014, 2016 and 2023).

Commitments by the applicant

The applicants commitments are contained within the Code of Construction Practice.

Comment

Chapter 13 (of the RES) provides a fair and appropriate overview of the likely effects of the scheme, and the measures set out in the Code of Construction Practice provide protection for any archaeological remains. English Heritage has been consulted and has no objection subject to the appropriate planning conditions.

Officers are satisfied that the imposition of suitable conditions will ensure that no adverse impacts in relation to archaeology will arise from the proposal.

9.5.10 River Brent and Water Resources

The London Plan encourages developers to control run off from their site through incorporating rainwater harvesting and sustainable drainage. Policy 4A.14 of the London Plan states that the Mayor will, and boroughs should, seek to ensure that surface water run-off is managed as close to its source as possible in line with the following drainage hierarchy:

- store rainwater for later use
- use infiltration techniques, such as porous surfaces in non-clay areas
- attenuate rainwater in ponds or open water features for gradual release to a watercourse
- attenuate rainwater by storing in tanks or sealed water features for gradual release to a watercourse
- discharge rainwater direct to a watercourse

- discharge rainwater to a surface water drain
- discharge rainwater to the combined sewer.

The Applicant's Conclusions (based on Chapters 20 - 22 of the RES)

The baseline information and impact assessment reported within the RES have highlighted both the complexities and opportunities of the Site, in terms of the current restrictions and risks associated with its overall quality, its history and location.

In order to minimise the risks mitigation measures have been designed. The minimisation of these risks is dependent upon the ongoing development and successful implementation of these measures; which will be further developed during the detailed design stage. In addition, Chapter 12 of the RES notes the potential for pollutants to be mobilized by works to the banks of the River Brent. Some facts which are currently unknown will affect some significant mitigation measures, particularly with respect to site drainage, the application of Sustainable Urban Drainage Systems (SUDS) and water attenuation measures. It is therefore accepted that data with regard to the risks and characteristics of the site will need to continue to be monitored and reviewed during detailed design and a condition to this effect will be included in the proposed planning permission.

Despite the complexities of the Site and the potential risks identified, impacts to the water environment can be satisfactorily managed. There is potential for significant improvement in terms of water quality, runoff and flooding.

The proposals with the largest potential to impact upon the water environment are the planned realignment and restoration works to the River Brent. The Scheme will remove the river from the concrete channel through which it runs and restore a more natural character. The works have the potential to result, over time, in significant positive impacts to the ecology, aesthetics, quality and hydrogeomorphology of the Brent, but these benefits will only be realised if the designs, methodologies and monitoring plans for the works progress in a careful manner and involve considerable specialist input.

The assessment of three intermediate year 'snapshots' of the likely significant environmental impacts of the Scheme (as parts are complete and others are under construction) are that there will be:

- minor negative water resources and flooding impacts in 2014;
- minor positive water resources and flooding impacts in 2016; and
- minor positive water resources and flooding impacts in 2023.

- Commitments made by the Applicant-

Residential buildings will be required to be designed to achieve water use of 105 litres/person/day (38.3 cubic metres per year) under the proposed planning conditions. In residential buildings dual-flush toilets, showers and spray taps will be specified. When specified by developers, white goods will be A-rated for energy and water use. Beyond these measures, actual water use is largely determined by residents.

Reduced water use will be encouraged by the installation of water meters, allowing water use to be monitored and leaks to be identified as soon as they occur.

The applicants have committed to the use of Sustainable Urban Drainage Systems (SUDS), which will be identified at the detailed design stage. Examples are provided within the Drainage Strategy (BXC 15) which accompanies the planning application.

With the agreement of the Environment Agency, a 25% attenuation of the undeveloped site's surface water run off at peak times will be achieved.

10% of rainwater will be collected and used to provide all the irrigation water needed for the development. Grey water from commercial / office premises will be reused, if demand identified.

Comment

The applicants have acknowledged the uncertainties associated with the outline nature of the design work undertaken to date for the realignment of the River Brent, and since the submission of the November 2008 application have held further discussion with the Environment Agency.

After receiving the updated information and Flood Risk Assessment, the Environment Agency raised no objection to the application subject to the imposition of conditions. The conditions which are proposed in this report are designed to ensure that the further work agreed with the Environment Agency is delivered and thereby ensuring that the scheme does not give rise to an increase in flood risk, water pollution or an adverse impact upon the environment, including natural features and the character of the area.

9.5.11 Waste Management and Waste Facilities and the North London Waste Plan

Key Policy Background

PPS 10 'Planning for Sustainable Waste Management' (July 2005) sets the wider context for dealing with waste within the planning system. Although primarily focused on planning for the proper provision of waste management facilities, PPS 10 nevertheless requires major developments to incorporate appropriate design features and working plans to facilitate the proper management of waste during both the construction and operational phases. These requirements have been reinforced through the updating of the Building Regulations.

PPS 10 also requires Waste Planning Authorities (including LB Barnet) to make sufficient provision for the delivery of suitable waste management facilities "... of the right type, in the right place and at the right time ..." and to use plan-led strategies to drive waste management up the waste hierarchy (from disposal to recycling, re-use and reduction).

The Applicant's Conclusions (based on Chapters 20 - 22 of the RES)

Waste generated from the current site is estimated to be 4,548 tonnes a year. The amount of waste generated from the completed development is expected to rise to approximately 7,000 tonnes a year for the PDP, and 18,000 tonnes a year for the entire development.

The additional quantity of waste generated through the different phases of construction will result in some detriment to the environment although the level of significance will be limited. In the case of excavation, demolition and construction wastes, the level of significance will be minor to moderate compared to current operations on-site. For the operational phase only a minor negative impact is envisaged.

Whilst the Scheme is likely to generate significant additional quantities of waste, the ability to plan and implement an integrated waste management approach at an early stage will result in minimum quantities of additional waste requiring landfill disposal. Combined, source-segregated recycling and composting rates are anticipated to be close to 55%. Further management and recovery of waste through the proposed WHF and CCHP facility could raise waste recovery levels to in excess of 85%. The combination of source segregated recycling/composting and additional recycling at the WHF will ensure that the development meets and indeed exceeds the recycling targets for municipal waste and commercial/industrial waste set out in national, regional and local waste strategies and waste development plans.

The development will incorporate design features and systems including systems for raising waste awareness amongst householders and commercial operators alike. However, the ability to achieve high recycling performance is also dependent on a range of socioeconomic and legislative/policy factors that are outside the direct control of the Applicants.

Adoption of an underground vacuum waste collection system, subject to feasibility, together with the proximity of the proposed WHF offers the potential to adopt an integrated waste management system which is compliant with the proximity principle in that all waste emanating from the site will be managed within five miles of its source. Such an approach could almost entirely eliminate the need for road based transportation of waste. Further feasibility assessment will need to be undertaken to accurately determine the overall benefits of the vacuum waste collection system and to establish the overall life-cycle cost burden over the operational period of the Scheme.

As the applicants are unable to commit to an underground waste collection system at this stage, the RES has considered the impact of more traditional means of waste storage and collection. The conditions and Section 106 agreement will require the feasibility of including an underground vacuum waste collection system prior to commencement of development and the delivery of such a system as part of the development if it is found to be feasible.

The assessment of three intermediate year 'snapshots' of the likely significant environmental impacts of the Scheme (as parts are complete and others are under construction) are that there will be minor negative waste impacts in all three years (2014, 2016 and 2023).

Commitments made by the Applicant

A number of buildings on the site need to be demolished in order to allow the full regeneration potential of the site to be realised. Demolition is to be carried out in accordance with the ICE Demolition Protocol and an assessment of recycled content will be undertaken using the WRAP recycled content toolkit.

Contractors will be required to develop and implement a series of plot-specific Site Waste Management Plans that will help ensure that generation of waste on site is minimised and that, when produced, waste streams will be sorted on site wherever practical.

Reused or recycled construction materials will be specified where practical (relative to building functionality). 10% (by value) of materials used will be derived

from recycled and reused content, to be verified using the toolkit developed by the Waste and Resources Action Plan (WRAP)

Prefabricated and standardised modular components will be used wherever feasible to minimise waste. If this is not feasible, low waste fabrication techniques will be used.

Residential buildings will be provided with separate dedicated storage space to facilitate recycling and composting of at least 40% of household waste by means of separate dedicated storage space. This will exceed the targets of at least 25%, rising to 35% by 2010. All waste handling areas will be provided with storage space for recyclables, organics and residual wastes. Recycling facilities will be provided and plans for achieving the targets will be developed in discussions with the waste collection contractors. Facilities to achieve a minimum 40% recycling/composting rate will be provided however this will not preclude the ability to achieve higher recycling / composting performance. If financially viable, it is planned to install an underground vacuum collection system for waste collection (e.g. the ENVAC System) that is likely to significantly raise the proportion of waste recycled or composted. Furthermore, a WHF is planned as part of the development and this facility will enable additional recyclable materials to be recovered from the waste stream. The combination of source segregated recycling and waste recovery at the WHF will achieve greater than 85% diversion of waste from landfill.

It is expected that the Mayor's preferred target of achieving 70% recycling of commercial and industrial waste by 2020 will be met, by a variety of means including the potential for an underground waste collection system.

Opportunities for incorporating innovative waste recovery facilities are being studied and included in the application.

Comment

The waste management proposals and targets included in the application are acceptable. The conditions which are proposed in this report will require that a Demolition and Site Waste Management Plan which reflects the DSF and Code of Construction Practice is submitted and approved for each development plot before work commences and planning obligations will be required to ensure that the CoCP and CEMPs are reviewed and implemented on an appropriate basis. The RDSF refers to the ENVAC proposals and there is a requirement for the applicant to produce a detailed feasibility study before the commencement of the development and if it is found to be feasible then there will be a commitment to deliver it in accordance with the parameters and principles in the application

documents. However, as this is not an unconditional commitment, the ES and TA also assessed the impact of traditional waste collection.

A planning condition and planning obligation are also proposed to ensure that the feasibility of the vacuum collection system for waste which is discussed in the Environmental Statement is properly evaluated and assessed before work begins. A comparable condition is proposed to cover the Waste Handling Facility.

North London Waste Plan (NLWP) – Preferred Options

The North London Waste Plan Preferred Options report was approved by the London Borough of Barnet Cabinet on 1 September 2009 for public consultation. This public consultation will be carried out in the autumn of 2009. The site at Edgware Rd/Geron Way (occupied by the Bestway cash and carry warehouse) was identified as a potential waste management site in Schedule C.

The NLWP Preferred Options sets out a sequential policy approach whereby waste developers must first consider existing waste management sites (Schedule A) for redevelopment or possible intensification. If these are not suitable, developers should consider re-orientation of existing transfer station sites (Schedule B) into waste management facilities. If both of these are unsuitable developers can turn to potential new waste sites (Schedule C). Only in exceptional circumstances can non-allocated sites be put forward for waste development.

The NLWP identifies a number of sites in Schedule C and although there is some flexibility as would be expected at this stage of the site selection process, the report concludes (p84) that all potential sites listed in Schedule C should be safeguarded for waste use to ensure that the North London Boroughs can meet the Apportionment allocated to them in the London Plan.

9.5.12 Waste Handling Facility (WHF)

Background

The application site includes the existing Hendon Waste Transfer Station which is a rail linked facility operated by the North London Waste Authority. The existing site is required as part of the proposed new town centre. Policy C7 of the Barnet UDP sets out the requirement for an enhanced, rail linked waste transfer station serving North London to be provided as part of comprehensive redevelopment proposals for the Brent Cross Cricklewood Area.

As this is an outline application the exact details of this facility are not known at this time. This facility will be developed in partnership with the NLWA and will provide a replacement for the Hendon Waste Transfer Station. The parameters and principles applied to the assessment of this facility are included in Appendix 15 to the RDSF. The information set out below defines the parameters and principles for this facility that have been assessed in the TA and ES. Any

significant variation from these parameters and principles is likely to require a new planning application. This will be controlled through planning condition. The new facility must be operational before the existing facility is closed. The WHF is in Phase 1 of the development.

Location and Description

The WHF will be located in the Railway Lands Zone between the A5 and the Midland Main Line, on a site known as Geron Way and Edgware Road and identified in the UDP Proposals Map as site 29.

This site has been identified in the North London Waste Plan Preferred Options Report as a potential waste management site (Schedule C see above).

It will sort material that can be recycled and will treat non-recyclable waste to enable it to be converted into a renewable fuel for the proposed Combined Heat and Power Plant. This will be subject to a detailed feasibility study.

The building will have a maximum floorspace of 24,700 m² and will incorporate a materials recycling facility (MRF) including mechanised handling of source segregated materials and a residual waste treatment facility.

Three rails tracks will be provided under a rail mounted gantry with a facility for loading and unloading from vehicles. High level lighting will be provided. Core hours for waste reception are likely to be within the range of 0700 to 1900 on weekdays and between 0900 and 1300 at weekends.

Waste Input Assumptions

The waste inputs to the proposed facility are assumed to be:

- Dry recyclables from bring banks and kerbside collections.
- Green and Food Waste from recycling centres and separate collections.
- Mixed black bag waste.

Waste Input Assumptions (Source: RDSF March 2009 Appendix 15)

Waste Activity	Waste Type	Operations	Maximum Annual Throughput	Maximum Daily Throughput (1)	Delivery Times	Method of Delivery
Materials Recycling Facility	Dry recyclables from bring banks and kerbside collections	Sorting and bulking of clean recyclables	150,000 metric tonnes per annum	750 metric tonnes per day	Monday – Friday (07:00 – 18:00 hrs) Saturday (08:00 – 13:00 hrs)	Road
Organics Bulking	Green and Food waste from recycling	Bulking of green waste for composting offsite	50,000 metric tonnes per annum	250 metric tonnes per day	Monday – Friday (07:00 –	Road

Waste Activity	Waste Type	Operations	Maximum Annual Throughput	Maximum Daily Throughput (1)	Delivery Times	Method of Delivery
	centres and separate collections				18:00 hrs) Saturday (08:00 – 13:00 hrs)	
Residual Treatment	Mixed black bag waste	Sorting and processing of mixed waste into recyclables and a fuel for combustion in the dedicated combined heat and power plant	250,000 metric tonnes per annum	1250 metric tonnes per day	Monday – Friday (07:00 – 18:00 hrs) Saturday (08:00 – 13:00 hrs)	Road
Combined Heat and Power (CHP) plant	Fuel from the Residual Treatment plant	Combustion of solid fuel to create heat for use in the development and electricity for onsite use and export to the grid	150,000 metric tonnes per annum	900 metric tonnes per day	24 hours	Conveyor system

Note: (1) Based on delivery over 250 days per annum with additional 25% allowance

Waste Output Assumptions

The waste outputs from the proposed facility are assumed to be:

- Dry, Clean Recyclables.
- Organics
- Rejects from recycling and residual treatment.
- Fuel for the residual treatment plant.

Waste Output Assumptions (Source: RDSF March 2009 Appendix 15)

Material	Method of Transportation	Destination	Maximum Annual Tonnage
Dry, Clean Recyclables	Train	Recycling Processors	220,000 metric tonnes per annum
Organics	Road	Composting Site	50,000 metric tonnes per annum
Rejects from recycling and residual treatment	Train	Landfill	25,000 metric tonnes per annum
Bottom ash from the CHP plant	Train	Reprocessing	90,000 metric tonnes per annum

Access

A new signal controlled junction will be constructed with the A5 at Humber Road and this will provide access to the diverted section of Geron Way. It is anticipated that an at grade or underground conveyor will transport the refuse derived fuel from the waste handling facility to the CHP plant. Adjacent to the

north east corner of the WHF there will be a pedestrian footbridge off Geron Way to provide access over the Midland Main Line to the other areas of the development.

Environmental Assumptions and Commitments

It is anticipated that a minimum of 40% of household generated waste and commercial waste from the Scheme will be recovered via source-segregated recycling and composting.

The new facility will be capable of handling a similar amount of waste to that which the existing waste transfer facility is licensed to handle, whilst providing a significantly more sustainable approach. The existing facility exports all of the waste handled to landfill outside London. The new facility will manage all waste within London with only some of the recyclable materials and ash from the thermal facility being transferred outside London. The amount being sent outside London should not exceed 10% of the total waste flow entering the WHF.

Noise

It is anticipated that any potential noise impact can be mitigated through design measures, suitable building fabric, attenuation to plant discharges etc. The WHF will be designed to ensure that noise emissions from plant and buildings are no higher than 5db below existing background LA90 noise levels at the nearest noise sensitive buildings. The facility is to be located in a relatively high noise location and it is expected that this design standard can be achieved. It is expected that the following operation arrangements will form part of the mitigation:

- All wastes will be delivered in closed vehicles and containers.
- All wastes will be unloaded within buildings
- No untreated waste will be stored external to the buildings
- Buildings will be fitted with fast acting roller shutter doors or similar.
- Buildings will be fitted with ventilation and odour abatement systems.
- Where practicable, outputs will leave the site by train.
- Waste will only be accepted during the stated delivery times
- Where practicable all wastes will be recovered as recyclables or converted into fuel for use in the CHP system.
- A comprehensive litter management plan will be implemented around the WHF.

Traffic Impact/Assumptions/Transport Modelling

The application has assumed the worst case scenario for traffic impact assessment where no rail service is available and the facility is served by roads only. Although the applicants intend to utilise an underground waste collection

facility, the TA has assessed the alternative worst case means of waste disposal using lorry collection and movement to the WHF.

Trip rates have been derived on the basis of the proposed operational requirement for the site, potential employment on the site and tonnage throughput. Details of the trip rates can be found in Section 4.7 and Appendix III (H) of the TA.

It is assumed that 50% of the staff will use public transport and that the others will arrive in single occupancy cars. An allowance of one vehicle per hour was made to reflect general deliveries, vehicles etc.

Daily traffic forecasts were made by applying the current historic profile to the waste collection vehicles. Daily car movements were based on the three categories of workers: general operatives, maintenance staff and office staff.

The TA provides two scenarios in relation to the WHF on the transport network, the 'Do Minimum' approach, assessing the impact of the facility without major intervention and the 'Do Something' approach with the scheme. Details of the predicted effect on the relevant junctions can be found in Appendix 15 of the RDSF (March 2009). The results demonstrate that the improved 'Do Something' junction layout operate well and do not create any difficulties for the movement of traffic in this location. Full details can be found in Appendix IV (L1) Volume 2 or the TA.

Comment

The planning application has identified the overall parameters for the proposed relocated and enhanced waste handling facility in terms of building height, floorspace, technology ranges, environmental output and transport movements. These parameters have been tested in the planning application and establish a framework within which the detailed design of the facility must comply. The environmental assessment is considered robust and sets out the likely significant effects appropriate to the land use planning stages of the consenting procedure and taking account that there is likely to be a further EIA process at a later statutory consent stage. If, at the detailed design stage, proposals are brought forward that fall outside these parameters, the proposals will need to be screened to check whether a further environmental assessment and/or a new planning application is necessary.

The proposed new waste handling facility has been the subject of considerable objection. These objections are summarised in Appendix 4. Officers consider that the location of the Waste Handling Facility is supported by adopted planning policy and the emerging LDF (North London Waste Plan – Preferred Options) is appropriate in terms of both links to the transportation network and any likely effect on residential amenity.

9.5.13 Rail Freight Facility (RFF)

Background

The application site includes an existing rail freight facility and other land in rail related uses which is required to provide for the comprehensive mixed use redevelopment of the area. Policy C7 of the Barnet UDP requires that an upgrade of the rail freight facilities is provided to increase the potential for the distribution of goods by rail, for use by businesses in North London. An operator has not yet been identified for the proposed new rail freight facility at this early stage of the development of the proposal. The rail freight facility is not linked to any other aspect of the development but must be provided before the existing facilities close. It is shown as being included in Phase 4 of the development.

As this is an outline application the exact details of this facility are not known at this time. The parameters and principles applied to the assessment of this facility are included in Appendix 15 to the RDSF. The information set out below defines the parameters and principles for this facility that have been assessed in the TA and ES. Any significant variation from these parameters and principles is likely to require a new planning application. This will be controlled through planning condition.

Location and Description

The RFF will be located in the Railway Lands Development Zone between the A5 and the Midland Main Line to the south west of the application boundary. This location is indicated on Parameter Plan 18. It will provide a 24 hour 7 day a week transfer point for conventional freight that is generally on pallets or roll cages.

The building will have a maximum height of 16 metres (except in those areas to the south of the building adjacent to the Railway Terraces Cricklewood Conservation Area where the height will be restricted to 12 metres to the eaves), maximum length of 450 metres and a maximum width of 94 metres. The building will extend to a maximum of 29,300 m² which could include a mezzanine.

A 7.5 metres landscape buffer will be provided between the edge of the railway line and the embankment to the south west of the site. This will incorporate a noise screen to protect local residential amenity. The building will be set back at least 15 metres from the railway line and embankment to the south west of the site.

Road access will be directly from the A5 with separate new entrance and exit roads. Rail connection will consist of three sidings one being inside the building. There will be parking for 120 cars and 40 HGVs.

As set out in Appendix III (H1) Volume 2 of the TA. It is estimated that there will be a maximum of 200 lorries per 24 hour period. The site will generate a maximum of 100 vehicle movements per shift change. Shifts have been

assumed to be 6am - 2pm, 2pm -10pm and 10pm - 6am. There will be approximately 20 office staff on a 9am - 5pm shift.

Environmental Assumptions and Commitments

The expected net effect of the waste and freight facilities will increase rail and freight movements on the Brent Curve from 20 scheduled trains per day to 27. This is likely to increase noise slightly, but not significantly.

The main operational external noise sources will be lorries manoeuvring, staff cars parking and infrequent train movements. The facility itself will be designed with noise mitigation and while impacts will be reduced, some residual impact on the Railway Terraces Cricklewood Conservation Area is expected. This is expected to be within the night time noise standard specified as Noise Exposure Category A in PPG24 for new residential development. Therefore the operation of the freight facility is not expected to cause sleep disturbance to neighbouring residents, although the increase in noise will be noticeable during periods of lorry activity.

The proposed new residential development on the other side of the railway line will be designed with an appropriately high standard of noise insulation.

Traffic Impact

The TA provides two scenarios in relation to the RFF on the transport network. (The Do Minimum and Do Something scenarios). Full details are available with Appendix IV (L1) Volume 2 of the TA and in Appendix 15 of the RDSF.

The Scheme junction layout results in all arms of the junctions operating well within capacity in the Do Something, therefore demonstrating that the improved layout achieves a better junction operation over the Do Minimum.

Comment

Chapter 12 of the Barnet UDP (Adopted 2006) contains policies relating to the comprehensive development of the Cricklewood, Brent Cross and West Hendon Regeneration Area and that includes Policy C1 which specifically seeks comprehensive development in accordance with the Adopted Development Framework for this area. Both the UDP and the Development Framework envisage the upgraded Rail Freight Facilities and the applicant is committed to delivering the rail freight facility through the proposed planning conditions and Section 106 agreement. The new facility is required to replace existing facilities within the Midland Mainline corridor and conditions will required the new facility to be in place prior to the closure of the existing. An operator has yet to be identified to operate the facility but this would not be expected at his stage of the proposal.

The BXC application therefore safeguards rail freight facilities and thereby enhances sustainable movement of freight relieving road and lorry movements. It is considered that the Environmental Statement has properly considered and

assessed the impact of the rail freight facility on the adjacent residential properties, particularly those in the Railway Terraces Conservation Area. Necessary mitigation measures include design constraints to the rail freight building and the erection of an acoustic screen.

It is considered that this aspect of the application accords with the development plan requirements for the regeneration area. A

9.5.14 Combined Heat and Power Plant (CHP/CCHP)

Background

The CHP/CCHP plant will be located in the northern corner of the Station Quarter Development Zone adjacent to the M1/A406 junction. It is included in Phase 1 of the development.

The application proposals include a large-scale Combined Heat and Power (CHP/CCHP) facility which will be linked to the Development by a district heating/cooling network. The CHP/CCHP will be rated at around 16MW electrical and is capable of supplying 100% of the heat and hot water of all the new residential premises on the development.

As this is an outline application the exact details of this facility are not known at this time. The parameters and principles applied to the assessment of this facility are included in the RDSF which includes a data summary description at Appendix 15. The information set out below defines the parameters and principles for this facility that have been assessed in the TA and ES. Any significant variation from these parameters and principles is likely to require a new planning application. This will be controlled through a planning condition and associated obligations.

The preferred option is to use a refuse derived fuel (RDF) from the WHF transferred directly by conveyor from the WHF. This would provide the most sustainable outcome. This is subject to a feasibility study and to the procurement processes of the NLWA and a base option has been developed in the absence of firm agreement for the supply of RDF. This base option assumes (as a 'worst case') that the CHP will be fuelled by a conventional fuel source, likely to be natural gas in the event that the RDF is not a feasible option.

The technology proposed (gasification) does not directly combust the fuel, instead the fuel is converted into a gas which is then cleaned to remove impurities and subsequently combusted to create electricity and heat. By converting the solid fuel to gas, any impurities that may have been present are collected as a solid product which can be disposed of safely. The process does not therefore involve mass burn incineration and the Council will impose a planning conditions on any planning permission granted which prevents incineration being undertaken on site.

The CHP/CCHP plant is likely to include the following key elements:

- A building accepting and thermally converting approximately 150,000 tonnes/annum of floc or RDF pellets to produce a synthesised gas;
- Steam generation boilers powered by the synthesised gas;
- Steam turbine generator capable of generating and exporting up to 16MW of electricity depending on the characteristics of the fuel
- A heat exchanger and pumping system to circulate the heating water through a district heating and cooling mains pipework system.

The stack for the CHP will need to be within the maximum height parameters set out in the RDSF (140m) and will need to be considered separately through further emissions modelling (in addition to that listed in Appendix 15 of the RDSF) during the detailed design stage and subject to the approval of the Council. The stack associated with the CHP will be a maximum height of 140m above finished ground levels, with a maximum diameter of 1.5m (outer wind shield) and the CHP building will be within the following parameters:

Height: Maximum 60 metres

Minimum 20 metres

Length: Maximum 60 metres

Minimum 20 metres

Width: Maximum 60 metres

Minimum 20 metres

Environmental Assumptions and Commitments

The CHP plant has the potential to provide a significant proportion of the Scheme's energy requirements as renewable energy. However, the CHP also raises issues regarding the level of pollutant emissions, the visual impact of the stack and noise generation. An overview of this information is provide in Appendix 15 of the RDSF and has been considered in the applicants Environment Statement which has been judged acceptable by the officers taking account of the advice of specialist advisers to the Council.

Air Quality

All of the pollutant concentrations are within the AQS objectives and the pollutant for which the highest ground level concentration is predicted is NO₂. Impacts from the operation for the CHP unit will vary according to the height of the stack and the location of receptors. Even with a chimney height of 140 metres predicted concentrations at some locations will occasionally approach the target levels set out in the Air Quality Strategy for England, Scotland, Wales and Northern Ireland. Further detailed process and design assessments will be required under the separate statutory consents regime (PPC). These will go beyond the current assessment which relies on modelling and assumed mitigation measures to reach its conclusions. When those detailed applications

come forward, planning conditions will be imposed to ensure that adequate provision is in place to protect the environment and residential amenity.

Visual Impact

The need to minimise ground level pollutants and the visual impact of the CHP chimney stack will need to be balanced in arriving at the appropriate stack height. A stack height of 140m was selected as providing the optimal dispersion of the emitted pollutants while being the least visually intrusive. On completion of the overall project, the stack height will feature as only one thin element set alongside the new tall buildings. The maximum height of the buildings where the CHP is to be located is likely to be 100 metres.

Noise

The CHP is a major potential source of noise. However, it is located adjacent to the M1/A406 junction where ambient noise levels are high and where there are no noise sensitive neighbours. The major noise sources will be included within the building envelope and major noise impacts can be avoided through good design. The CHP plant will be designed to ensure that noise emissions from plant and buildings are no higher than 5db below existing background La90 noise levels at the nearest noise sensitive buildings.

Traffic impact

The CHP fuel supply will be directly delivered from the WHF by conveyor. In the event that this fuel supply is not available, it will be possible to source RDF from other sources and for this to be transported to the WHF by rails and then to the CHP by underground conveyor. The export of ash will be by road and will amount to no more than 10 HGV visits per day. It is considered that the CHP plant will generate relatively immaterial traffic flows and therefore it was not considered necessary to undertake a quantitative assessment of these impacts.

Comment

The proposed CHP/CCHP combined with the innovative proposals to fuel the facility with a refuse derived fuel generated by the new waste handling facility, which in turn is supplied to the WHF by the ENVAC vacuum waste facility, is welcome. It is estimated that this facility will have the capacity to supply 100% of the heat and hot water needs of the new residential accommodation. The applicant has given consideration to the phasing of the network and to the possible need to source other sustainable fuel supplies. The proposal as a whole will both reduce traffic (through the use of the ENVAC system and through the supply of a RDF from the WHF) and makes a substantial contribution to the applicants carbon reduction strategy. This is fully in accordance with the London Plan and UDP policies.

There have been a considerable number of objections to this aspect of the application which have all been carefully considered. It is considered that the environmental assessment of the CCHP has been based on a realistic overall set

of parameters and assumptions derived from other similar facilities. The assessment is considered to be both adequate for the land use stage of the consenting procedures and robust and sets out the likely significant effects of this component of the development, bearing in mind that there is likely to be a further EIA in relation to the separate consenting procedures relating to the processes and operation of the facility. The parameters and assumptions set out in the RDSF will form part of any permission granted and if, at the detailed design stage, proposals are brought forward that fall outside these parameters, the proposals will need to be screened to check whether a further environmental assessment, or even if a new planning application is necessary at that stage in accordance with the EIA regulations. It is considered that sufficient safeguards are provided to make sure that the concerns of objectors are dealt with and that the residential environment is protected.

On balance, given the rigorous environmental, planning and transport assessment of the waste, freight and CHP facilities the considerable benefits that these bring in carbon reduction and sustainability terms combined with the significant mitigation measures from impacts outweigh any material concerns or objections against these elements of the BXC scheme.

9.5.15. TV, Radio and Mobile Communications.

The development of new buildings, especially tall ones, can result in interference with analogue and digital television reception as a result of shadowing and reflection. This can also result in possible interference to radio and mobile phone reception. The construction of new buildings does not affect the quality of cable television reception or other 'landline' systems. There are likely to be impacts on the quality of TV reception from the Crystal Palace transmitter in the shadow zone created by the scheme. There is a low probability of impact on TV reception to the south east but a medium probability for properties to the west.

Mitigation measures will be implemented by the applicant to reduce the level of impacts on TV reception to a level where they are unlikely to be perceptible. This may include increasing aerial height, use of gain amplifiers and use of alternative transmitters. Where properties use satellite receiving equipment no mitigation will be needed. The switching from analogue to digital will also reduce the impact due to the increased transmission power of digital signals.

It is considered that there will be no significant impact on either radio or mobile phone reception.

Planning obligations will oblige the applicant to fund or carry out reasonable measures to mitigate the loss of TV or radio reception,

9.6 Housing and Social and Community Infrastructure

9.6.1 Housing

The delivery of a substantial contribution to the Borough's housing target as part of the BXC development is a key planning factor in support of the application. This consists of over 7,550 new homes with a target of 2,250 units as affordable housing.

Key Planning Policy

PPS 3 sets out the national planning policy framework for delivering the Government's housing objectives. PPS 3 also identifies the need for new housing developments to achieve a suitable mix of housing tenure, price and sizes.

The London Plan expects development proposals to achieve the highest possible intensity of use compatible with the local context, design principles and public transport capacity (Policy 3A.3). Accordingly the Mayor will refuse planning permission for strategic referrals that, taking into account context and transport capacity, under-use the potential of a site.

One of the London Plan's strategic objectives is to increase substantially London's supply of affordable housing and sets a 50% affordable housing target. (Policy 3A.9). Of that 50%, 70% should be provided as social rented and 30% as intermediated tenures (Policy 3A.9).

Policy 3A.10, however, states that boroughs should apply these targets flexibly when negotiating with developers taking into account individual site costs, economic viability, including the availability of public subsidy and other planning objectives. Where redevelopment of affordable housing is proposed, it should not be permitted unless it is replaced by better quality accommodation, providing at least an equivalent floorspace.

UDP Policy H5 states that the Council will seek to negotiate the maximum reasonable amount of affordable housing on sites of ten or more units.

Policy 3A.5 of the London Plan states that boroughs should seek to secure new housing to be built to 'Lifetime Homes' standards and for 10% to be accessible to wheelchair users and encourages a range of housing choices in terms of housing sizes and types.

The Applicants Proposals

The application seeks permission for 712,053m² of residential floorspace which could provide in the region of 7,550 homes. This floorspace is distributed across the development in accordance with the Zonal Floorspace Schedule and includes the replacement of the Whitefield (Council Housing) Estate and the Rosa Freedman Centre (approximately 220 existing dwellings).

As this is an outline application, exact housing numbers and unit sizes to be delivered in each phase cannot be determined at this stage and will be determined at the detailed stages in accordance with defined parameters and principles to which the proposed planning permission will be tied. The numbers are indicative and will depend on the detailed design of individual reserved matter applications.

The application will target the delivery of 2,250 units as affordable housing across the development. This will be subject to viability in compliance with policy. The proportion of affordable housing to be delivered for a specific phase linked to the Indicative Construction Programme will be approved by the LPA when the applicant submits a Reserved Matters or other matters planning application at or before the commencement of each phase in each Phase or sub-phase. The review mechanism by which the approved proportion of affordable housing will be calculated and defined is set out in the affordable housing review mechanism that will be contained in the S106 agreement (and the principles of which are outlined in the Heads of Terms contained in Appendix 1). Each individual phase, other than Phase 1, could potentially deliver up to 50% affordable housing (which is the current policy target) but this will be subject to the conclusions of the Review Mechanism. It is anticipated that the PDP will only provide the replacement units for the Whitefield Estate and the Rosa Freedman sheltered accommodation. However the PDP will be subject to the review mechanism and could potentially deliver more affordable housing subject to viability and/or the availability of funding. Regardless of viability issues, a minimum of 15% affordable housing will be provided over the entire scheme in addition to the re-provision of the existing Whitefield Estate and the Rosa Freedman sheltered accommodation and the development will target the provision of 2,250 affordable housing units.

Design

The applicant has committed to high quality residential design through the Revised Design and Access Statement and Design Guidelines. Innovative and sustainable high density designs will be required at the Reserved Matter Stage. Three main categories of housing typologies are proposed. These include:

- Perimeter blocks (the predominant typology)
- Point block

- Terraced Housing.

The perimeter block - buildings that follow a continuous line around the street block and contain private space within courtyards - are considered to create the most effective urban environment for the new town centre as it offers the potential for clearly defined spaces enclosed by buildings and streets. Point blocks and terraced housing are used in appropriate locations to create a varied town centre environment that responds to the specific circumstances of different parts of the site and the different qualities of development zones.

Lifetime Home standards will be met for all new residential buildings. In the event that one or more standards cannot be met this will be identified and justified at the detailed design stage. 10% of new homes will be designed to meet wheelchair standards or capable of easy adaptation to wheelchair standards.

Density of Development

The density matrix set out in Table 3A.2 of the London Plan sets a strategic framework of appropriated density ranges in relation to location, setting and the Public Transport Accessibility Level (PTAL) for a site.

In the case of the BXC, the new town centre will have a PTAL of 5/6 (the highest public transport accessibility being 6) which reflects the nature of public transport facilities provided including the new railway station and enlarged Brent Cross bus station. Indicative housing densities range from 106 - 386 dwellings per hectare. These are at the upper end of the density ranges outlined in the London Plan. However this density range is considered acceptable in the context of the new mixed use town centre for Barnet centred around a very urban setting at the base of the M1 Motorway and the A406 North Circular Road.

Density and housing design will vary to reflect the different nature of the development zones. The highest housing densities will be in the Market Quarter zone which forms the heart of the new town centre and is easily accessible for the new train and bus stations. Individual proposals, such as the terraced houses in the Brent Terrace triangles, will respond to the particular character of individual parts of the development area.

Where possible, larger units will be situated on the ground floor with direct access to private open space. Open space will be provided in a combination of private balconies and roof terraces and private and communal gardens. In addition to these areas of private open space, public open space throughout the area is being improved and increased to make sure that an acceptable residential environment is created.

Affordable Housing Mix

As outlined above, the target for affordable housing across the development will be 2,250 units or equivalent floorspace, and will be subject to a review mechanism to assess viability. Affordable housing will include both social rented and intermediate tenures and will be built in the proportions of 60% social rent and 40% intermediate tenures, or such range as is agreed by the Council at a future date having regard to its housing policies at the time. The tenure mix proposed reflects the Mayor of London's 'Review of the London Plan' and the Council's housing strategy to improve housing choice and opportunity.

Unit sizes for affordable housing are set out below:

Type	Intermediate	Social Rented
1 bedroom	36.8%	16%
2 bedroom	46.6%	37%
3/4 bedroom	16.6%	47%

The proposed mix reflects strategic policy and local housing needs and is acceptable and includes 47% of the social rented homes as 3/4 bedroom units. This mix and unit size is welcome as it reflects the need in Barnet and across London for larger units for social rent.

The proposals for intermediate tenure are aimed at providing greater choice and opportunity to those currently excluded from the property market. A range of intermediate housing products will be offered and will be secured through the S106 agreement.

Private Housing Mix

The private sector residential mix will be constructed in accordance with the mix of units sizes set out below:

1 bedroom/studio	35%
2 bedrooms	47%
3/4 bedrooms	18%

The aim of the housing mix is to attract a broad spectrum of potential purchasers. The applicants has derived the mix of private sector housing by reference to an assessment of the existing housing market. The applicants aim to bring wealth and diversity to this area of Barnet to create a socially and environmentally sustainable community. The mix includes substantial numbers of one and two bedroom units but also larger 3 and 4 bedroom units in recognition of the need for quality larger units to accommodate higher earning groups with families.

Whitefield Estate

The existing Whitefield Estate will be required to be demolished and replaced in the first phase of the proposal. The freehold of the estate is owned by the Council and managed by Barnet Homes. The Council and the development partner for the estate will undertake formal consultation, ballot or serve notice under Ground 10a or the Housing Act 1986 (or other appropriate legislation) before any change in landlord tenant relationship.

The detail of the arrangements for relocating tenants and owners on the estate are yet to be agreed as part of a residential relocation strategy but are likely to be similar to those agreed for the other estate regeneration schemes in the Borough, such as at Stonegrove Estate. (The Council and its development partners have considerable experience in estate renewal and redevelopment). The relevant parameters and principles for the strategy are set out in the RDSF and the strategy will need to be approved prior to the commencement of the development.

The applicant has agreed to replace the total floorspace of the estate as affordable housing in the first Phase before the existing Whitefield Estate is demolished.

Summary

The introduction of a mixture of social rented, intermediate and private sale properties across the scheme ensures that the development will create a balanced, mixed neighbourhood that will contribute to the delivery of a new mixed use town centre for Barnet. The new housing on the site has been planned and designed at higher densities to maximise the potential of the regeneration area and therefore ensure an efficient reuse of the land. A range of housing densities and typologies have been applied to reflect the different character of the development zones. The percentage of affordable housing will vary according to the overall viability of the scheme (as tested as proposals come forward in accordance with a detailed review mechanism) with a target of 2250 units and a minimum commitment to the delivery of 15% for each phase other than the PDP. Appropriate arrangements will be made for the residents of the Whitefield Estate under the arrangements set out in the proposed planning conditions and the S106 HoTs set out in Appendix 1 to this report. The application proposals and housing terms are therefore considered to be in accordance with national, London and local housing policy and in the local and strategic interests of the Borough and London.

9.6.2 Social Infrastructure Provision

Policy Overview

London Plan Policy 3A.18 states that in major areas of new development and regeneration adequate provision should be made for social infrastructure and

community facilities, whilst Policy 3A.7 states that for large residential developments provision should be made for suitable non-residential uses.

Strategic UDP Policy GCS1 seeks to ensure that an adequate supply of land and buildings is available for community religious, educational and health and social care facilities to meet the needs of residents in the borough.

UDP Policy L23 states that the loss of indoor sports and recreational facilities will be resisted unless (1) new facilities of at least equivalent quality or quantity are provided on the site or at an accessible location, (2) improvements are made to indoor sports and recreation facilities at other sites, or (3) there is an excess of indoor sports facilities and recreation facilities in the area and a particular development will not create a shortage of provision (4) There would be an alternative benefit to the community.

UDP Policy – Housing and Community Development states that supporting community facilities, including health facilities, will be required to support new residential development.

The application seeks, as a minimum, to provide sufficient facilities to mitigate the impact of the development in accordance with Circular 05/2005 Planning Obligations.

The Proposals

The Social Infrastructure Strategy (BXC 10) which accompanies the application contains an audit of existing facilities in the area. The demand arising from the development has been calculated on the basis of population projections and the need to provide new facilities has been assessed in relation to spare capacity in existing facilities. The methodology used to assess the need for new social infrastructure provision arising from the proposed 7,500 new homes is generally considered sound.

The Social Infrastructure Strategy (BXC 10) identifies the need for:

- Pre-school provision for up to 130 to 180 full time places.
- 657 to 950 primary school places, with an additional 100 from West Hendon.
- 319 to 507 secondary places plus 110 to 160 sixth form places,
- An 8 GP surgery and up to 16 additional primary care staff (including mental health services and 5 adult social services staff).
- A 400m² library facility.
- Safer Neighbourhood provision for the Metropolitan Police.

- Other community provision providing a range of room types, which can be used for general community use. faith provision, access to information technology and arts and cultural uses. This has the potential to be co-located with the facilities described above and/or through multi-functional space.

Community Campus

The delivery of the social infrastructure provision will be primarily driven by the development of residential units as well as being governed by the approved detailed delivery programme. However, the majority of the proposed facilities will be in the proposed Community Campus situated in the Eastern Lands Zone. This will form the heart of the new town centre in terms of community provision. It will include the new Whitefield Secondary and Mapledown Schools as well as the new Leisure Centre and Primary Care Centre. The precise configuration and relationship of these uses will be subject to detailed design when this phase of the development (Phase 2) is brought forward. There are considered to be considerable benefits in grouping these facilities together in a strategic and accessible location in the new town centre. These include the reduction in trips for users of these facilities as well as the potential financial benefits of sharing facilities such as the library and sports and leisure facilities.

Proposed Community Provision can be summarised as follows:

Source: BXC 10 Social Infrastructure Strategy (Addendum March 2009)

Use	Size	Zone
Pre-School, Education & Learning		
Claremont School		Brent Terrace
Children's Centre	558 sqm	Eastern Lands
Non-Statutory Pre-School (1)	232 sqm	Eastern Lands
Whitefield School		Eastern Lands
Library and UK Online Centre	400 sqm	Eastern Lands
Mapledown School		Eastern Lands
Non-Statutory Pre-School (2)	232 sqm	Brent Terrace
Non-Statutory Pre-School (3)	232 sqm	Station Quarter
Health		
Primary Care Centre (incl. Social Services)	Up to 3,000 sqm	Eastern Lands
GP Surgery/ Drop In Centre	Up to 1,150 sqm	Cricklewood Lane
Temporary GP Surgery	Up to 300 sqm	Market Square
Community & Other		
Multi-Use Community	1,000 sqm	Market Square
Multi-Use Community	1,000 sqm	Eastern Lands

Multi-Use (Training)	500 sqm	Brent Cross East
Leisure (Replacement)	2,800 sqm	Eastern Lands
Police Unit 1	93 sqm	Market Square
Police Unit 2	93 sqm	Brent Cross East

9.6.3. Education and Childcare Provision

The parameters and principles for the Claremont Primary School, Whitefield Secondary School and Mapledown Special Needs School are contained in paragraphs 2.34a, 2.34b and 2.34c of the Revised Development Specification and Framework. The proposals are:

- An education campus in the Eastern Lands zone (Plot E1), the approximate location of which is identified on Parameter Plan 001 and which extends to at least 2.5 ha. This includes:
 - Replacement of the Whitefield School to accommodate up to 1,200 pupils (up to 15,232m² gross building area);
 - Replacement of Mapledown Special Needs School to accommodate up to 112 pupils (up to 4,394m² gross building area);
 - A new Children's Centre up to 558m² with the capacity for 50 places. This facility could potentially offer a range of other services given the proximity to adjacent health, community and educational facilities. The facility will include external play space and could be run by public, private or the community sector.
- The replacement of Claremont Primary School and nursery places (Plot E2) as a 3 form entry school sufficient for 630 pupils (up to 4,864m² gross building area);
- The provision of up to 700m² of nursery facilities within Brent Terrace, Station Quarter and Eastern Lands zone. This floorspace is in addition to the expansion of nursery provision within Claremont Primary School. Each centre could be run by the public, private or community sector and will be built to Building Bulletin standards. It is envisaged that these centres will be built on the ground floor of buildings with provision of external spaces.

The precise location, specification and size of each new school or childcare facility will be subject to approval by the Council, as the Local Educational Authority in conjunction with existing schools. Each school or childcare facility will be subject to a detailed planning application at the appropriate time to enable the facilities to be delivered in accordance with the relevant detailed delivery programme.

It should be noted that the proposed planning permission includes floorspace for the replacement schools in excess of that which is strictly required to accommodate the number of pupils likely to be generated by the proposed development, taking account of the existing surplus places in the schools. This is to provide flexibility for the Council, as LEA, to specify a greater capacity than is required under the planning obligations required to mitigate the development. In the event that the Council does require this increased capacity, it will be necessary to fund the additional accommodation under the terms of separate agreements, as this is not required as a planning matter to mitigate the effects of the proposal.

Apart from the replacement of the Claremont Primary School, the timing of delivery will be linked to either the development programme of the applicant who will require the sites of Whitefield and Mapledown schools in Phase 2 or to the provision of new residential units and the applicant will be required to submit details and timescales of the education and childcare facilities to be provided before the commencement of every phase of development. This will ensure that appropriate educational and childcare facilities are available throughout the development.

Claremont Primary School - Phase 1

The replacement and expansion of the Claremont Primary School and associated nursery provision is planned to take place in Phase 1. The school is currently a two form entry primary school and will be rebuilt as a three form entry school with nursery provision to accommodate some of the BXC growth. The new school will be delivered with the existing school on site but able to operate in a safe and secure environment. Sports facilities will be provided on the site and will be supplemented by access to the improved facilities on the Clitterhouse Playing Fields. The proposals for the school and its delivery have been the subject of feasibility studies discussed with Council officers.

It is intended that this school should be designed to meet the highest standards of environmental sustainability (rated Excellent against BREEAM for schools (2007)). The expansion of a number of different primary schools (rather than the provision of one expanded school) was considered by both the applicant and the Council. It was agreed that the establishment of this new primary school in the first stage of the development is an important part of the applicant's vision for a sustainable new development. The full cost of the replacement and expansion of this school will be met by the applicant. This will be secured through planning conditions and S106 obligations.

Whitefield and Mapledown Schools - Phase 2

Whitefield Secondary School is a specialist sports school and consideration of this aspect of the school has informed the applicant's proposals. The Replacement Secondary School will have priority access during the school day and for extra curricula activities to the new synthetic pitches to be provided on the improved Clitterhouse Playing Fields. Full details of the facilities to be provided for each of the schools and access to the facilities to be shared with other users of the Community Campus will be agreed at the reserved and other matters stage before the commencement of Phase 2.

The applicant requires the existing sites of the Mapledown and Whitefield schools to establish the new town centre and so has committed to fund the replacement of the schools in full. Any expansion in numbers of these two schools not required to mitigate the impacts of the development itself may require a contribution from the Council or alternative funding streams. The current buildings will not be closed until new facilities are completed and ready for occupation.

Conclusion

The provision of education and childcare facilities has been carefully assessed in terms of numbers and location and has been the subject of extensive consultation with officers of the Council's Children's Service. The applicants have conducted a thorough review of the existing provision and have applied accepted forecasting techniques to illustrate the effect of their proposal on education and community facilities. It is considered that the proposed provision is appropriate and makes substantial contribution to enhancing learning and opportunities within the BXC regeneration area. The scheme provides sufficient flexibility to cope with the changing requirement for education and childcare facilities generated by the proposal. In the case of the Whitefield and Mapledown schools the illustrative masterplan allows for larger schools than required for mitigation purposes to be provided should the Council decide at a later date that additional places not generated by the proposal should be provided at its cost. Consideration has been given to the co-location of facilities and to the provision of a community campus at the heart of the new town centre. This arrangement will make the best possible use of available space as well as providing activity to the new town centre.

9.6.4 Community Facilities and Police Facilities

The application proposes a total of 2,900 m² of community facilities (Paragraph 2.35 of the Revised Development Specification and Framework) made up of the following:

- Up to 400m² of library space within the Eastern Lands zone. This may be delivered as part of the Community Campus and may be co-located with the Whitefield School with a separate community entrance.
- Multi-use community facilities up to 2,500m². This could include a hall and spaces to rent for use by community groups as well as space for training activities.

The precise location of this floorspace and its potential co-location with other facilities will be subject to approval at a later date and will be subject to consultation with other relevant stakeholders at the detailed design stage. The precise timing of the facilities will be subject to the detailed delivery plans submitted under the planning conditions by the developers, before commencement of each phase of the development, however 1,500 m² will be delivered in the PDP.

In addition one or two police units of a total of 186 m² in total are proposed. Two possible locations are being considered by the police one in the Brent Cross East and one in the Market Quarter zones. Subject to further discussion with the police one unit may form part of the bus station building. The police do not wish to make a firm commitment to location or to the actual number of units required at this stage and this will be dealt with at the detailed design and approvals stage.

9.6.5. Replacement Leisure Centre

The application includes the re-provision of the Hendon Leisure Centre as a new facility with an area of up to 2,880m² within the Eastern Lands Zone. The site of the existing Leisure Centre is required to establish the new town centre in Phase 2 of the development. The replacement leisure centre will provide at least the current level of facilities, with the precise configuration to be determined together with the Council at the time it is to be built. The existing leisure centre will not be closed until the re-provided centre is ready to open. The replacement centre will be an essential sports and leisure component of the Eastern Lands Zone in close proximity to the new Community Campus.

9.6.6. Health and Social Care Provision

The Social Infrastructure Strategy (BXC10) and the Health Impact Assessment (BXC 18) which accompany the application identify the level of health and social care that will be required to mitigate the effects of the development.

The level of health care provision required to meet the impacts arising from the development has been based on advice from Barnet Primary Care NHS Trust (PCT).

The application proposes the following health facilities (Paragraph 2.31 of the Revised Development Specification and Framework):

- A Primary Care Centre of up to 3000m² located within the Eastern Lands Zone. The centre will include GP surgeries, a range of preventative medicine services and may also include a pharmacy. It will include patient drop off space, hard standing for an ambulance and limited staff parking. The building will be fully accessible
- A drop in health centre of up to 1,150 m² within the Cricklewood Lane Zone. This facility may be developed with the PCT subject to a need being identified.
- A temporary health facility of up to 300m² will be offered in the first phase to meet the needs of the emerging community in advance of the main Primary Care Centre. The facility will comprise a GP surgery and is likely to be part of a larger residential/mixed use building. The facility may be used as a retail unit once the permanent health resource has opened.

The final floorspace of these facilities and their potential co-location with other facilities will be subject to approval by the LPA in consultation with the PCT. Facilities such as pharmacies, dentists and opticians may also need to be provided as part of the Primary Care Centre or as part of retail development elsewhere in the regeneration area.

The PCT have been involved in the development of these proposals and supports the principles for the provision of health care. It supports the proposed Primary Care Centre but comment that its final size will depend on the number of residential units planned. The PCT cannot confirm at this stage whether it will require the temporary facility in the Market Quarter as it may be developing a GP led Health Centre nearby. Funding the expansion of existing GP surgeries may be an alternative. The PCT does not consider that it is likely to require a walk in centre within the Cricklewood Lane zone, however this area has been retained in the outline planning application and its potential use as a health facility will be reviewed with the PCT when the delivery programme for Phase 2 is submitted by the applicant.

The current uncertainties over the phasing of such a long term development such as the Brent Cross Cricklewood project have made it difficult for the PCT - from both a financial and service planning perspective - to make a definite commitment to the size and number of units required at this outline stage.

However the Council will be requiring the developer to produce a detailed delivery programme before the commencement of each phase of the development and this will include a commitment to providing the necessary elements of social infrastructure including the provision of health facilities. This will be controlled through planning condition and obligation. Overall there will be considerably enhanced health facilities and social care provision incorporated into the community components of the BXC development for the benefit of existing and future residents.

9.6.7 Employment

Existing Employment (based on Chapter 8 of the RES)

At the time of the 2001 Census there were estimated to be around 5,400 existing jobs on the site, the majority of the jobs (3930) are within the Brent Cross East and West, almost all of which are in the Brent Cross East Shopping zone. The proposal will involve the loss of some employment land, currently used for light industrial units. It is estimated that 30 companies or individuals have freehold land interests within the site with a further 150 companies or individuals possessing leasehold interests. Table 5.1 of the RES sets out the list of existing land uses in more detail.

Development and Commercial Impacts (based on Chapter 8 of the RES)

The scale and impact of one of London's largest regeneration schemes is bound to affect existing businesses and industrial employers. Employment in businesses that will need to relocate is estimated at less than 1,500. The applicant considers that these jobs are unlikely to be lost – most will be relocated on or off site. This is particularly considered to be the case in the Distribution (including retail and wholesale), Hotels and Restaurants sectors. Some of these jobs will be relocated on site (i.e. Tesco) and in other cases the spending that supports the jobs will be diverted to other area, including other shops at BXC. The applicant therefore considers that there will be little overall impact on existing employment in this sector as a result of the proposed development. The impact on businesses not dependent on retail or consumer spending is less predictable, some may relocate elsewhere and some may cease trading. The Council is concerned to ensure as many existing businesses and jobs are safeguarded or re-provided wherever reasonably practical. The applicant will be required to submit a business relocation strategy before the commencement of development in any Phase or Sub-Phase.

Business Relocation (based on Chapter 8 or the RES and Section 2 of the RDSF)

There is policy support for changes of use in the Cricklewood, Brent Cross and West Hendon Regeneration Area Development Framework which states that the

Council will promote a CPO to achieve the comprehensive delivery that it requires. If agreement cannot be reached with all occupiers with a long term interest, then it may be necessary to use Compulsory Purchase Orders. Relocation of some occupiers is therefore already anticipated and supported by planning policy. The applicant will work with occupiers and the Council to minimise the impact. A planning condition is proposed to require the applicant to produce a Business Relocation Strategy for the approval of the Council before the commencement of development in any phase or sub-phase. Details of how existing businesses will be affected are set out in Table 8.10 of the RES.

Business Relocation in Phase 1

Phase 1 will affect the Market Quarter zone. There will be a need to relocate occupiers of the Claremont Way Industrial Estate and the small retail units nearby. It is anticipated that the Holiday Inn will be retained. The Brent Cross Shopping Centre will be retained along with the Topsy Turvy Play Centre. It is anticipated that the existing Tesco store will be relocated and expanded. It is proposed to relocate the existing Waste Transfer Facility to the new Waste Handling Facility on the Bestway site. Therefore the jobs in the Waste Transfer Facility will be relocated whilst those jobs provided by the Bestway cash and carry warehouse will be either relocated as part of the business relocation strategy or displaced. Any business or job displacement is regrettable but with the S106 obligation to produce a business relocation strategy. Jobs and business loss will be minimised and potential blight reduced. There is bound to be some business displacement impacts in a regeneration development of this scale and whilst specific businesses may be affected on balance the overall employment and economic benefits outweigh any adverse impacts on individual businesses.

Employment Generation (based on Chapter 8 of the RES)

The construction phase has the potential to generate significant employment. This is estimated to be equivalent to 1,400 full time jobs over the anticipated lifetime of the construction phase of the scheme. The peak headcount on site is estimated to be in 2015. It should be noted that construction employment is relatively mobile and is likely to have a limited local impact.

Table 8.19 of the RES shows that uses within the completed development are estimated to accommodate just under 27,000 jobs. Net employment gain will be not less than 25,300 jobs. This in excess of the target specified in the Adopted alterations to the London Plan (2008) of 20,000 jobs to be generated between 2001 and 2026.

Spatial Distribution of Brent Cross Cricklewood Employment (based on chapter 8 or the RES)

According to 2001 Census travel-to-work data, 42% of those who work in the Immediate Impact Area live in LB Barnet and 18% live in Brent. These patterns are expected to continue for the new retail and leisure employment. Office employment (which will form the majority of the new employment) typically has a longer commuting time. The applicants estimate that 50% of office workers will live within 5 km of the site. Table 8.13 in the RES shows a comparison between new employment and the usual occupations of unemployed workers in the Wider Impact Area. This analysis shows that there is likely to be a significant mismatch between new jobs and the usual occupation of local unemployed people. The applicants' proposals for skills development and training aim to assist local people to take advantage of these opportunities by increasing the skills of local people.

9.6.8 Skills and Training

As the development offers a substantial number of new jobs there will be significant opportunities for local people. During both the construction period and the operation of the development a significant number of jobs will be created. The applicant has stated that approximately 25,300 new jobs are likely to be created by the development.

The applicant has taken part in a joint skills study with the Council to inform a future Skills Development Plan for the Borough. It is anticipated that the applicant will be required, through planning obligation and condition, to identify the impacts of the scheme and the local training infrastructure that will be required to allow local people to benefit from the opportunities offered by the development. The S106 Agreement will require the applicant to develop and implement a BXC Employment and Skills Action Plans (incorporating a Skills Development Method Statement) on a phase by phase basis that will apply across the whole of the development in conjunction with the Barnet Skills Development Plan. It is likely that expenditure will be phased to reflect development quantum on a phase by phase basis.

Comment

The proposal will generate a substantial number of new jobs over the twenty year development period, some 25,000 new jobs in total. Some of these jobs will be short term (construction) some of the jobs will be in sectors that are already well developed in the area (retail) and others will be types of jobs that will be new to this part of London (office). Under the proposed planning conditions and obligations, the applicant, in conjunction with the Council, will produce an Employment and Skills Action Plan to make sure that the benefits of this regeneration scheme in terms of employment and training are maximized insofar as is reasonably practical for local people.

This application, if approved, will change the character of this part of North London. Some existing uses will need to be relocated, particularly industrial (B2) uses and distribution and warehouse uses that are not compatible or sustainable

in this town centre location. The applicant will be required under the planning conditions and planning obligations to produce and implement a business relocation strategy before the commencement of development in any phase or sub-phase. It is considered that this will make sure that employment generating uses are protected as much as possible.

9.6.9. Estate Management.

The development of this proposal will take place over the next twenty years. It is recognised that the comprehensive regeneration of the site will require an effective management and maintenance structure to be established that will ensure that a high quality environment is maintained both during construction and following completion.

The Council is concerned that the future management and maintenance of the wide range of public realm within the BXC Regeneration Area is dealt with in an appropriate manner. This proposal is for a major new town centre with a range of different uses and a new network of highways, routes and public spaces.

Appropriate management and maintenance arrangements will need to be made for the existing parks to be improved by the applicant and for the new parks to be created. The management of the proposed new synthetic sports pitches and the shared use with Whitefield School will also need careful consideration as will arrangements for the management of community floorspace included as part of the scheme. A number of new urban squares will be created which have different functions and may require different management solutions. The retail and other town centre uses will also generate litter and other associated costs from visitors to the area (as well as local residents and workers) which may be experienced not only in the regeneration area but in the surrounding residential neighbourhoods. The ownership, management and future maintenance of the highway network and the proposed network of cycle and pedestrian paths will also need to be agreed.

The proposal will generate considerable revenue in the form of car parking charges and charges for the use of facilities. There will also be residential service charges levied. An appropriate mechanism will need to be established that makes sure that the costs of the development (in terms of management and maintenance) are apportioned appropriately and that revenue generated from the proposal (such as car parking charges) is used to offset some of these costs.

The applicant has suggested that an Estate Management Company be established to ensure that the common areas of the town centre are effectively managed. This body could also have a role in ensuring the future design quality

of the development and be involved in the proposed Transport Advisory Group and the Access Advisory Group. The detail of this will need to be agreed with the Council including safeguards should the proposed Estate Management Company become insolvent.

A planning condition is suggested to ensure that an Estate Management Framework is agreed with the Council prior to the commencement of the development and there are proposed to be planning obligations to require the implementation of the arrangements approved by the LPA in the Estate Management Framework.

In summary, the Estate Management strategy will ensure management and maintenance of the highest quality of public realm, highways, routes and spaces across the BXC regeneration area.

9.7 TRANSPORT AND MOVEMENT

Introduction

This section of the report examines the transport issues that inevitably arise when a major redevelopment of this scale and complexity is proposed at the intersection of some of the most important arterial and radial routes in North London. It briefly summarises the information provided by the applicants in the Transport Assessment and associated documents in terms of the likely significant impacts on the transport network as well as the mitigation measures and controls and safeguards that are recommended in the conclusions to this report as a means of ensuring that the proposed development can be accommodated on the transport network without unacceptable impacts.

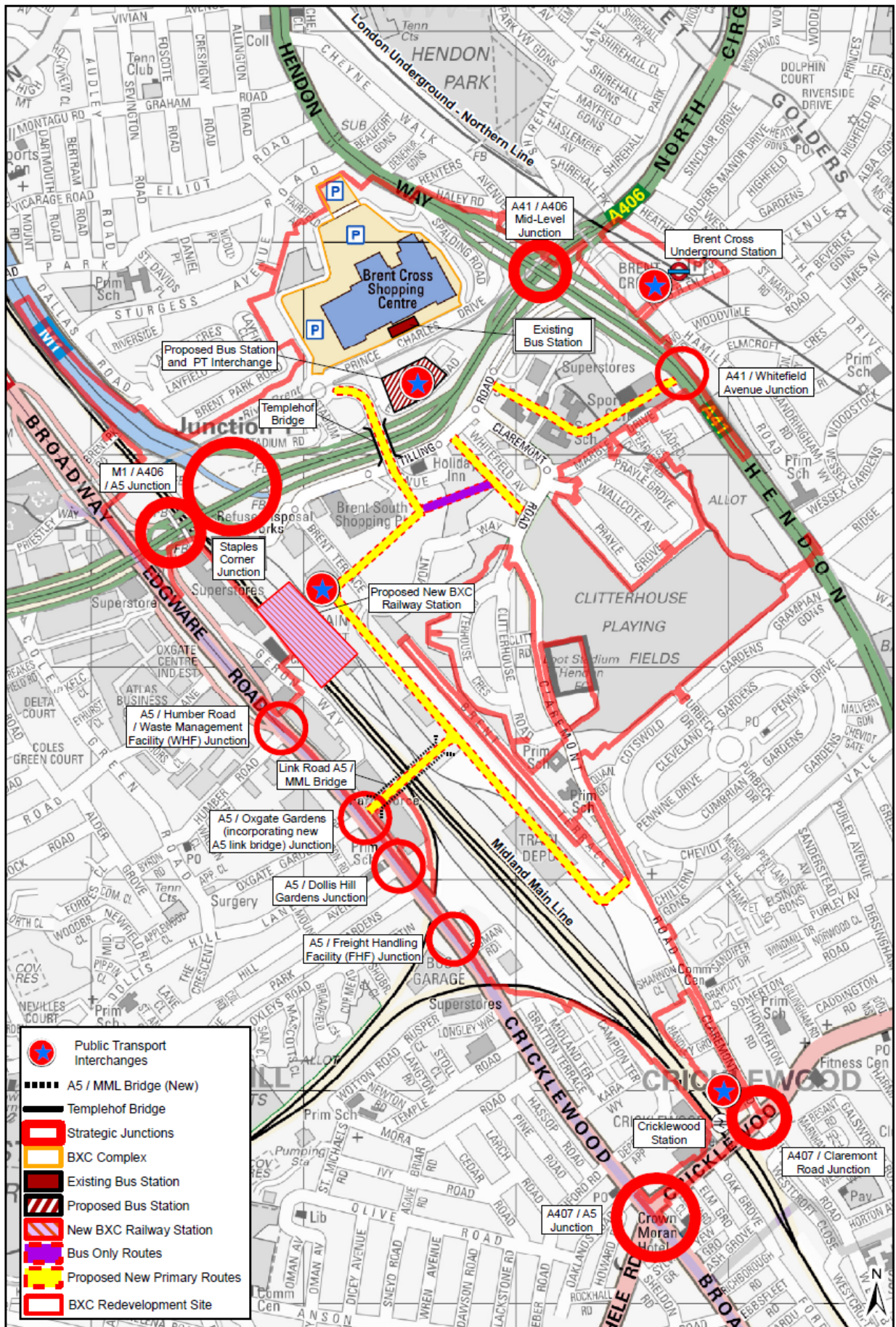
The development is proposed to be implemented over a number of years, and the Developers have committed to the first phase and to the end-state. Interim phases of development will be assessed post outline approval against benchmarks agreed now. After very careful examination of the proposals and detailed negotiations with the developers (in which representatives of TfL, the Highways Agency and adjoining boroughs have also been appropriately involved), the officers have concluded that the TA is acceptable and that the proposed planning conditions and planning obligations will provide an appropriate and effective basis for the necessary mitigation measures and framework of control and delivery to achieve this purpose.

1. Background

Current Baseline

Error! Reference source not found. below is a map showing the key features of the transport network in the immediate vicinity of the proposed development which is located in the south west corner of the borough, close to both Brent and Camden. These features are described briefly below.

Figure 3 – Key Transport Proposals (below)



Multimap.com, Digital Map Data © Bartholomew 2008 © eMapSite.com Ltd. All rights reserved

Key strategic roads

The key roads in the vicinity of the BXC site are the M1 motorway extending to the north from Staples Corner which is to the northwest of the site, the A406 North Circular Road running in an east–west direction through the proposed core town centre area, the A5 Edgware Road running in a north–south direction alongside the west boundary of the site, the A41 Hendon Way running in a north–south direction alongside the east boundary of the site and the A407 Cricklewood Lane running in an east–west direction to the south of the area (connecting the A5 and the A41). The M1 is managed by the Highways Agency and the A406 and A41 by TfL. All other roads and footways, including those within the site and the adjacent area within the borough are controlled and managed by LB Barnet as the local highway authority. The local road network, including the A5 (for which responsibility is shared with LB Barnet) and local roads to the west of the A5 Edgware Road, is within the jurisdiction of the London Borough of Brent as the local highway authority and their representatives have been involved in detailed discussions with regard to the likely impacts of the proposed development within their part of the local highway network.

Rail and Underground links

The Midland Mainline (MML) railway corridor passes through the western edge of the BXC site and comprises three pairs of railway lines (fast, slow and freight). There is also an east-west freight line to the west of the site. East Midlands Trains (EMS) services operate at four trains per hour on the fast lines for most of the day. The EMS services do not call at any stations within the area, the nearest stations for these services are at St Pancras and to the north, Luton Airport Parkway, Luton and Bedford. The BXC site is currently served at the southern end by the existing Cricklewood railway passenger Station. Hendon Station is around 3 km to the north outside of the BXC site boundary. ‘Thameslink’ passenger train services serve Cricklewood Station and Hendon Station and currently provide four stopping 4-car trains per hour (tph) on the slow lines in each direction for the majority of the weekday. Within the site is a Waste Transfer Station (WTS) which has rail linked sidings. There is also a rail linked freight shed and many other railway sidings.

The Edgware branch of the Northern Line passes to the east of the BXC site and the Jubilee Line passes to the southwest through Willesden Green and West Hampstead. The northern line services stop at Brent Cross LUL Station which is shown on **Error! Reference source not found..**

Bus services

13 bus routes currently pass through or close to the BXC site. The majority start from or pass through the bus station at BXSC, and although busy at some times many of the services operate well within capacity. This bus station operates as a local bus hub. Other bus hubs in the vicinity are located at North Finchley and Golders Green.

Cyclist and Pedestrian facilities

There are a number of designated cycle routes in the area, some of which form part of the London Cycle Network (LCN and LCN+) but there are no specific facilities provided in this area for cyclists, such as segregated routes, toucan crossings, carriageway markings etc. Pedestrian accessibility in the area is low. Where pedestrian routes are available they are of poor quality, difficult to access by all users (e.g. the mobility impaired) and are perceived as insecure environments.

Current transport issues

The main roads in the area all experience a high level of congestion at peak periods, including at weekends in connection with the BXSC, and the A5 corridor is often congested at other times, all of which impacts on the bus network. Cricklewood railway station is remote from the Brent Cross shopping centre and there is no step-free access at this station. The nearest LUL station to the BXC site is Brent Cross Underground Station but it is separated from the main existing developments on the site by the A41, as the pedestrian links through the A406/A41 junction to BXSC and the A41 underpass to the eastern lands of BXC site are not user friendly, and there is no step-free access at the station. The LUL station to the north of Brent Cross is Hendon Central, which is not within easy walking distance of BXSC or the BXC site, although it does have step-free access facilities

The existing fabric of the site is dominated by provision for car-borne traffic (such as the A406, A5 and A41), which act as barriers to pedestrians and cyclists. In addition to the major road barriers, the Midland Mainline (MML) railway and the River Brent currently act as barriers to pedestrian and cycle movement. Existing designated cycle routes are of poor quality, hard to identify on the ground and are not generally considered safe routes for cyclists, particularly inexperienced riders. The BXSC Shopper survey was reported in the TA in Appendix II (C) in Section C.4 and Table C.4.1. This shows that the car mode share to the Shopping Centre is in the region of 68-78% , and the public transport share 15-27%.

Responsibilities/Involvement of other agencies

Transport for London, Highways Agency, Network Rail, London Boroughs of Brent and Camden

TfL are the strategic transport authority for London and control and manage the main roads in the capital including locally the North Circular Road and the A41. TfL also manage the tube network and operations, and oversee bus services. TfL thus control the operation of the BXSC bus station and the Brent Cross tube station. Network Rail oversee the management of the rail network locally (including Cricklewood Station) and are a significant landowner in the development area, and the Highways Agency manage and maintain the M1. The A5 is the joint responsibility of the London Boroughs of Barnet and Brent, as the borough boundary passes down the centre-line of this road. Brent and Camden as adjacent boroughs near to the development have both been liaised and consulted with on the outline scheme, and Brent will be involved in the approval of the detailed layouts and implementation of the proposed junctions off the A5.

These other agencies have been involved in the process of appraising the BXC application and their views have shaped, as appropriate and where relevant, the planning conditions and planning obligations that are proposed as part of the recommendations in this report. The transport conditions and the relevant elements of the section 106 agreement have been framed so as to address the issues raised by these other public sector agencies and authorities in the course of these discussions, with some of the relevant provisions being essentially those as suggested by the partner organisations. TfL are recommended to be a joint signatory to the section 106 legal agreement on the basis that they will directly participate in the process of determining applications for approval of certain matters under the proposed planning application jointly with the Council through the Transport Strategy Group (TSG). The TSG is recommended to be established as a joint (mainly officer) group of the London Borough of Barnet and TfL (with senior members to resolve any fundamental differences, should any arise) to deal with those substantial matters requiring approval under the planning conditions where there are likely to be significant impacts on the strategic transport network, as well as decisions on the expenditure of monies out of the Consolidated Transport Fund.

The above public sector organisations, together with the London Boroughs of Camden and Brent, the Highways Agency and the Development Partners, will be members of the Transport Advisory Group (TAG). The TSG and TAG are explained in more detail later.

2. The Planning Application

The first part of this section reviews the Transport Assessment documentation. This is followed by a brief description of the transport and highways elements of the proposed development. There are seven indicative phases of proposed development. The first phase, or Primary Development Package (PDP), is committed (if the Permission is implemented) and the remaining phases are to be guided by an Indicative Construction Programme (ICP) which sets the framework for delivery of these other Phases.

Transport Assessment

The following documents have been submitted to assess the transport and highways aspects of the proposed development:-

- The main Transport Assessment (TA) submitted in September 2008, which sets out the existing conditions, proposed scheme and mitigation measures and base and end state (2026) assessments, including the main junction assessments. It also contains the Car Parking Management Strategy. An Errata, containing various updates to junction details was submitted in July 2009;
- The TA Supplementary Report (TASR1), issued in November 2008, which contains a number of sensitivity tests to demonstrate the robustness of the TA;
- The second transport Supplementary Report (TASR2), dated March 2009 and including further sensitivity tests, amended junction assessments and a range of technical notes on various detailed matters and non-technical rail, pedestrian, cycle and bus strategies;
- The revised Framework Travel Plan (FTP). This was originally issued with the TA and subsequently revised at the request of the LPA in August 2009 to reflect subsequent revisions to the proposals (particularly the mitigation measures) which are relevant to the FTP. This document sets out the progressive targets to be achieved by the Development for mode split, in particular towards the Development Framework (DF) targets of 34% by private car and 49% by public transport, and sets the context for the individual travel plans that will help ensure that the targets are delivered. A mode split progression is set out across each of the proposed seven illustrative phases, re-produced below. The expected impact of the public transport proposals in phases 5 and 6, particularly the opening of the new train station, can be clearly seen, and the modelling work undertaken as part of the assessment, discussed below, supports these targets;

BXC Phase-by-Phase Mode split Progression (% all person trips)

Mode	1	2	3	4	5	6	7	DF
Bus	18	20	22	22	32	27	28	27
Rail	0	0	0	0	0	16	17	16
Underground	4	5	5	6	7	6	6	6
Private Car (Incl. passengers)	64	61	59	58	44	34	32	34
Walk	11	11	11	11	13	13	13	13
Cycle	1	1	1	1	2	2	2	2
Other (e.g. taxis)	2	2	2	2	2	2	2	2
Total	100	100	100	100	100	100	100	100

- The Construction Impact Assessment (CIA), which predicts the impacts of construction related traffic and proposes traffic management schemes to address the impacts. The CIA (and its March 2009 Addendum) include the Indicative Construction Programme and histograms showing forecast construction traffic movements which are based on this programme and in so doing the CIA maps out the predicted busiest months and years when there are peak construction related trips.

In addition other important transport related matters are set out in the following documents:-

- Revised DSF – section 6 on implementation and reconciliation, which is described earlier in this report;
- A detailed framework of regulation contained in the “Transport Matrix and Transport Reports Schedule” which is appended to the Section 106 Heads of Terms. This sets out the principles as to how the roll-out of the transport aspects of the development will be monitored and controlled within the impacts as assessed in the TA.
- Construction Workers Framework Travel Plan as set out in the TASR2..
- A robust framework of controls contained in the proposed conditions and section 106 Heads of Terms to ensure that the necessary transport improvements and mitigation measures are delivered in a timely sequence to accommodate the transport demand and provide mitigation needed as the proposed development proceeds, and controls in the event that the sequencing of the phase roll-out is revised.

During recent years, and particularly since mid-2007, there has been a close dialogue involving the Developers, their consultants and the Council. Most of this included representatives from TfL, and a senior officer from the Highways Agency when appropriate. There has been a high degree of review, scrutiny and challenge from the transport authorities at every stage and on every aspect of the proposed Development. The purpose of this strict examination was three-fold. Firstly, it was to ensure that the work was fit for purpose and technically

sound. Secondly, it was confirmed that the development adhered to current DfT and TfL guidance. Lastly, the development was checked for its compatibility with the relevant policies and plans of the London Mayor and the Council.

As work progressed through most of 2008, the dialogue continued and focused specifically on either current elements of the technical work and proposed scheme or on future approvals and their delivery, necessary mitigation measures and frameworks of control. These discussions also addressed the detailed matters raised by TfL in the GLA Stage 1 Report (11th February 2009) to ensure that, so far as reasonably practicable, TfL were able to support the Borough's eventual resolution in relation to this planning application.

The transport authorities each utilised specialist consultants to review the Developers' models and modelling work, proposed submissions, technical notes and draft reports, with particular respect to the multi-modal strategic transport modelling and the junction assessments. TfL utilised their own in-house team of specialists to examine and scrutinise particular areas of the application in support of the Barnet team. The project was carefully managed jointly by the transport authorities. On many occasions the Developers were required to complete further work, such as key sensitivity tests, which ultimately resulted in the TA being submitted in September 2008. The TA was then followed by two Supplementary Reports and, in response to the regulation 19 request made in March 2009, further information on transport issues was also provided.

Highways and Public Transport Models

The technical work underpinning the TA is based upon transport modelling that includes highway, public transport and demand model elements. The highway and public transport models utilise existing strategic models held by the HA and TfL, with detail added in the vicinity of BXC. All relevant roads as well as bus, underground and train routes are modelled for three time periods: weekday AM and PM peaks and a Saturday peak (2-3pm). The demand model reflects travel behaviour, such as responses to congestion, and adjusts the trips in the other models according to network conditions. The models have been tested to ensure that they reflect the existing travel conditions (2005/6 base years). The impact of the proposed scheme has been assessed by factoring up the base year models to a forecast year of 2026, which represents the end-state. This creates the Do Minimum (DM) models, which take account of predicted background traffic growth and other planned developments. The Do Something (DS) models are then built using the DM as a basis but including the proposed new highway and public transport links and services as well as the trips predicted to be generated by the development.

Highway Impact and Junction Assessment

A strategic traffic modelling assessment has been undertaken covering north west London in order to establish the area of influence (AOI) of the scheme. This AOI was agreed by Scott Wilson (acting for the applicants) with the borough, TfL and the Highways Agency. The AOI covers a broad area, extending north – south from Hendon tube station to West Hampstead Thameslink station; and east – west from Golders Green tube to just beyond the A406 / A4088 junction in Neasden.

Across the north west London model the TA sets out a number of network statistics, which are summarised for the AM peak in the table below. PM peak and Saturday statistics are generally lower than for the AM peak. It can be seen that, even without the scheme and by applying the relevant standard network growth assumptions, there is likely to be some traffic growth across the network, from 4 to 4.54 million vehicle kilometres, between the base year and the assumed end state year of 2026. This growth is accompanied by a reduction in the average vehicle speed.

Year	Vehicle Kilometres	Average Speed (kph)
Base 2005	4,008,030	35
DM 2026	4,540,653	32
DS 2026	4,542,643	32

Looking at the local area, equivalent to the AOI only, the table below summarises the equivalent statistics. The average speeds are lower due to a greater number of traffic signals that are introduced:

Year	Vehicle Kilometres	Average Speed (kph)
Base 2005	69,078	34
DM 2026	76,936	33
DS 2026	75,704	30

The A406 between the M1 / Staples Corner and the A41 has been identified as a location where there is likely to be some increase in congestion due to the

amount of traffic predicted to be changing lanes over a short distance. The junction improvement at the A41 will help to reduce queuing, and it is anticipated that the detailed design work for both junctions will include a comprehensive traffic model of this stretch of the A406 so that the signal timings at both junctions can be optimised.

In summary, the TA shows that the scheme is not likely to create unacceptable congestion across the wider transport networks, and will achieve a reasonable balance between improving the network without encouraging substantially more traffic. The detailed modelling work has demonstrated that, with the public transport improvements and other sustainable transport measures (which will include substantial improvements for those making non-car trips), this development will result in a better mode share, when combined with carefully selected highway and junction improvements and sound traffic management and constraint measures, as proposed.

The junctions listed in the Approvals section below have all been assessed in detail for the AM, PM and Saturday time periods to ensure that there is sufficient land available to implement the proposed design. Overall the weekday and Saturday assessments show that the improved future highway layouts will perform better in the DS than the DM, with more reliability, less congestion and less delays, although see below for the A407 junctions. Both the A5 / A406 / M1 and A41 / A406 junctions will perform better in the AM and PM peaks, although on Saturdays there will be more pressure on these junctions due to the increased shopping-related traffic. The new A41 / Whitefield Avenue junction will operate well in the AM and PM peaks, although there will be queues on Whitefield Avenue on Saturdays, due to priority being given to strategic A41 traffic. Both new BXSC access / egress junctions are expected to work well at most times and will not cause blocking back of traffic affecting the A406. All the A5 junctions are expected to operate satisfactorily at all times, although Brent do not agree with this assessment (see A5 Corridor Study later). Within the site there are a number of bus priority measures to encourage mode shift, improve service reliability and favour non-car access.

The A407 junctions with the A5 and with Claremont Road are both being improved to an extent with some limited property take and resultant better layouts. However, both junctions will experience increased levels of traffic and the Claremont Road junction in particular will experience congestion and this will act as a network constraint in the future, in a similar way to which it does at the moment. The MML bridge link to the A5 will provide an alternative route for traffic to and from the south, nevertheless it was agreed with the applicants that providing new junctions in the southerb area that would fully address the impacts of the development-related traffic would be impractical and unsustainable

(including requiring excessive land acquisition), resulting in unacceptable traffic impacts across adjacent areas, mostly in Camden and Brent.

The applicants have agreed to carry out a study of the A5 corridor as part of the Section 106 agreement, which will both inform the detailed design and enable consideration of further traffic management measures that will be implemented to assist in addressing any local traffic impacts prompted by the scheme on local roads. The developers will be obliged under the section 106 agreement to meet the proper and reasonable costs of all mitigation measures identified in the A5 Corridor Study as being necessary in order to address these local highway impacts. This is further discussed later in part 3 of this section.

Base year highway validation and calibration was reviewed on behalf of Barnet by specialist independent consultants, which resulted in further traffic surveys being carried out and re-runs of the various base year models, which resulted in an improved and acceptable base year model.

Detailed modelling of the strategic junctions was also reviewed as appropriate by consultants appointed by Barnet, TfL and the Highways Agency, which resulted in various detailed changes to the models and the proposed junctions, and the authorities ensured that road safety audits were carried out on the final proposed junction layouts.

A review of the approach to the southern junctions was undertaken, including requiring the developers to re-run the model with an unconstrained layout at A407/Claremont Road. This resulted in unacceptable impacts and the accompanying proposed layout would have resulted in substantial property demolition.

In the absence of the traditional approach of producing phased TAs, the authorities insisted on a range of key sensitivity tests and interim assessments being carried out, as set out below. These looked in particular at the triggers associated with key critical infrastructure, such as the M1 / A5 / A406 and the Midland Mainline Bridge link, to ensure they were robustly tested.

Concerns about lorry routeing, numbers and size led to further work on the construction traffic assessments being undertaken, as set out in the Addendum to the CIA.

Issues were raised regarding aspects of the assessment of the A5 corridor, particularly by Barnet and Brent, which resulted in the Developers agreeing to carry out the A5 Corridor Study. Similarly, concerns expressed by Barnet and TfL over aspects of the proposed non-technical Walking and Cycling Strategies led to the Developers agreeing to carry out a further area wide study.

Public Transport Impact and Assessment

The BXC application proposes major improvements to the public transport network including:

- A substantially improved bus station at the Brent Cross Shopping Centre at the heart of the proposed new town centre;
- A new railway station;
- Improvements to the existing Brent Cross Underground Station and Cricklewood Train Station;
- Improvements to local bus services, including the Rapid Transit Service (RTS) which will link key points within and immediately around the proposed development with a frequent dedicated bus service, at least until the improved regular scheduled bus services can take over and make the RTS unnecessary.

The TA tabulates the modelled alighting and boarding public transport passengers for buses, train and tube for the AM, PM and Saturday peaks. Information is presented for the 2006 base Year, and 2026 DM and DS, and is presented by key destination and corridor, such as BXSC or LUL Northern Line. Analysis of the overall trip distribution found that many of the development trips originate in Brent and Barnet, and the orbital nature of several of the proposed new bus services will effectively meet these demands, compared to rail and tube which provide radial services.

There are a number of programmed public transport improvements included in the 2026 DM model, and an analysis of the differences between the Base Year and 2026 in the TA shows greater use of the rail network, mainly due to the committed Thameslink Programme. There is also a detailed analysis of the differences between the 2026 DM and DS models. Overall, it predicts a big increase in boarders and alighters in the BXC area, notably at the proposed new train station (T1), where in the AM peak period almost 9,000 passengers are forecast to arrive, the majority, some 8,200, on trains from the south; with 3,800 passengers forecast to board trains heading towards central London. In the PM peak period nearly 8,000 passengers are forecast to board trains heading into London and 4,000 to arrive on trains from there. This equates to over 46,000 passengers forecast in a 12 hour day.

The patronage through Brent Cross LUL Northern line station predicts more passengers alighting, particularly in the northbound direction in the DS scenario during the AM peak period. Forecast changes in bus patronage are significant, with nearly 3,500 additional boarders and alighters at the new Transport Interchange at the BXC rail station in the AM peak and over 3,000 in the PM peak. In the AM peak there are fewer passengers forecast to be alighting and boarding buses at the BXSC Bus Station (T2), due to the extensions to many of

the services reducing the need for passengers to change bus; but in the PM peak there is a substantial increase associated with the BXSC retail activity. Table 7.8 in the TA shows an increase in DS over DM of 943 passengers boarding in and 1479 passengers alighting in the 3 hour PM peak period in the 2026 End-state. Much of this will be related to BXSC as the retail activity will be more predominant in PM than in AM.

There is some transfer from bus, as shown in the TA, when the new station opens - but it is not large as the station is primarily catering for the new land uses, notably the offices. The presented data shows that in general there will be more bus usage in the area surrounding BXC in the 2016 scenario than in 2026. This is due to the fact there will be no New BXC railway station by 2016, and the nature of the PDP/Phase 2 retail/leisure and residential land uses that are well served by bus. An indicative bus development strategy is presented in TASR that shows how it is anticipated that bus services could be developed on a Phase-by-Phase basis to satisfy the needs of the Scheme and the officers are satisfied that it presents a realistic strategy.

The TA also describes the results of the “2020” sensitivity test that was conducted to demonstrate the transport impacts without the new BXC railway station but including the quantum of office floorspace that would be permitted without triggering the need to provide the new station (100,000 sq m). Compared to the End-state BXC Do Something scenario, there is in this 2020 “sensitivity test scenario” increased use of bus between West Hampstead Thameslink station and BXC, as West Hampstead has a higher number of Thameslink stopping services. Elsewhere bus patronage reduces on the new and extended routes serving the Scheme due to the reduced development quantum being assessed.

The TA has analysed the available capacity on the local rail and tube network, and found that there will be sufficient capacity to accommodate the demands generated by the BXC scheme and other trips in 2026. It should be noted that the analysis has shown a significant proportion of rail trips to the development will come from the contra-peak direction, that is from central London in the south in the morning, rather than the more traditional commuting pattern, from the north inbound towards London. However, further analysis showed that with the programmed Thameslink improvements, even if this did not happen as predicted and more passengers arrived from the direction of travel towards London, then the rail network would still have capacity to accommodate the demand. Contra-peak rail and tube commuting is however expected in the TA to be a major feature of the proposed development, as predicted by the modelled trip distribution for employment trips, as the Thameslink and Northern lines both extend through central London to south of the Thames. Other recent major

developments, such as Canary Wharf, have a similar contra-peak commuting pattern, a trend that is being encouraged through the development of Opportunity and Intensification areas outside central London, such as BXC, and one which supports the London Plan policy of making better use of contra-peak capacity.

The current Public Transport Accessibility Level (PTAL) of the existing site varies considerably, from the highest value of 6 in the vicinity of the BXSC to 1, the lowest value, towards the southern end. The PTAL analysis for the proposed scheme shows that all parts of the development will have a value of 5 or better, so there will be “very good” accessibility across the whole site.

A centrepiece of the public transport improvements is the creation of a new high quality bus station at Brent Cross as part of Phase 2 of the development. This will be relocated slightly south from the existing facility to be more central to the overall development. It is a key element in increasing the attractiveness and capacity of the bus network and thus facilitating new and extended bus services, including the RTS. The TA details the impact on the catchment area of the bus station relocation. The Developers have, in the section 106 Heads of Terms, committed to undertaking some interim temporary improvements to the existing bus station in the PDP. The Section 106 Heads of Terms provides that, should the development stop after the PDP, then the Developers will be obliged to provide substantial permanent enhancements to the existing bus station to a specification to be agreed with the Council but designed to make the existing bus station very much more attractive as a passenger facility than it is at present, and to increase its capacity.

The TA modelling results show the predicted mode split for 2026. For the AM peak the predicted public transport mode split is 73% of the modelled trips, and for the PM peak it is 62%, which compares favourably with the above FTP mode split targets (albeit that these are 12 hour weekday targets, which is consistent with the DF). However, these results do indicate that, with the package of public transport mitigation measures proposed and assessed as part of the scheme, by the 2026 end state a significant proportion of trips will be made by non-car modes of transport, in excess of the DF target. There will be monitoring and review of the progressive modal splits under the Matrix and Transport reports mechanisms mentioned elsewhere in this section of the report and introduced earlier in the report.

Concern about insufficient front loading of public transport improvements, especially bus services, has been addressed through the agreement in the section 106 Heads of Terms to provide for a flexible approach to future bus

service planning, and the Developers commitment to provide £4.3m, of the total £11.5m bus subsidy, prior to the commencement of the scheme.

TfL raises concerns about a lack of evidence in the TA supporting the RTS. It has been agreed that the approach to the RTS will be flexible and kept under review. The RTS will assist in profile raising and can connect well with different parts of the development that conventional bus services will not reach, particularly during the construction phase of the development. It can be used to transport construction workers as well as existing residents and visitors during this time. A considerable sum has been secured within the section 106 Heads of Terms to ensure that the RTS can operate during phases one to four but the inherent flexibility within the Consolidated Transport Fund would allow it to be used (as an example) to subsidise conventional bus services if and to the extent that that was more effective, and enables the council and TfL to optimise the transport outcomes.

Officer discussions with the rail industry (particularly Network Rail) suggest that the cost estimates for rail elements of the proposed development are generally realistic at this outline stage. However, the developer is obliged to carry out a step-free access feasibility study as part of phase one and this will (at that time) provide a more robust indication of the details and costs of this work.

The modelling of the public transport and the demand model was examined in detail by the chief modeller from a specialist and independent firm of consultants appointed by Barnet, who confirmed that the models were fit for purpose. Concerns about the mode split modelling, and whether the mode shift will happen as predicted by the transport models, are controlled through the extensive monitoring regime, the Matrix Assessment and the approach proposed towards Phased and Reserved Matters Transport Reports, discussed elsewhere in this section.

Both Barnet officers and those from TfL have been keen to ensure that the bus station is redeveloped, and appropriate conditions and planning obligations are proposed to ensure the delivery of either the new bus station in its proposed new location, or a substantial upgrade of the existing site if the Development stops after the PDP, will be fully committed during phase one and will be delivered no more than 5 years after the commencement of the development.

Walking and Cycling Impact and Assessment

A comprehensive network of new and improved facilities for pedestrians and cyclists are proposed as part of the Development, as illustrated in Figure 8.3 in the TA, and these have been designed to meet the main predicted desire lines

and cater for local trips as well as providing good north – south and east –west connections, particularly for longer distance cycle trips. The TA states that facilities for pedestrians and cyclists will be of good quality, and safe, including appropriate crossing facilities of all road rail and river corridors.

There is no modelling of pedestrian trips but there is a capacity analysis of the four key public transport interchanges; new relocated Brent Cross Bus Station, new Railway Station, Brent Cross Underground station and the existing railway station in Cricklewood. This has not assessed how passengers move about dynamically in each interchange, but the analysis is considered appropriate at this outline stage, for the purposes of determining the overall size and capacity requirements. On the basis of the information submitted, there is confidence that the future design of the proposed interchanges and the associated roads and thoroughfares will adequately cope with the likely pedestrian demands. Likewise the rest of the pedestrian network has been assessed at and the flow predictions indicate that generally 2m wide footways will provide sufficient capacity. The detailed design of the pedestrian network will be subject to further work as part of RMAs.

Cycle parking arrangements will comply with TfL and Council policy and standards as appropriate. There will be facilities to park 200 bicycles at the four public transport interchanges, out of a total of over 9,000 that are proposed. A range of associated facilities and initiatives to promote and encourage both walking and cycling will be encouraged through the Framework Travel Plan.

The proposed conditions and planning obligations will ensure that continuous routes are provided during the long construction period. The provision of links for walkers and cyclists to adjacent local communities will be addressed through the Area Study of walking and Cycling, the A5 Corridor Study and the associated conditions and planning obligations.

Progress in achieving more sustainable travel patterns as the development proceeds (as assumed in the TA) will be monitored through the monitoring regime, the Matrix assessment and through the various transport reports (such as the Phase Transport Reports). Where specific facilities or additional mitigation measures are needed to ensure that the predicted levels are achieved, these will be provided under the proposed framework of control and delivery. If additional facilities are later identified as being necessary in areas that have already been redeveloped, then monies may be available from the Consolidated Transport Fund to be controlled by the Council in close collaboration with TfL.

Sensitivity Tests and Interim Assessments

Sensitivity tests have been carried out on the 2026 end-state Scheme to support the robustness of the development capacity assessment and on agreed intermediate snapshots during the construction phase. Together with the controls discussed in part 3 of this section of the report below, it is considered that the application has been robustly assessed. There are no phased transport assessments as the project is planned to be implemented over a very long timeframe (20+ years), and so it was agreed by the various highways officers involved in the negotiations with the applicants that it was not practicable to undertake fully detailed interim assessments at this stage, although the Primary Development Package (PDP), which is committed to if the Permission is implemented, has been assessed. However, as an acceptable means of ongoing control it was agreed that a Transport Matrix and Transport Report process would be undertaken in accordance with the principles as detailed in the Matrix and Transport Reports Schedule to be appended to the Section 106 agreement (and currently appended to the Heads of Terms of that agreement). This process is explained further in part 3 of this section of the report below.

The sensitivity tests are reported in the TA and TASRs and the main tests include the following. Other tests were carried out at various times, and these are referred to, as appropriate, in Appendix 4:

- *2026 with 10% extra BXC Growth & Alternative Trip Distribution*

The additional trip generation from the end-state BXC proposals was increased by 10%, and the trip distribution pattern altered based on information provided by TfL, and the transportation models re-run. This sensitivity suggests that there were no additional impacts of concern arising from this scenario, which largely had the effect of increasing the public transport mode share.

- *No BXC Railway Station ("2020")*

The 2026 DS end-state model has been amended to remove both (a) the New BXC Railway Station from the public transport network and (b) the trips generated by the office development that would trigger the station provision. This sensitivity test suggested that there would not be any unacceptable impacts on the network although the public transport mode share would predictably be lower, but with an increase in bus and tube travel in lieu of the absent train station.

- *Delayed BXC Completion ("2031")*

This sensitivity test considers the impacts if the assumed completion of the end-state proposals were to be delayed from 2026 to 2031. It was concluded that there would be a negligible difference in network performance in this scenario.

- *2016 Analyses*

2016 analyses have been undertaken to forecast the conditions that are likely to occur at the end of the PDP on both the highway and public transport networks, and include trips generated by the parts of Phase 2 development that are likely also to have been completed by 2016. The indicative staging considered in this sensitivity test is based on the illustrative phasing set out in the Design & Access Statement (BXC 3). The aim of the modelling was to demonstrate that this combined development will be able to operate satisfactorily and was also used to inform the cumulative analysis of background, development and construction traffic upon 2016 junction flows and public transport demand.

The analysis did not include the improvements to the M1/A406/A5 junction, in order to demonstrate whether the existing junction could cope with the PDP plus trips generated by parts of Phase 2. The sensitivity test found that improvements to the M1/A406/A5 junctions are necessary to provide satisfactory operation of the strategic and local transport networks for all modes of transport, before any occupation of development beyond the PDP. The test found that the Underground and rails networks can accommodate the demand and bus passengers can be accommodated using existing spare capacity, apart from an increase in frequency for Route 232 from 3bph to 4bph in 2016. The BXC bus and Underground stations will operate within capacity. Whilst there will be an increase in train passengers at the existing Cricklewood and West Hampstead stations, because the new BXC Train station is not implemented in 2016, again these will operate within capacity.

Approvals of Details in relation to Transport infrastructure

All the transport proposals relating to non-highway transport matters, such as the new train station, the relocated bus station at BXSC and the new, expanded and extended bus services are for approval in outline, by reference to stated parameters and principles, at this stage in the planning process.

The internal highway layouts, including details of bridges such as the proposed new Tempelhof Bridge and the pedestrian bridge at Staples Corner, local junction layouts, the pedestrian facilities, bus lanes and cycle routes within the application site area are also approval for in outline at this stage, but are committed to through detailed design as part of Reserved Matters Applications in accordance with specific parameters and principles.

However, the details of the layouts for the key 'gateway' junctions are being submitted for detailed approval, and have been designed for all modes of transport to the appropriate level of detail and undergone various checks and safety audit. This applies to the following junctions, and the plans are listed in Volume 4 of the TA.

- Rebuilding and improvement of the A5 / A406 Staples Corner and M1 junction 1 gyratories
- A41 / A406 mid level intersection improvements and the new traffic signal controlled junction to the south on the A41 at Whitefield Avenue
- BXSC ingress and egress junctions connecting to the shopping centre and Prince Charles Drive, at A41/A406 junction and A406 North Circular Road slip road
- A5 / A407 junction improvement in Cricklewood town centre
- A407 / Claremont Road junction improvement adjacent to Cricklewood station
- A5 / Humber Road / Waste Handling facility new traffic signals
- A5 / Dollis Hill Lane / Oxgate Gardens / MML bridge link road new traffic signals
- A5 / Railfreight facility ingress and egress junctions.

The detailed design of the A5 junctions between the A406 North Circular and A407 Cricklewood Lane will be informed by the A5 Corridor Study to address issues raised by Barnet and Brent officers and consultants, as explained and discussed in part three below, and the planning conditions and planning obligations recommended in this report are worded accordingly. Subject to the planning approval, the relevant transport authorities will agree detailed design as part of their statutory responsibilities under Highways legislation and this may involve refinements to the approved designs as part of the section 278 approvals, but it is anticipated that this will be fully within the ambit of the planning permission sought.

These proposals are appraised later in this section. It is to be noted however that the officers consider that the framework of control within the recommended planning conditions and the section 106 agreement will be capable of satisfactorily addressing these matters requiring subsequent approval under the planning permission if this application is favourably determined.

Transport Proposals

Integrated Transport Strategy

The TA states that it is based on a multi-modal Integrated Transport Strategy (ITS) that has been developed by the applicants to satisfy the transport needs and mitigate the impacts of the proposed development. It states that to permit everyone to come by car would be undesirable, unacceptable, contrary to policy and impossible to provide physically. The proposed roads and junctions have therefore been designed to cater for the changed pattern and distribution of traffic in the immediate area and encourage sustainable development by managing

growth in movement which favours use of sustainable modes in the transport system.

The proposed development will provide a wide range of complementary land uses that will encourage the use of public transport. The proposed Development includes provision for increasing the capacity of the bus network and a new railway station that will provide direct access to Thameslink services as well as utilising spare capacity on the public transport system. The intention is to maintain an acceptable level of road traffic constraint, broadly comparable with that in the DM assessment so as to incentivise travellers to make use of the substantially improved and more sustainable alternative transport modes that are to be provided or subsidised by the proposed Development.

This strategy will be monitored and reviewed under the Matrix and Transport Report mechanisms described in more detail later in this report.

Public Transport Proposals by Phase

The strategic public transport provision will be centred on the new BXC railway station on the Midland Main Line (MML) which is to be delivered in the later phases of the development and a new fully integrated Transport Interchange will be located outside the station, which will complement the existing transport hub at BXSC bus station (or the new Bus Station to be provided in Phase 2). The Development Partners, TfL and the Council are working together to enhance the existing bus station and the bus services that call there. The aim is to create an improved bus network for BXC that creates links to other parts of North London and improves service reliability and performance within the site. The Brent Cross LUL station has relatively low current usage and the currently unattractive walking route to the station from the Shopping Centre will be enhanced, including a new footbridge over the A41. The Rapid Transit System (RTS) is proposed to link the existing the improved Cricklewood station, the new town centre, the bus station at BXSC and Brent Cross underground. Other destinations might also, subject to further study, be included in the RTS network – such as Hendon Central Station. Prior to the new railway station being brought into use, the bus service network will be the main way by which the progressive increases in local trip making, particularly orbital trips, will be made by public transport in order to access the site and the surrounding area. Existing bus services with spare capacity will be better utilised and there will be the diversion, extension, and provision of increased frequency and/or capacity, of 11 services, with the focus being on the BXSC bus station hub (Bus service proposals are set out in the Non Technical Bus Strategy in the TASR2). In addition three new services are proposed. The RTS is therefore proposed as a temporary arrangement, operating

in the early phases, until most of the proposed new bus services are introduced and the train station is opened (in phase 5).

The Borough and the applicants have been in detailed discussion with the key public transport stakeholders such as Network Rail and TfL, and the following infrastructure and service improvements are proposed in each phase):

Phase 1 (PDP)

- **Brent Cross Underground Station** – public realm enhancements which will improve its operational facilities and interaction with bus services via a new forecourt
- **Cricklewood Station Transport Interchange** - improvement works to the station forecourt allowing buses to connect with trains
- **Bus station** – temporary enhancement works, and construction of the new station for opening at the start of phase 2 or, if the new bus station is delayed (i.e. development does not progress beyond phase 1), a new bus station provided on the existing site
- **RTS** to commence linking Cricklewood train station with BXSC and Brent Cross LUL
- **Bus priority lanes** on Tempelhof bridge
- **Bus Services** - one bus service increased in frequency, and five services diverted to serve the Development.

Phase 2

- **The new Bus Station** becomes operational
- **Brent Cross Underground Station** – step-free access works to help make the station compliant with disability discrimination legislation requirements and assist those with limited mobility and pushchairs
- **Cricklewood Station Transport Interchange** – as above, step-free access works
- **Bus priority lanes** on High Street
- **Bus Services** – one route extended, three routes diverted and one new route introduced.

Phase 5

- **New Cricklewood train station** and associated public transport interchange. The station will have long platforms that will allow the planned Thameslink 12-car train services to stop (up to 8 tph at peak times). Current services (4 tph) and users at the existing Cricklewood station will be unaffected. RTS buses can interchange at the station if needed
- **Bus priority lanes** on Spine Road and MML bridge link road
- **Bus Services** – one route extended and five re-routed.

Phase 7

- **Bus Services** – two new routes introduced and two with capacity improvements.

It should be noted that the applicants, the Council, LB Brent and TfL have agreed that the bus service enhancements will take account of other planned bus service changes and in practice are likely to come forward in a different manner to those which were proposed in the TA. However, they will provide at least the improvements predicted in the TA. These are matters that will therefore be dealt with by the Borough and TfL, together with adjacent authorities as appropriate, acting flexibly and in close collaboration through the TAG / TSG arrangements under the Initial Planning Agreement as the development progresses.

In addition to the above, there will be further improvements for bus users, including new bus stops throughout the development and all bus stops within 400m of the site will be improved, priority for buses at signal controlled junctions, and a bus-only road leading into Market Square.

Car Parking

Carefully managed car parking restraint (consistent with an outer London borough context) is seen as a key means of managing car use associated with the BXC development, to assist in achieving the mode share targets. The car parking strategy is consistent with the UDP and has at its core the following key principles:

- Introduction of car parking charges across the whole development, including at BXSC where there will be no more parking provided, to manage demand.
- The “non-specific allocation” of parking spaces so that residents and businesses can “lease” parking flexibly to suit their needs.
- A commitment to an evidence-based, progressive reduction in residential parking standards as the development rolls out and public transport improves. Capped residential parking ratios are proposed in the table below, together with caps in the amounts of office and retail parking.
- Use of enhanced and new bus services improving public transport accessibility, travel plans, car clubs and a cycle hire club to ensure the availability of alternatives to private car use, reduce the need for parking and encourage travellers to switch from car to other modes.
- On-street controlled parking management measures across the site and in adjacent areas.

The overall development will be constructed in accordance with the adopted maximum car parking standards of the LB Barnet UDP or the London Plan, as

set out in the table below. Adequate car parking will be provided, accommodated within basements, at grade on/off street, or in public multi storey car parking structures. Appropriate levels of parking provision, on and off-street, will be provided for disabled drivers. A car parking management strategy is required under the recommended conditions to be submitted to the Council before the development commences.

Use	Standard
Residential	PDP and up to 2,000 units capped ratio 1.0 2,000 – 4,000 capped ratio 0.95 4,000 – 5,000 capped ratio 0.8 5,000 – 7,500 capped ratio 0.7
Retailing and related uses & Leisure within Brent Cross East zone	7,600 spaces (No additional parking applied for)
Other Retail and related uses	1 space per 75 – 50sq.m
Other Leisure	1 space per 22sq.m
Employment (B1 – B8)	1 space per 300sq.m (Cap at 1,000 spaces)
Hotel	1 space per 2 bedrooms, plus 1 space per 5 seats for conference facilities
Community Facilities	1 space per 3-5 staff
Private Hospital	1 space per 2-4 beds
New and Existing Mainline Station	Parking only for disabled passengers and staff, and pick up and set down
Rail Freight Facility	120 car parking and 40 HGV spaces
Other Uses	In accordance with the London Plan

There are a total of 11,726 non-residential car parking spaces proposed throughout the site. Key elements of the proposals are as follows:-

Brent Cross Shopping Centre

The number of retail and leisure spaces in the BXSC would be restrained to 7,600 spaces. Office and hotel parking would be as per standards (see Table 4 in the Revised Development Specification and Framework), albeit there is a cap on office spaces across the development. The car parks would be barrier-controlled and parking charges would be introduced. A variable message sign (VMS) parking guidance system would be implemented to provide information to

motorists with the aim of reducing unnecessary circulating traffic to ease congestion during busy periods. The sharing of spaces for retail and leisure use would be encouraged, as the demands would occur mainly at different times of the day.

Food superstore (Tesco)

Parking provision would increase compared to the existing store, based on the net increase in floorspace, using a provision rate of 1 space per 25sqm as per the London Plan. This would result in a capped total of 760 spaces for the expanded food superstore. The Tesco car park will be managed so that it is available for use as a town centre car park.

Public off-street parking

This will potentially include a multi-storey public car park in the Town Centre as part of a mixed use building and would cater primarily for neighbourhood retail and community demands. The number of spaces would reflect the relevant standards in the table above. Charges would discourage all day commuter parking. There will be no free-standing multi-storey car parks except at the Brent Cross Shopping Centre.

Controlled On-street Parking Zones

It is proposed that the BXC site and its immediate vicinity (where CPZs do not already exist) should be included as a designated Controlled Parking Zone (CPZ) and that all the residents and businesses within the area given the opportunity to be issued with residents, business or visitors parking permits. Where new residents are provided with the opportunity for dedicated off-road parking they would be excluded from applying for permits. The exact geographical extent of a future CPZ would be agreed with LB Barnet, and LB Brent, and may need to be progressively increased as the development proceeds, in particular in the vicinity of stations and to manage construction worker parking activity.

The costs of promoting and implementing the CPZs within the site and (if necessary to address any parking impacts of the scheme in immediate adjacent areas) will be borne by the developers under the section 106 agreement. This is intended to ensure that all local impacts of the proposed development are properly mitigated at the cost of the developers. If considered necessary, CPZs in the adjacent areas in Brent and Camden, will be addressed through the Consolidated Transport Fund.

Highway Proposals by Phase.

The approach to the provision of road and junction capacity has been designed to ensure that it will be adequate to meet the forecast demand within the constraints

of the Development Framework but will not be excessive such that it would encourage additional unsustainable traffic demand. The exception to this is at the southern end of the development in Cricklewood where the phase one A407 junction schemes will provide some improvement in the operation of the junctions, for example, by remodelling the staggered junction arrangement at the A5. However, these junctions are nevertheless likely to continue to operate as network constraints. This will help prevent traffic from the development creating congestion in adjacent areas. Some relief to the southern junctions will be provided later in phase 5 when the MML bridge link is built. The following highway infrastructure is proposed in each phase (NB there are no highway infrastructure improvements in Phase 6, and as per the conditions phase one is committed to be phase one if the permission is implemented, but the other phases may come forward in a different order, but only if this is approved by the Council):

Phase 1 (PDP)

A406 Brent Cross Ingress/Egress Junction

A41/A406 Junction Works including the A41 Underpass works– this will provide a new slip road access to BXSC

Brent Cross Pedestrian Underpass Works - the pedestrian link between the BXSC and Haley Road, and Shirehall Lane

Diversion of Prince Charles Drive

River Brent Alteration & Diversion Works (Part 1) – these allow the A41/A406 Mid Level junction and new ingress to BXSC to be introduced

New A406 Bridge, Tempelhof Avenue and Link Road

Claremont Avenue including Junction with Tilling Road - this road will act as a main route for local traffic and will replace a section of Claremont Road

Claremont Road North Junction - new junction

Claremont Park Road (Part 1) - new road

Cricklewood Lane (A407)/Claremont Road and A407/A5 - junction improvements

A5 Junction to Waste Handling Facility – new junction

Tilling Road West (Part 1) - re-alignment and improvement works.

Phase 2

M1/A406 and A5/A406 Junction – new gyratories to be built during phase 1 with the improvement to be completed and open at the start of this phase. Includes

M1 Junction 1 pedestrian and cycle bridge

Whitefield Avenue including new junction with the A41

Claremont Park Road (Part 2)

High Street North and South

Whitefield Street

Tilling Road East

A41 Pedestrian Bridge.

Phase 3

Pedestrian bridge over the A406.

Phase 4

Claremont Road South Junction - new junction
A5/Rail Freight Facility junctions.

Phase 5

Geron Way pedestrian bridge
Spine Road North and South
A5/MML link bridge junction, as well as the bridge itself.

Phase 7

Tilling Road West (Part 2) - realignment and improvement.

The parameters for the programming and phasing of the delivery of transport infrastructure are contained in the Indicative Construction Programme which is appended to the section 106 Heads of Terms the ICP is designed to ensure that transport capacity at least matches the demand and need created by the Development as it proceeds, and where works are carried out they will be to the specification needed to accommodate the full development so as to avoid the need for repeated works on the same parts of the network.

Pedestrian and Cycle Improvements

Walking and cycling are seen in the TA as the principal means by which to cater for the many short distance trips that will be created within the new Town Centre. Footways and cycleways will be provided within the proposed development to create an urban area with a high level of service and permeability for walkers and cyclists. Safe and secure crossing points will be provided across vehicular routes and the new routes will also be fully integrated into the wider walking and cycling networks in the surrounding urban area by providing crossings of the road and rail corridors that border the site.

Walking and Cycling Strategies are set out in the TASR2 and include extensive measures that are intended to address the end state contribution to walking and cycling provision and also address the interim situations and mitigate any construction impacts. The detailed design of the cycle and walking route networks in the site will be part of RMAs. Linkages and improvements to surrounding networks will be addressed in, and informed by, the Area Wide Walking and Cycling Study and the Pedestrian and Cycle Strategy which, under

the recommended conditions, are to be submitted to the Council before the development commences.

Individual employers and operators of community facilities in the area will be required to promote the use of walking and cycling provisions in their Travel Plans and the implementation of cycling initiatives, such as the provision of changing rooms and shower facilities, secure storage arrangements for cycles, cycle clothing and equipment.

Cycle parking will be provided throughout the site in accordance with TfL standards. At major attractors and destinations, such as the BXSC and railway stations there will be covered, managed secure parking provision. Provision will also be made for secure cycle parking compounds for staff at BXSC, offices and at other key employment locations across the area. Secure residential cycle parking will be provided within the development plots on a 1:1 basis and there will be cycle parking spaces throughout the public realm.

The key requirements of the walking network are to provide a legible street hierarchy, as summarised below, providing improved access to stations and interchanges; as well as new open spaces and urban squares linking in with new footpaths along the River Brent; a key element being the establishment of a new High Street that will reconnect the site from BXSC in the north to Station Square in the south:-

- Strategic Routes providing connections to London's wider pedestrian (and cycle) network. The Development Partners are committed to carrying out a further area-wide study to ensure that the Site is well connected to adjacent areas, such as Cricklewood and Hendon town centres, and are offering a flexible approach to funding the links through the Transport Fund. See part three of this section for details on the study and the fund;
- Primary Routes providing connections to public transport facilities and key locations within and around the Site, generally characterised by provision along side traffic routes;
- Secondary Routes providing connections within neighbourhoods for local circulation and access;
- Tertiary Routes providing more intimately styled minor streets in the commercial and residential areas for local movement and low traffic speeds, including some pedestrianised areas;
- Home zones defined as residential streets designed with pedestrian (and cyclist) priority over motorists.

During the development construction programme there will be a requirement to maintain as far as reasonably practicable a good network of walking and cycling routes throughout the whole of the site.

3. Control of the Development

There are a range of controls that have been agreed to ensure that the delivery of the transport elements of the development are delivered at the appropriate time as the scheme proceeds. These are summarised and explained in more detail in the following sections.

A5 Corridor Study and the Area Wide Walking and Cycling Study

These studies are intended to address in detail any issues of importance to the mitigation of the impacts of this development and their respective scope and specification are intended to ensure that the necessary mitigation measures and improvement works are specified before the development begins. TfL and the Council will work in close collaboration in determining the application for approval of these Studies and Brent and Camden will be involved through the TAG.

The studies are intended to identify (at a point nearer to the actual delivery of the proposed development) any further supplementary mitigation of the impacts of this development as well as inform the detailed design of the scheme, particularly gateway junctions on the A5. More details on the studies are set out later in this section.

Detailed Delivery Programmes

Under the recommended planning conditions and Initial Planning Agreement, the Developers will be required to submit detailed delivery programmes to the LPA for approval before the relevant Phases are able to commence. They will then be obliged under the planning obligations to use all reasonable endeavours to carry out the development in that phase in accordance with the approved detailed programme. The detailed delivery programmes will need to be consistent with the parameters and principles as to the sequence of delivery of critical infrastructure and the approximate duration of operations, as set out in the Indicative Construction Programme, which is contained in the draft section 106 Heads of Terms (which in turn reflects that in the Construction Impact Assessment). Any updates or amendments which may be proposed by the Developers as the development progresses must be approved by the LPA, having regard to the need to be consistent with the EIA process and the need to secure comprehensive regeneration in accordance with policy C1 of the UDP.

Triggers and Thresholds

In addition to the detailed delivery programmes, triggers and thresholds have been proposed that provide LB Barnet and TfL with a mechanism to ensure that the necessary transport infrastructure and service changes will be provided at the appropriate time as they are triggered by the commencement or occupation of a certain amount of development or a specific event. Key triggers, including those associated with the introduction of the New Railway Station, the M1/A5/A406, A41/A406 and A41 / Whitefield Avenue junctions; and A5 MML Link Bridge, have been assessed in detail using the transport model and were demonstrated to be appropriate.

Necessary Consents – required pre-Phase commencement

The highway improvements will be secured through agreements and bonds under the relevant highways legislation and will all be funded directly by the Developer. These agreements and bonds will be required to cover all of the primary and secondary roads, the bridges and the associated drainage works within the relevant Phase or Sub-Phase and the agreements and bonds will require to have been completed before development of the relevant Phase or Sub-Phase can begin. This will ensure that the developers are obliged to deliver this infrastructure as part of the relevant phase or sub-phase and in the event of any default the Council as highway authority will be able to step in and complete the works under the terms of the bond. This requirement therefore provides considerable security for the delivery of critical infrastructure within each phase or sub-phase once they are under way.

Matrix and Transport Reports

Due to the long period of development and construction and, as a result, the applicants' inability at this stage to commit to a definite programme, a matrix assessment regime is proposed which will ensure that development at each phase is consistent with the outline application.

The requirement for the Phase Transport Reports and Reserved Matters Transport Reports, produced at the start of each phase of development and to accompany each reserved matters application respectively, is that they will act as a further level of control to ensure that the transport impacts of the proposed development are consistent with the predictions for 2026 in the TA. These Transport Reports will include a Transport Matrix which will inform the scope and specification of the Transport Reports and will also address specific benchmarks as to the performance outcomes on the transport network as the development proceeds. The strategic transportation assessment models will be kept up to

date and available for use as the phases come forward, although a different model, such as a more up to date model as currently programmed by TfL, may be used subject to agreement. The details of the Matrix and Transport Reports are set out in the appendix to the Section 106 Heads of Terms.

Framework Travel Plan, Framework Servicing and Delivery Strategy and Individual Travel Plans

The Framework Travel Plan and the Framework Servicing and Delivery Strategy will also be updated periodically, and there will be individual occupier travel plans as well as a construction worker travel plans for each phase.

The TAG

The whole roll-out process will be overseen by the Transport Advisory Group (TAG) as an important liaison and advisory body comprising key stakeholders including adjoining boroughs, the Highways Agency and TfL, as well as Camden and Brent where their borough interests are involved. The TAG will not make any executive decisions on transport matters relating to the proposed development but it will have a detailed role in supervising and making recommendations in relation to transport issues as the development proceeds. See control section below for further details.

TSG and the Consolidated Transport Fund

The section 106 Heads of Terms envisage that Barnet will establish a joint group to be known as the Transport Strategy Group to deal with matters where applications for approval under the proposed planning permission will be considered by both Barnet and TfL, where they relate to issues which are likely to have significant impacts on the strategic transport network. This is intended to ensure that TfL and Barnet work in close collaboration and coordination in the public interest to protect and enhance the strategic transport network and ensure that there is effective mitigation the impacts of the proposed development, that the network can accommodate the increased trips generated by the scheme. The TSG will, for example, be required to consider all Phase Transport Reports and other site-wide transport strategies and studies, as well as administering the Consolidated Transport Fund. The draft TSG Terms of Reference are appended to the section 106 Heads of Terms and they will be finalised and appended to the Initial Planning Agreement.

The Consolidated Transport Fund of £46m has been agreed under the proposed Head of Terms section 106 agreement which includes contributions towards a range of transport improvements, in particular for public transport, walking and

cycling. This includes £11.5m ring fenced to pump prime improvements to the local bus services. This fund will be for transport improvements over and above those which are committed by the developers in terms of direct investment as part of the development or the further mitigation measures required as a result of the A5 Corridor Study and the Area Wide Study and are over and above the CPZ costs in Barnet, which are to be directly paid for by the developers.

Planning conditions and section 106 planning obligations

The controls summarised above are incorporated into the recommended conditions which deal with the need for approvals of details, documents and strategies at the appropriate stage in the development. The covenants to deliver the development (and enforcement of those commitments) are to be contained in the section 106 agreement.

The conditions are divided into four parts, all of which include the appropriate transport and highways elements. Part A sets out the site wide pre-commencement conditions, ensuring for example that the access and layout plans are consistent with those in the RDSF. In particular there is a condition that detailed delivery programmes for the main transport infrastructure (i.e. Critical Infrastructure) are to be submitted and approved prior to any development starting. Part B, the phase specific pre-commencement conditions, identifies individually the particular strategic access points, primary and secondary roads, cycle and pedestrian routes and associated junctions, engineering works, such as rail construction activities, and bridges. Part C contains the triggers and thresholds for each phase, explained further below, and Part D general conditions. The key transport elements in Part D are around construction activity, parking and the Rail Freight and Waste Handling facilities.

Some of the control measures summarised above are explained in more detail in the next parts of this section of the report.

Further Studies to Inform detailed design

A5 Corridor Study

A number of matters have been highlighted along the A5 corridor, south of Staples Corner, as requiring further information at the detailed design stage, particularly in conjunction with issues raised by TfL, local cycle groups and objections from the LB Brent. The following are the main elements of the study, as agreed with the Applicants. The study, including necessary additional surveys and modelling work, will be funded by them and overseen by the TAG, with Brent, Barnet and TfL as joint clients for the project. Any necessary additional local

traffic management mitigation measures will also be developer funded, paid by them direct.

The scope of the study will include:

- Preparation of a local detailed traffic simulation model of the A5 / MML bridge link / Claremont Road / A407 highway movements (the scope to be agreed at the appropriate time):
- Review local traffic movements and impacts along the corridor and in adjacent roads through strategic model tests,
- Detailed design of the proposed new highway works,
- An audit of pedestrian and cycle routes that provide links to and from the site, in particular cycle links connecting to the strategic London Cycle Network, in order to inform the detailed design of the proposed new highway works , including the pedestrian and cycle interfaces with the existing facilities at the boundary of the site,
- A safety study to look at measures to reduce personal injury accidents, including examining the feasibility of linking the existing and proposed traffic signal schemes,
- Identify minor parking and servicing management measures to free up some road space and smooth traffic flows,
- A proposed phased package of local traffic management measures that can be added to the current proposals for the A5.

Area wide improvements for Pedestrians and Cyclists

Complementary to the A5 corridor study will be an area wide study which will review existing pedestrian and cycle routes and the proposed improvements on the A406, A41 and A407 sides of the Site. This will be undertaken by the Developer prior to the commencement of the development and will build on the proposals in the Pedestrian and Cycle Strategies, submitted as part of the BXC application. Funds will be available to spend from the Consolidated Transport Fund on the design and implementation of identified improvements. The study will examine pedestrian and cycle routes connecting between the site and key destinations and nearby existing local or strategic routes for cyclists. Examples for pedestrians would include links to Cricklewood town centre, Brent Cross and Hendon Underground stations and the bus stops within 400metres of the red line boundary Examples for cyclists would include links to borough cycle routes and the LCN routes. The study will be conducted in liaison with the local cycle groups and other key stakeholders. The output is expected to be a package of proposals, including safe and secure cycle parking facilities. The implementation of any recommended measures from the Area Wide Study will be funded from the CTF where they are not directly related to the highway works that are included in the

planning application. Where they are considered to be additional mitigation measures, then the Developers will fund directly.

Control on Roll-out of the Development Phases

In addition to the Detailed Delivery Programmes, Trigger and Thresholds, consents and the Matrix and Transport Reports mechanisms described earlier, the following controls will regulate the delivery of the scheme in terms of the transport impacts.

Monitoring

An extensive programme of monitoring the travel behaviour and patterns of movement across the area is planned as the Development progresses. The detailed monitoring strategy and survey specification will be subject to approval prior to development commencing, but has been agreed in principle, as set out in the Appendix to the section 106 Heads of Terms, and will include the following:

- Data collection to support the Matrix Assessments; in particular monitoring of the mode split,
- Surveys to be carried out as part of the A5 corridor study, detailed design of gateway junctions and in support of PTRs and RMTRs,
- Utilising data collected by the transport authorities, such as bus and tube passenger loading information held by TfL,
- Travel and Servicing / Delivery Plan monitoring reported to the TAG,
- Car parking surveys, both on and off-street,
- Construction traffic movements,
- Traffic monitoring on strategic and local roads to assess changes in background traffic growth and identify any local 'rat-running'.

This monitoring will help ensure that the transport improvements are implemented at the right time, and the monitoring specification and programme will therefore be kept under review.

Travel Plans

The overall objective of the FTP is to reduce the impact of daily travel needs, associated with the BXC site, on the transport network and on the environment. The FTP sets the parameters for future developments with which the individual site travel plans (Individual Travel Plans) will need to be consistent. This will be pursued through ensuring that each part of the development fulfils the following objectives:

- Reduce the amount of personal travel made in private cars, especially those with single occupancy, and, where car travel is necessary, increase occupancy;
- Increase the amount of personal travel made by public transport, walking and cycling in preference to the car;
- Reduce the amount of road based travel associated with freight movement;
- Increase walking and cycling as these modes are environmentally friendly and can be beneficial to health;
- Integrate the on-site pedestrian, cycle and passenger routes with those in the adjacent areas;
- Reduce the need to travel and hence reduce overall travel demand;
- Reduce reliance on car for travel to work and travel for business trips;
- Promote increased use of more sustainable modes of transport;
- Progression toward end state mode share targets for the site;
- Encourage trip retiming and hence travel at less congested times of the day;
- Reduce trip lengths, by planning for the provision of employment, retail and other facilities close to where people will live.

The FTP (and the Individual Travel Plans) will help to achieve the Development Framework target of a mode share of 49% of all trips by public transport and no more than 34% of all trips by car (including passengers) and the peak hours mode splits as described earlier. The FTP shows how the mode split of the development will continually improve and progress towards this target by the time the whole development is implemented in 2026. There will also be a Construction Workers Travel Plan for each Contractor employed on the Development.

Construction Consolidation Centres

The Developers are committed to investigating the feasibility of setting up Construction Consolidation Centres, which may be located north and / or south of the A406. The CCC feasibility study will assess all operational issues and will look at utilising the existing Hendon waste transfer station site so that a significant proportion of materials can be moved by rail, thus reducing impacts, including congestion, on the road network. Regardless of the outcome of the above the Construction Impact Assessment (CIA) has assumed a potential worst case scenario that all construction material will be moved by road, and therefore robustly evaluates the 'worst case' situation on the road network. The CIA also included a number of sensitivity tests that varied the predicted lorry routings and tested the impact if more small lorries were used compared to the main work which assumed only large lorries would only be used.

Framework Servicing and Delivery Strategy (FSDS)

The overarching objective of the FSDS, as set out in the TA, is to reduce the impact of delivery and servicing activity generated by the BXC development on the environment. This will be pursued through seeking to gain control and influence on delivery and servicing activities both during construction and over the longer term for the completed Development, to achieve the following:

- a reduction in the volume of delivery and servicing trips;
- a change in the pattern of delivery and servicing trips;
- a shift of mode from road to rail and other more sustainable modes; and
- an improvement to delivery and servicing vehicles, equipment and technology.

A Servicing and Delivery Strategy Manager will oversee this.

Transport Strategy Group (TSG)

As discussed earlier, this joint group will oversee issues likely to have a significant impact on the strategic road network and will comprise the Council and TfL respectively, as the two public sector co-signatories of the section 106 legal agreement..

Transport Advisory Group (TAG)

The TAG will include representatives from the Applicants, the Council, LB Brent and TfL. Other members will be added by agreement as appropriate, such as Brent, Camden and the Highways Agency. The objectives of the TAG will be:

- to promote and encourage the use of sustainable means of transport and to improve accessibility to public transport to and from the development through effective communication;
- to identify any supplementary / unforeseen items of impact which may arise from time to time and which have not already been identified by the TA and provided for as part of the Section 106 and conditions attached to the Permission;
- to oversee the corridor and area studies;
- to make recommendations to the TSG as to the efficient utilisation by them, of the Consolidated Transport Fund (defined below), in accordance with any measures identified above; and
- to maximise third party funding for transport infrastructure and initiatives.

The TAG will draw on information from any Estate Management Company established under the Estate Management Framework and the database of all Planning Consents and the Reconciliation Process as explained in the Revised Development Specification and Framework. The TAG Terms of Reference are included within the FTP.

The TAG will be in place before commencement of the development, and will continue until it is complete, currently envisaged to be 2026.

Travel Plan Co-ordinator (TPC)

The TPC will be employed by the Developers or any Estate Management Company which the Applicants may set up, and the role will primarily be to oversee the implementation of the FTP through co-ordinating travel plan initiatives and, in support of the TAG, the monitoring of mode share progressions towards the targets across the development, that will be a key element in the Matrix Assessments.

Consolidated Transport Fund (CTF)

The CTF will be £46m, paid in stages over the course of development, including £16.6m on commencement of phase 1. The TSG will allocate the funds to appropriate works and measures which will include the following:-

- Additional bus services,
- the bus-based RTS including the station interchange forecourt improvements at Cricklewood and Brent Cross stations,
- step-free access improvements at Cricklewood and Brent Cross stations,
- the A5 Corridor Study, although the Developers have committed to separately fund the Study and further mitigation measures that the study may identify,
- improvements to pedestrian and cycle routes and facilities beyond the application boundary to ensure there are good quality connections to strategic cycle routes and key destinations,
- improvements to all bus stops within 400m of the application boundary,
- local traffic management measures in the adjacent Boroughs of Camden and Brent,
- a contingency element to fund marketing campaigns if required to encourage mode-shift and any detailed mitigation measures that respond to any unpredicted circumstances and to enhance the transport performance of the development,

- Noise reduction surfacing on the A406 between the A5 and A41 junction improvement schemes, which themselves will involve the application of noise reducing surfacing.

It should be noted that given the long timescale over which the scheme is envisaged to be delivered, there will be a degree of flexibility over the delivery of works and the setting of priorities. There is also expected to be additional section 106 agreements to cover such matters as CPZs. Taking into account the contents and robustness of the TA, together with the long timescale for delivery, the total CTF is considered to be an acceptable amount, especially when considered alongside the very substantial highway and public transport infrastructure that is also being delivered at the Applicants direct expense.

Transport Objections are set out in Appendix 4.

CONCLUSION

This is a large, complex and long-term development at an important part of the transport network in this part of north London. The officers of the Borough have been working with the other key public sector agencies responsible for the relevant parts of the transport network in order to ensure that the impacts of the proposed development on that network are robustly assessed before this application is determined, to ensure that all appropriate mitigation measures and control mechanisms are secured under the planning permission and to ensure that the impacts are kept within acceptable limits throughout the development period and after it is completed.

The planning conditions and obligations recommended in this report are considered to achieve that objective and the recommendations at the beginning of this report are based at least in part on that conclusion.

9.8 Sustainability

Policy Overview

In May 1999, the UK Government published its Sustainable Development Strategy entitled 'A Better Quality of Life: a Strategy for Sustainable Development in the UK'. This set out four main objectives for sustainable development in the UK which led the office of the Deputy Prime Minister (ODPM) to publish an updated Strategy entitled 'Sustainable Communities: Building for the Future' (2003) which introduced reforms to the system of planning and incentives to improve performance of buildings. This has led to further changes to the planning approach to sustainable development, which is now reflected in Planning Policy Guidance and Planning Policy Statements.

PPS1 makes it clear that sustainable development also encompasses social and economic objectives as well as environmental ones including; seeking social progress which recognises the needs for everyone; and ensuring the maintenance of high and stable levels of economic growth and employment.

The Mayor's SPG on Sustainable Design and Construction provides guidance on the scope of sustainability measures that should be incorporated into the design of new developments. The SPG sets essential standards that apply to all major developments in London as well as a second tier of 'Mayor's preferred standards' which indicate more exemplary approaches that can be followed but are not yet policy requirements.

Barnet's adopted Sustainable Design and Construction SPD also identifies the key parameters that should be addressed in the design of new developments.

Sustainability and Energy Strategies has been developed for the scheme and submitted with the application. These strategies demonstrates how sustainable design and construction principles have been incorporated into the development of the scheme's masterplan, and how these will be further embedded during the lifecycle of the development.

9.8.1 Energy

The London Plan energy policy objectives are to support the GLA's Energy Strategy to reduce carbon dioxide emissions, improve energy efficiency and increase the proportion of energy generated from renewable sources. New developments are required to include energy efficient design measures and energy efficient and renewable energy technologies wherever feasible.

Major developments should provide an assessment of energy demand and demonstrate the steps taken to apply the energy hierarchy set out in London Plan policy 4A.1 which include 'Using less energy (policy 4A.3)', 'Supply energy efficiently (policy 4A.6)' and 'Using renewable energy (policy 4A.7)'.

A key factor in the assessment of policy 4A.1 is the extent to which major commercial and residential schemes have demonstrated that the proposed heating and cooling systems have been selected in accordance with the preference set out in policy 4A.6, specifically in the following order:

- Connection to existing CCHP/CHP distribution networks.
- Site-wide CCHP/CHP powered by renewable energy.
- Gas-fired CCHP/CHP or hydrogen fuel cells, both accompanied by renewables.
- Communal heating and cooling fuelled by renewable sources of energy.
- Gas fired communal heating and cooling.

Major developments should show how the development would generate a proportion of the site's electricity or heat needs from renewables with a target of 20% reduction in carbon emissions, wherever feasible (policy 4A.7).

Combined Heat and Power

The BXC application seeks to meet and, where possible exceed, the London Plan requirements for renewable energy by using a combined heat and power plant (CHP), potentially fueled by refuse derived fuel. This scheme wide CHP will be sited adjacent to the M1/A406 junction. The total carbon savings from such a system could be as high as 50%-60% which would achieve exemplary levels of CO2 reductions.

Uncertainty remains at this outline stage as to the sizing and fuel source of the plant. The applicants preferred plan is to use refuse derived fuel (RDF) from the waste handling facility and to process this through some form of gasification at the CHP plant, in which the synthetic gas (syngas) that is produced is burned, rather than the RDF itself. However, this is subject to approval from third parties, specifically North London Waste Authority and any operators that it publicly procures for this purpose. The proposed contingency strategy is to use either an alternative renewable source or a conventional natural gas fuelled combined heat and power.

The intention is to connect all residential buildings to the planned district heating system insofar as reasonably practicable. Connection of commercial buildings is being considered but may not be practicable in all circumstances. Where

individual buildings are delivered in locations that cannot be immediately connected to the district heating system, the relevant infrastructure will be installed so that these buildings may be connected at a later date. This may not be applicable to buildings at the extremity of the development (such as Claremont Primary School) as in practical terms the planned network will not viably extend to such areas.

Alternative Sources of Renewable Energy

Should the Energy from Waste CHP strategy prove unfeasible it will be necessary to achieve a reduction in carbon emissions from alternative sources. Should this be the case, the applicants have committed to prepare a Revised Energy Strategy in consultation with LBB and the GLA and will need to be submitted for the Council's approval under the proposed planning conditions. This strategy will need to demonstrate how the reductions in carbon emissions will be achieved against Building Regulations Part L (2006) or whatever standard is applicable at the time

Building Emission Standards

Residential buildings will achieve a 44% reduction in carbon emissions below the standard set in Building Regulations Part L 2006. If more stringent targets are set through Building Regulations in the future these will have to be achieved. Residential buildings will achieve a Code for Sustainable Homes Level 3 with an aspiration for Level 4.

Commercial buildings will achieve a carbon reduction of at least 20% and will be constructed to achieve a rating equivalent to 'very good' under BREEAM with an aspiration for Excellent.

Claremont Primary School will be an exemplar low carbon building achieving Excellent using BREEAM for schools (2007).

All of these commitments will be secured by planning condition and S106 obligations.

9.8.2. Construction and Materials

The applicant will develop and submit a Code of Construction Practice, Construction Management Plan, Construction Environmental Management Plans and a Demolition and Site Waste Management Plan. The applicants also propose using a protocol for monitoring materials arising from demolition to help ensure their reuse, and making commitments regarding targets for the use of recycled materials in new construction. These aspects of the development will be enforced by contract and appropriate conditions will be placed on the planning permission.

9.8.3 Surface Water

The proposals include a 25% reduction in surface water run-off from the development against the current 1:100 year return flow plus 30% for climate change. A range of sustainable urban drainage systems are proposed including green and brown roofs, detention basins, graveled areas, swales and permeable paving. A condition will be applied to ensure that appropriate sustainable urban drainage technologies are applied.

9.8.4 Water Use

A target of 105 litres per person per day (calculated using the Code for Sustainable Homes methodology) will be required for the design of residential buildings. The applicant has committed to rain-water harvesting and promoting the use of grey water recycling. Appropriate conditions are proposed will be applied to ensure that these requirements are met.

Summary

The applicants preferred proposal to meet the London Plan requirements for renewable energy is by using a combined heat and power plant (CHP/CCHP) potentially powered by refuse derived fuel. The total carbon savings from such a system could be as high as 50%-60% which would comfortably exceed existing targets. The provision of this system is subject to feasibility studies.

The environmental and sustainable development standards contained in the application meet statutory standards and conditions and obligations will be applied to make sure that any changes in the current environmental targets and standards will continue to be met by the development. A summary of the sustainability features of the scheme can be found in Table 8 Page 49 and 50 of the Revised Development Specification and Framework. The applicant has also assessed the scheme against the Mayor of London's SPG on Sustainable Design and Construction 2006 and this assessment is contained in Appendix 11 of the Revised Development Specification and Framework.

10. EQUALITY AND DIVERSITY ISSUES

The involvement of local people and community groups during the design process has enabled the diverse needs of existing and future residents to be met in the masterplan.

All of the new housing in the development will be built to 'Lifetime Homes' standards (where applicable) and 10% of the properties will be wheelchair accessible or easily adaptable for residents who are wheelchair users. This fully accords with London Plan Policy 3A.4.

The site is accessible by various modes of transport, including by foot, bicycle, public transport and private car, thus providing a range of transport choices for all users of the site. All new public transport facilities and buildings to be used by the public will be fully accessible.

Future detailed planning applications will make sure that a safe and secure environment is created throughout the regeneration area. This will include consideration of the public realm and the need to make pedestrian access safe and well lit. A new network of pedestrian routes will be created throughout the development with the aim of making the area accessible to all, including young people and others who do not have access to a car.

The applicants will fund a Skills and Employment Training Programme which will make sure that the benefits of this regeneration scheme in terms of employment and training opportunities are available to local people. It is anticipated that this will include initiatives to make sure that all sections of the community are able to benefit.

11. CONCLUSION

This outline application for the comprehensive regeneration of the Brent Cross Cricklewood Area is recommended for approval. This ambitious and exciting proposal is considered to be an exemplary way to create a new mixed use town centre for Barnet and North London.

Around 25,000 new jobs and 7,550 homes will be created and the underused and disjointed parts of the regeneration area will be brought back into productive use in the most sustainable way. The proposal creates a coherent integrated town centre which is well connected with the existing suburban area which surrounds it.

The proposal includes new schools and community, health and sporting facilities and will provide new parks and urban squares and improvements to existing open spaces. The new shopping areas created are extensive but will not directly threaten the viability of nearby town centres. The overall increase in retail space is supported by London and local planning policy and has been appropriately justified by the applicant. Employment will be created not only through the expansion of the shopping area but also through the office area which will be served by a new railway station.

The transport proposals assume an increased use of public transport over the development period of the proposal and the Transport Reports required as the scheme proceeds will monitor and review the achievement of the improved modal split targets. Car parking will be appropriate for the location and level of accessibility and improvements to public transport will include a new bus station and improvements to bus services, a new railway station and improvements to Brent Cross Underground Station and Cricklewood Railway Station. Highway Junction improvements will be undertaken at the key gateways to the proposal.

As this strategic regeneration proposal will be implemented over approximately the next twenty years, it is essential that a sophisticated but easily understood series of controls are imposed. These controls will ensure that the individual applications for plot development and/or individual buildings under the permission sought are designed to a high standard and comply with the parameters and principles established as part of the framework of control under the permission by reference to the DSF and Design and Access Statement.

The applicant has produced a series of parameters and principles set out in the Revised Development Specification and Framework, the Revised Design and

Access Statement and the Revised Design Guidelines which provide a framework for control. These documents have formed the basis for the extensive set of planning conditions set out in Appendix 1 of the report. These conditions and associated planning obligations will control the type and quality of future development to make sure that the regeneration area develops as anticipated in the masterplan. Sufficient mitigation measures have also been proposed to make sure that the development does not give rise to additional costs but instead contributes fairly to the surrounding area in a way that is of benefit to existing and future local residents, workers and visitors. The Heads of Terms for the planning obligations (S106) are also set out in Appendix 1 to this report. The full S106 document will need to be agreed with the applicant and other parties before any planning permission is issued. It is recommended (in accordance with Recommendation 3) that the S106 will be agreed with the Council's Head of Planning and Development Management under delegated powers but in accordance with the principles set out in the Heads of Terms contained in Appendix 1.

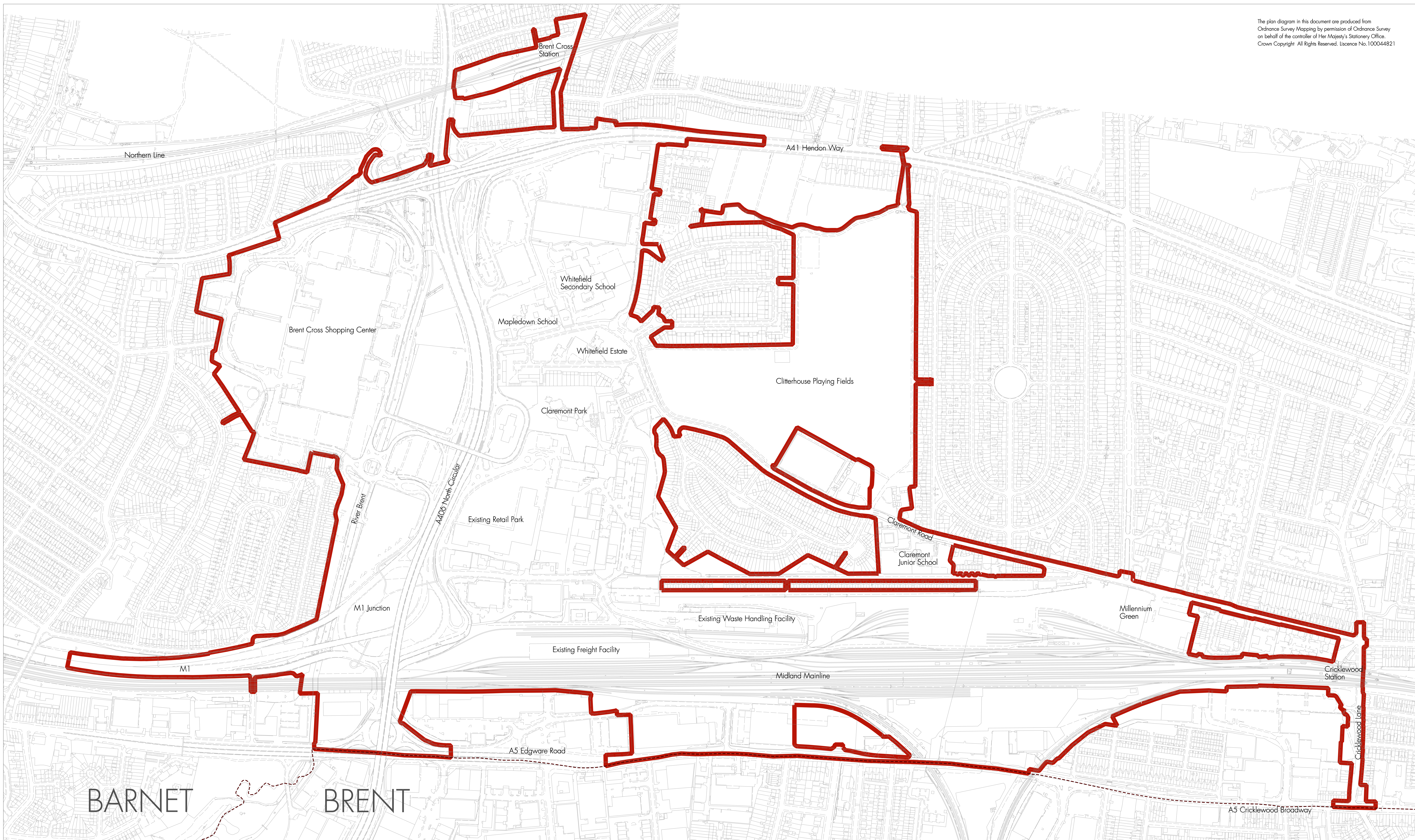
Should Committee members approve this application, it is likely that a number of sites and properties not in the ownership of the Council will need to be acquired. It is anticipated that a Compulsory Purchase Order will need to be obtained if agreement with other landowners cannot be reached to acquire their interests by agreement. To accommodate this process, it is proposed to extend the normal period in which planning permission should commence from 3 years to 7 years and with an extended period of up to 21 years for phased reserved matters applications. This is less than the applicant has requested but officers consider that this is the appropriate period to allow the applicant to complete all the pre-commencement processes and commence this much anticipated regeneration project.

This proposal has been planned and developed over many years and has been the subject of extensive discussion and consultation with strategic bodies as well as with local residents and interest groups. Officers are satisfied that the mixed use town centre to be delivered through this proposal will be of great benefit to Barnet and to surrounding areas of North West London.

The Environmental Statement accompanying this application has addressed all relevant environmental issues and concluded that there will be no long term, adverse, significant effects. Any mitigation measures put forward in the Environmental Statement can be controlled by the imposition of conditions and obligations.

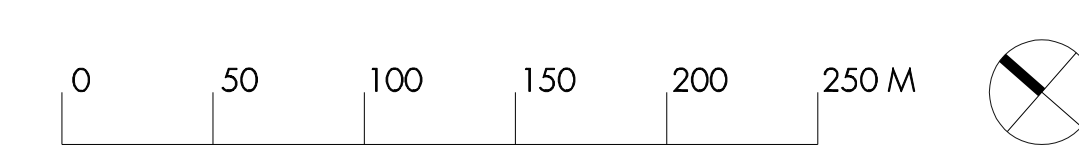
Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the Council to determine any planning application in accordance with the statutory development plan unless material considerations indicate otherwise.

All relevant policies contained within the Adopted UDP, the Mayor's London Plan (consolidated with Alterations since 2004) (published 19 February 2008), Planning Policy Statements and Supplementary Planning Documents, have been fully considered and taken into account by the Local Planning Authority. It is concluded that the proposed development generally and taken overall accords with the relevant development plan policies and that there are no material circumstances which would indicate that the application should be refused. Accordingly, subject to the satisfactory completion of the Section 106 agreement **APPROVAL** is recommended as set out in the Recommendations section at the beginning of the report.



Key:
Land within Planning Application Boundary
London Borough Boundary

BXC
000 Planning Application Area



080301
224_PD_PA_000

Rev. P9

**ADDENDUM TO THE REPORT OF THE HEAD OF
PLANNING AND DEVELOPMENT MANAGEMENT**

20 OCTOBER 2009

PART 1 PAGE 62 – 81

PART 2 PAGE 82 – 88

PLANNING AND ENVIRONMENT COMMITTEE

20TH OCTOBER 2009

**ADDENDUM TO THE REPORT OF THE HEAD OF PLANNING AND
DEVELOPMENT MANAGEMENT**

C/17559/08

BRENT CROSS CRICKLEWOOD REGENERATION AREA.

This Addendum (dated 1 October 2009) is presented in two parts. Part 1 sets out responses to further representations received since the original report was written and provides an update on the issues of concern to Transport for London. Part 2 corrects minor errors in the original report.

PART 1

FURTHER REPRESENTATIONS AND RESPONSES

BESTWAY

A number of questions were submitted on behalf of Bestway to the Chairman of the Planning and Environment Committee. Replies to all the questions will be placed on the Council's website in due course. A full reply to Question 5 is set out below:

Question 5

Can you justify why the Council did not obtain its own legal opinion as to the purported allocation of the site on which the proposed Waste Handling Facility is to be located given that Bestway Holdings Limited has provided the Council with its own Legal Opinion which confirms that the site on which the proposed Waste Handling Facility is to be located is not allocated in the adopted UDP, nor can any weight be given the Development Framework, since both documents and procedures relating to the purported allocation are flawed?

Introduction

In the light of Question 5 raised on behalf of Bestway, it is considered to be appropriate to address the specific issues raised by Bestway and their advisers by a detailed and comprehensive response in order that there can be no grounds for misunderstanding the basis on which the officers have concluded in the Committee report that the BXC development is considered to be generally in accordance with the development plan taken as a whole.

The Council's officers and advisers have taken all of the Bestway representations carefully into account, including Mr Drabble's Legal Opinion to which Question 5 refers. The Council has also taken appropriate legal and other advice (where necessary) in relation to the points raised by the various representations and documents submitted by Bestway and in preparing the reply to this question.

The point should be made from the outset that the Legal Opinion of Mr Drabble QC was produced in the context of an application to be submitted by Bestway for the redevelopment of their site. In paragraph 1 of the Opinion he states:

"The purpose of this opinion is to set out my views on the current planning status of the Bestway Site at Geron Way Cricklewood. It is prepared in advance of the submission of a planning application by Bestway (Holdings) Limited and is designed to inform consideration of that application."

There have also been some changes in material considerations since Mr Drabble issued his opinion including the BXC application itself, the adoption of the London Plan (2008) and the detailed work done in relation to the North London Waste Plan. The question of whether or not the Bestway site is allocated as a waste handling facility is clearly an important and central consideration in determining any application for determination of the Bestway site in isolation. It is not necessarily so central as a policy consideration when determining the BXC Application, which relates to the much larger regeneration site in which the General policy GCrick and all of the policies of Chapter 12 must be taken into account and balanced against any inconsistencies or uncertainties that there may be in

relation to the specific allocation of the Bestway site as the location for the waste handling facility.

Nevertheless, it is clearly important that the Committee is provided with a clear and proper understanding of the issues that have been raised in relation to the designation of the Bestway site under the development plan, as well as under the Development Framework. This section of the addendum addresses those issues and sets them in the context of the wider development plan policy framework and other material considerations.

The Development Plan

The Council is obliged, under section 38(6) of the Planning and Compulsory Purchase Act 2004, to determine this application (and any planning application) "in accordance with the [development] plan unless material considerations indicate otherwise".

The development plan for this purpose is the London Plan (2008) and the saved policies of the UDP, as saved by virtue of the transitional arrangements set out in Schedule 8 to the Planning and Compensation Act 2004. This was effected by the Secretary of State's direction dated 13th May 2009.

The Committee Report already contains a detailed appraisal of the BXC application proposals against the relevant development plan policies and this addendum will not unnecessarily repeat that analysis. However, some of the salient points are set out below.

The London Plan policies include policy 5B.2 which related to the identified Opportunity Area and indicates that the Mayor will work with partners to draw up development frameworks for these areas. Cricklewood/Brent Cross is one of the areas listed and, in paragraph 5.42, the explanatory text specifically refers to the jointly adopted development framework for this area.

Chapter 12 of the UDP is clearly of importance. GCrick sets the overarching vision and sets a clear benchmark for the importance of this area when it states that it "***will be a major focus for the creation of new jobs and homes, building upon the area's strategic location and its key rail facilities.***"

Policy C1 indicates that the council will seek "***the comprehensive development of the Cricklewood, Brent Cross and West Hendon Regeneration Area 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.***" The wording of this policy was adopted in a form that was recommended by the UDP inspector who was able to inspect the Development Framework in its originally adopted form (which did not then include the Eastern Lands but was, in respect of the Bestway site, in essentially identical terms to its final 2005 form). It is unusual for UDP policies to refer to specific supplementary planning guidance and the Government Office for London initially objected to the references in this policy but the inspector recommended that in this specific instance he felt that it was justified. His reasoning was set out in the following terms in paragraph 13.22 of his report:

“..Policy C1 has a special role. It indicates how Policy GCrack is to be carried out and it forms a ‘bridge’ between this general policy and the development control oriented policies that follow.”

It is significant that when the UDP was referred to the Secretary of State in November 2005 (see post), he did not direct that the UDP should not be adopted by reference to Policy C1. This policy and the reference to the Development Framework are therefore beyond challenge and must be taken to be adopted development plan policy.

Mr Drabble’s opinion does not address policy C1 in any detail and he concentrates on Policies C7 and C10. Policy C7 is clearly not site-specific and Policy C10 is somewhat ambiguous. However, Policy C10 is not construed as an allocations policy and bearing in mind Policy C1 and the Development Framework, it is capable of being read as a policy requiring the retention of the facilities currently within the railway lands area shown on the UDP Proposals Map until such time as they are replaced rather than as prescribing the location of the proposed replacement facilities. Such an interpretation would be consistent with the explanatory text contained in paragraphs 12.3.34 and 12.3.35 of the UDP, which refers to the existing employment sources within the regeneration area (including the waste transfer station) and (in paragraph 12.3.35) states that the Council will work with developers to ensure that businesses displaced as a result of the new development are relocated to sites or locations that are not detrimental to them. Whilst this justificatory text no longer forms part of the development plan, it is still a material consideration as an aid to the interpretation of this policy under the transitional arrangements contained in Schedule 8 to the Planning and Compulsory Purchase Act 2004. Such an interpretation would be in accordance with London Plan Policy 5B.2 and Policy C1 and the Development Framework, which clearly envisage the WHF being located on the western side of the Midland Main Line (i.e. on the Bestway site as shown in the Development Framework). Furthermore, there is nothing in Policy C10 (or any other relevant UDP policy) that could be interpreted as preventing the location of the waste handling facility on the Bestway site.

Therefore, even taking on board all of the doubts which Bestway’s representations and Mr Drabble’s opinion raise as to the identification of site 39 on the UDP proposals map (see below), it is clear that in the light of policy C1 and the Development Framework to which that Policy refers (as well as the other development plan policies to which Bestway and Mr Drabble refer), the proposal to locate the waste handling facility on the Bestway site is in accordance with the relevant Development Plan policies, whether or not Site 39 was properly allocated on the UDP proposals map.

The UDP modification and adoption process

Unfortunately, the process leading to the final adoption of the UDP in 2006 was less than wholly clear because of confusion and errors that arose at the final adoption stage in the process. This has given rise to doubts as to precisely which version of the proposals map was adopted as part of the UDP. This section of this addendum to the Committee report seeks to briefly summarise the circumstances surrounding the post-UDP inquiry modification process and the final adoption of the UDP in relation to the designation of the Bestway site (Site 39 as referred to in Table 13.1 of the UDP – page 204) as the site for the waste handling facility.

The first point to make is that the Development Framework had been promoted from around March – June 2003 on the basis of the Bestway site being proposed as the

location of the waste handling facility. There was a very extensive publicity campaign and consultation process, including the delivery of leaflets (showing the site specific proposals – including the WHF) to all premises within the regeneration area. This consultation proceeded during the adoption process for the 2004 version of the Development Framework and then there was appropriate further consultation in connection with the proposed revisions to the Development Framework in connection with the addition of the Eastern Lands, which culminated in the adoption of the revised document in December 2005.

The Development Framework in its emerging form and then in its finally adopted form were referred to in the stages relating to the preparation of the UDP, including Chapter 12, which specifically covered the Cricklewood and Brent Cross regeneration site. The UDP inspector refers to the Development Framework on several occasions in his November 2004 report, including the reference quoted earlier in relation to Policy C1 and elsewhere. Indeed, in paragraphs 13.120 and 13.127, he made a recommendation in the following terms:

“13.120 *In the final section of this chapter, I deal with two issues where the Proposals Map may need to be reviewed, i.e. the waste transfer station and the compatibility of the cross hatched area with the proposals in the Development Framework...*”

“13.127 *As a general comment the Proposals Map needs to be updated and the details reconciled, as far as possible, with those in the Development Framework. An example is the route of the RTR..... I also think that there would be merit in showing the location of the waste transfer station.*”

It is to be noted here that the UDP inspector is recommending that the UDP proposals map should be amended to bring it into line with the Development Framework, rather than that the Development Framework should be amended to bring the DF into line with the then draft UDP proposals map.

The officers have conscientiously sought to establish the process which followed receipt of the UDP Inspector’s report insofar as it relates to the amendments to the proposals map that these recommendations were suggesting. Briefly, the key points to report are as follows:

1. 2005 map:

This shows Site 39 (Bestway site) for the first time in accordance with Table 13.1 and is clearly consistent with the UDP inspector’s recommendations quoted above. This plan was last altered June 2005. This is also consistent with the Post-UDP Modifications that were approved by the Council on 28th June 2005 for consultation within the period from 8th July 2005 to 19th August 2005. One of the proposed changes that were approved was:

“The Proposals Map (dated December 2003) be updated to take account of the main proposals in the Development Framework;.....The waste transfer station be shown;...”

This change also related to change number 323 on page 157 of the schedule of proposed changes, which was in the following terms:

323	New Proposal Site 39	Current wording: None Modified wording: Site name: New Waste Transfer Station, Cricklewood Area: Current use: Commercial Ownership:	To update
-----	-------------------------	--	-----------

This version of the map is fully consistent with these approved changes and it is also consistent with the masterplan contained in the Development Framework.

There is no hatching in relation to the rail related employment and mixed use land identified on this version of the proposals map.

The officers believe, having made all proper inquiries, that this plan formed the basis of the consultation in relation to the post-inquiry changes. No objections were submitted by Bestway or anyone else in relation to the designation of Site 39 (the Bestway Site) which this version of the proposals map proposed.

On the 8th November 2005 the Council resolved to adopt the UDP, subject to any legal challenge or a direction from the SoS. The UDP was referred to the Secretary of State and the SoS directed the Council not to adopt the UDP by a letter dated 15th December 2005, but this did not specify any concerns with regard to the Bestway site designation on the amended UDP proposals map or in Table 13.1.

As a result changes were made to the UDP (principally in relation to parking and affordable housing), but not in any manner relevant to the proposals map as now under consideration. This process delayed formal adoption of the UDP until May 2006.

1. May 2006 map:

This map was produced at around the time of the decision to adopt the plan in May 2006, following the Council's response to the issues raised in the Secretary of States letter of direction.

The Bestway site is not designated as Site 39 on this version of the proposals map and the rail related employment and mixed use land is identified by hatching. These discrepancies or changes from the 2005 version of the proposals map were not, as far as can be ascertained, the subject of any Cabinet or Council decision and nor were they subjected to any public or other stakeholder consultation process. They were certainly not related to any of the matters raised in the Secretary of State's letter of direction dated 15th December 2005.

It is therefore concluded that the plan that was produced in May 2006 was, in respect of the omission of site 39 and the hatching of the railway land, an error and not in accordance with the statutory process and that the June 2005 proposals map was the correct version that should have been included in the adopted UDP.

This error is regrettable but, in view of the conclusions reached in respect of compliance with the relevant UDP and London Plan policies, this is not considered to alter the conclusion as to whether the BXC proposed development is in accordance with the development plan. Site 39 and Table 13.1 did not “allocate” the Bestway site as a waste handling facility site, but they implemented the UDP inspector’s recommendation that the UDP proposals map should be brought into line with the Development Framework, which is the document referred to in Policy C1. Regrettably, there is a textual error in Table 13.1, in that it refers to the lands being in the ownership of Network Rail, which is incorrect, but this is not the only example of ownership of sites in Table 13.1 being incorrectly stated and this error is not considered to be determinative as to the issue of Site 39’s location, particularly as it is very clearly identified in the Development Framework. Nothing in Policies C7 or C10 would prevent the development of the Bestway site as the site of the waste handling facility and such a proposal would be consistent with the Development Framework and therefore Policy C1. Policy C1 is in no way undermined by these errors in producing the proposals map. On this basis, the officers consider that the development proposed in the BXC Application is in accordance with the development plan.

The UDP is now, by virtue of section 284 of the Town and Country Planning Act 1990, beyond legal challenge and the local planning authority is obliged to determine the BXC applications in accordance with the development plan unless other material considerations indicate otherwise, by virtue of section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70 of the Town and Country Planning Act 1990.

Relevant judgements in the courts declare that, in appraising a proposed scheme against the development plan, the local planning authority must look not merely at individual policies of the development plan, but at the development plan as a whole, and that it must (applying its planning judgement in a reasonable and proper manner to those policies and any inherent inconsistencies which may exist between relevant policies) decide whether the BXC proposals are in accordance with the development plan generally and as a whole. It must then go on to decide whether there are material considerations which would require or justify determination of this application otherwise than in accordance with the development plan.

The officers acknowledge that there are unsatisfactory and apparently inconsistent aspects of the text in the UDP in relation to the designation of the Bestway site as the site of a waste handling facility. In particular the inconsistency between:

- On the one hand, Policy C10 (which is not entirely clear but may require that the “Rail-linked waste transfer station and materials recycling facilities” will be located in the area defined as rail-related employment land and mixed use land” and which, as defined on the Proposals Map, does not refer to the Bestway site);
- And on the other hand Policy C1 and Table 13.1 which are consistent with London Plan 5B.2 as to the role of development frameworks and the Development

Framework, which shows the Bestway site as the site designated for the waste handling facility.

As explained, these textual inconsistencies were effectively the result of the error in producing the final version of the Proposals Map rather than using the 2005 version of the proposals map, which was essentially consistent with the recommendations of the UDP inspector in this respect, was approved by the Council for consultation in June 2005 and was the basis of the Council's decision to adopt in November 2005 following appropriate consultations on the post-Inquiry modifications. The 2006 version of the proposals map was, by contrast, inconsistent with the UDP inspector's recommendations and was not consulted upon. In reconciling Policies C1 and C10, it is relevant to note that the London Plan (2008) clearly envisages that the Opportunity Areas will be covered by development frameworks and that, in relation to Cricklewood/Brent Cross, paragraph 5.42 expressly refers to the jointly adopted development framework. Therefore this more recently adopted development plan policy is more consistent with Policy C1 than the text in Policy C10 which refers to a site in a way which is not consistent with the Development Framework.

In this context, it is to be noted that Policy C10 does not expressly prohibit the location of the waste facilities to the west of the Midland Main Line (MML) as envisaged in the Development Framework, including on the Bestway site.

As explained elsewhere in the committee report, the officers have independently investigated the BXC applicants' contention that there are operational benefits in locating the waste handling facilities and the rail-freight facilities on the western side of the MML and the representations on behalf of Bestway as to the transport and operational problems associated with that proposal. This included detailed consultations with the relevant officers of Network Rail and TfL, as well as discussions with the North London Waste Authority who will be regulating and procuring the operator of the waste handling facility, and it was concluded by Barnet transport and planning officers that there are significant operational benefits in locating these facilities to the west of the MML as proposed in the BXC applications. It was also concluded, as explained in the Committee Report (and in Appendix 4 in particular) that the transport criticisms raised by WSP on behalf of Bestway do not raise any justification for the refusal of planning permission for the BXC scheme.

Both the UDP and the Development Framework were adopted more than 2 years ago and are legally beyond judicial challenge. They were both the subject of public consultation. In February 2008, Bestway's lawyers served on the Council a pre-action protocol letter in relation to both the UDP designation and the Development Framework, indicating that they were considering legal proceedings. A formal response was provided in March 2008 by the Council's solicitors indicating the grounds on which any such proceedings would be defended. No proceedings were issued. This was partly on the basis that these matters could be considered subsequently in the context of a planning application, including the application made by Bestway.

The Committee Report also indicates that, even if it had been concluded that the location of the proposed Waste Handling Facility on the Bestway Site is not in accordance with the UDP, the overall benefits of the comprehensive regeneration scheme and the general compliance of the scheme with London Plan and UDP policies and with the Development Framework would nevertheless have indicated that planning permission should be granted for the proposed development.

There are a number of such “other material considerations” including the following:

1. The overall benefits of the comprehensive regeneration scheme and the general compliance of the scheme with London Plan and UDP policies and with the Development Framework would nevertheless indicate that planning permission should be granted for the proposed development. The details of the regeneration and environmental benefits of the proposed development are described and appraised in the appraisal section of the committee report and that analysis does not need to be repeated here.
2. The proposed location of the WHF now has the support of the North London Waste Authority and is also being pursued in the emerging North London Waste Plan documentation. This allocation follows a detailed appraisal of various sites and their supporting documentation identifies the proposed allocation as having scored highly in their selection process. The NLWA has also indicated by letter that it now supports the BXC planning application. The North London Waste Plan Preferred Options document is due to be approved by the seven boroughs that form the area of the North London Waste Authority. A robust selection process undertaken by Mouchel consultants on behalf of the seven boroughs has identified Geron Way as a potential waste management site.
3. The BXC Application relates to one of the most important regeneration schemes in London and relates to the largest and most important strategic initiative in Barnet. As General Policy GCrick 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 area’s 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...”

The officers are of the view that the BXC application proposes development that will (on the basis of the planning permission sought, the proposed conditions and the proposed planning obligations) achieve the objective in GCrick, subject to the Council and the developers securing the necessary site assembly either by agreement or (more likely) with the assistance of compulsory purchase powers.

4. Relevant court decisions recognise that, where there are conflicting proposals for a particular site, it is open to the local planning authority to grant permission for one proposal and not for the other on the grounds that the preferred scheme carries public benefits which would be defeated or impeded by the alternative scheme. It must be emphasised that the Bestway application is not currently before the Committee and the applicants have recently submitted proposed amendments to their application and the LPA is in no position to pre-judge its likely determination of the Bestway application. That application will have to be considered on its merits and determined in accordance with the relevant statutory process. At this stage, it is appropriate to state however that, in the circumstances, the grant of permission as proposed in the BXC Application will not be the end of the process, because the BXC applicants will need to secure the acquisition of the Bestway site before they can commence the BXC

development. That is likely to involve promoting and obtaining confirmation of a Compulsory Purchase Order in which the Council will be required to demonstrate that there is a compelling case in the public interest for such acquisition. Whilst the Council has indicated that it is willing in principle to use its compulsory acquisition powers, no action will be taken unless and until the BXC permission is granted. By that time, the position with regard to the Bestway alternative development proposal is likely to have been clarified and can be taken properly into consideration, either in the question whether to make or confirm the CPO or in the determination of compensation payable for the acquisition of their site.

5. Whilst Bestway have stated that their present location is a good location for them, it is considered that the benefits of the BXC scheme justify the relocation of their business operation in Geron Way and it is considered likely that the arrangements in the planning conditions and proposed planning obligations for such relocation will lead to their business being satisfactorily relocated. The proposed planning conditions and planning obligations address the need for business relocation by reference to a relocation strategy which must be submitted for approval by the Council before the development can begin and this will be guided and governed by the parameters and principles set out in paragraph 2.93 of the Revised Development Specification (March 2009). The applicants and the Council have already engaged in discussions with Bestway in relation to their concerns with regard to this application and the Council's officers are very willing to engage further with Bestway with a view to ensuring their satisfactory relocation as part of this important regeneration project.

Associated changes to the main committee report and Appendix 4.

Main Committee Report - Page 135, Comment, **Amend** as follows:

“Appendix 4 contains a detailed response to this objection. It should be noted that the site is identified in both **Policy C1 of the UDP** and **the London Plan Policy 5B.2 (DELETE – Development Framework)** as the appropriate location for a Waste Handling Facility **by virtue of the cross-reference to the Development Framework in accordance with the UDP Inspector’s recommendations.** The North London Waste Plan.... “

Appendix 4 –

In column 4 (Response to Bestway objection):

“The Council considers, having considered Bestway’s representations carefully, that the Bestway site is identified in both the adopted UDP and the Development Framework as the appropriate location for a waste handling facility. The site ~~allocation~~ **designation** of the WHF in the UDP was a response to a recommendation of the UDP Inspector **and is achieved by the cross-references to the Development Framework in Policy 5B.2 and paragraph 5.42 in the London Plan (2008) and Policy C1 in the UDP.** ~~The site’s allocation~~ **This** designation was informed by work on the emerging Development Framework. The consultation draft of the Development Framework issued in early 2004 identified the WHF on a site west of the rail corridor, and north of the proposed midland mainline bridge. At the time of the UDP Inquiry, this location for the WHF had been through public consultation as part of the Development Framework, and the Inspector had regard to the Development Framework during consideration of the BXC chapter.

The Inspector concluded that the site should be specifically identified on the proposals map. ***This information is explained in more detail in the Addendum to this report dated 2nd^o October 2009.***

LONDON BOROUGH OF CAMDEN

A further letter dated 21 September 2009 has been received. This letter contains an updated officers' view of the proposals to supplement the previously expressed formal observations. This states that although Camden Council is supportive of the principle of a new town centre with surrounding residential, commercial and other uses it maintains serious objections to the proposals due to specified concerns, particularly transport impacts.

Retail Impact - Camden officers are satisfied that it is reasonable to conclude that the proposed development will not cause significant harm to the Camden town centres originally identified as being of concern.

Housing - Concern remains about the low amount of affordable housing provided and the low proportion of larger, family homes provided.

Transport Issues - Reiterates previously expressed concerns that the transport strategy relies too heavily on private motor vehicles. The local capacity of the existing road network is being increased and there are insufficient restrictions on the use of private motor vehicles. Of particular concern to Camden is the impact that these additional vehicles will have on the operation and safety of the Camden highway network. Disagree with junction assessment criteria used in the TA. Consider that the draft conditions and S106 obligations presented in the committee report do not afford Camden sufficient control, consultation or comfort in order to mitigate the impacts highlighted by Camden. Camden seek specific mitigation measures to deal with monitoring traffic and air quality, signal schemes, review of CPZs, improvements to pedestrian facilities and traffic management and calming measures and electric vehicle charging points. (A costed list of possible S106 items has been prepared and passed to the applicant and Barnet.)

Comment

Housing – the proportion of affordable housing has been subject to a viability assessment and a review mechanism is proposed to ensure that the maximum viable amount of affordable housing in accordance with planning policy is provided through the life of the development. The proportion of family homes – particularly the 47% of social rented homes proposed to be 3/4 bedroom - is considered acceptable.

Transport Issues

Reference should be made to Appendix 4 (from page 107), which sets out the formal position of Camden and provides comments on the concerns expressed. The following provides an update and addresses specific points in the latest letter.

The impacts in Camden have been assessed in the TA, and the criteria for identifying these were agreed with TfL, Barnet and the Highways Agency in 2006, and it is considered that these criteria are acceptable. Evidence has been submitted by the applicant demonstrating that there are believed to be no significant impacts on roads in Camden, although it is agreed that there are predicted increases in traffic flows on certain roads, such as Lichfield Road. Notwithstanding this, detailed concerns about traffic impacts and proposed mitigation measures in adjacent areas led to the applicant, prompted by Barnet and TfL in the section 106 discussions, agreeing to undertake post permission the A5 Corridor Study corridor, as detailed in Annex 7 to the Section 106 Heads of Terms. The boundary of the A5 study area is intended at this stage to be reasonably flexible, so that impacts could potentially be considered over a larger (or smaller) area as appropriate, and that this would depend, at least in part, on the

monitoring data. It is anticipated that Camden will be involved in the A5 Corridor study. The extent of the study would also need to have reference to the area of influence of the BXC scheme, as set out in the TA, although this does not extend to Belsize Road, which is considered to be too far south. However, in order to clarify the level of involvement of Camden, a number of changes to the Section 106 Heads of Terms and the Conditions are proposed, as set out below, along the lines suggested by Camden officers.

This leads on to a further area of concern expressed by Camden officers, in relation to the proposed monitoring regime (Annex 6 to the Section 106 Heads of Terms), in that Camden officers are concerned that there will be very little monitoring of transport impacts in their borough. However it is considered that Annex 6 does provide for monitoring in Camden, as it was agreed between the applicant and the authorities that the monitoring of the scheme must be comprehensive, both across area and mode, and undertaken until the development is complete; and that data should be collected and reported to TAG regularly. Finally, that the monitoring regime should be flexible and kept under review, although specific elements of monitoring were identified in relation to particular aspects of the scheme, the A5 Corridor Study being an example. Annex 6 (page 116) sets out the monitoring principles, of which numbers 4 and 6 are most relevant, the former referring to the area of influence, which the TA identified as extending into Camden almost to West Hampstead station, and the latter refers to consulting other authorities on the network for which they are responsible, which in this context means Brent and Camden. Section 5 of the strategy sets out monitoring as part of the A5 Corridor Study (pages 119 & 120), and section 7 continuous monitoring that clearly refers to areas around the development; again in this context it would clearly include Camden (and Brent).

Camden officers are concerned about the Consolidated Transport Fund (CTF), in particular that the Contingency Fund and other boroughs elements are under the control of the Transport Strategy Group (TSG). Although Camden would not be a member of the Transport Strategy Group, Camden acknowledge that they would be involved in the TAG, which would oversee the monitoring and make recommendations to the TSG about expenditure of the CTF. It is confirmed that the CTF would be managed by the TSG, however, the onus is on the TSG to act at all times reasonably, and having due regard to the views of TAG. Clearly if there are unforeseen impacts of the development in Camden and CTF monies are available to spend on necessary additional mitigation measures, the TSG would be deemed to be acting unreasonably if these were improperly withheld. Camden officers are further concerned that the involvement of Camden on the TAG would be by invitation, and that they might be excluded from dialogue on matters they consider important to Camden. This is not the intention, and it was always proposed by the applicant and the authorities (TfL, HA and Barnet) that the TAG would be inclusive and allow other authorities to be involved. The detailed arrangements for the TAG have yet to be agreed, although Appendix 5 (Section 106 Heads of Terms) page 35 and Schedule 2 (Framework Travel Plan) pages 39 and 40 provide further information, and it is clearly intended that the TAG will be involved with many aspects of the development as it rolls out, including post permission studies, monitoring, matrix assessments, RMAs, mitigation and funding allocations. A change to the Section 106 Heads of Terms is proposed below to confirm that Camden will be involved as appropriate, rather than by invitation.

Proposed Amendments to the Planning Conditions and S106 H of T to deal with the issues raised by Camden.

A5 Corridor Study

Draft Conditions, page 18, condition 2.7 – add Camden at the end.

Section 106 Heads of Terms

Schedule 1, – paragraph 4.9 (page 57) – add agreement with Camden to second line.

Annex 7, page 122, General Scope & Area of Study, changed to be as follows:

“The A5 Corridor Study will cover a core area of the A5 between A407 Cricklewood Lane and A406 Staples Corner including adjacent local roads in Brent and Camden, within an area anticipated to be 800 metres, or larger/smaller if considered necessary as part of the scoping, from the A5, the MML link, the Claremont Road corridor and the A407 Cricklewood Lane.....”.

Pages 123/4, Modelling for the A5 Corridor Study - add Camden at the end of the final paragraph on page 124 i.e. in consultation with Brent and Camden.

TAG

Section 106 Heads of Terms

Paragraph 37.4 (page 35), replace “invited to join” with “involved in all matters as appropriate”.

Schedule 2, Framework Travel Plan, page 40 second paragraph, same change as for paragraph 37.4.

REPRESENTATIONS OF BEHALF OF THE METROPOLITAN POLICE

A further letter has been received from the Metropolitan Police welcoming the proposed planning obligation to provide 186m² of floorspace for the use of the police in the first phase of development. The Heads of Terms and conditions allow this floorspace to be provided in either two separate or one single unit. The Borough Operational Command Unit have confirmed that the provision of two separate units will not work operationally and that the costs of fitting out and operating two units would be greater. They have requested that the Heads of Terms and conditions be amended to make provision for a single police unit only to avoid any ambiguity.

Comment – officers consider that this amendment is unnecessary as there is already sufficient flexibility to allow the Metropolitan Police to develop one unit in accordance with their most recent operational assessment and this can possibly be made clearer in the detailed drafting of the s.106 agreement if appropriate post-resolution. The exact siting of this facility will be subject to the approval of the local planning authority, in consultation with the police and other stakeholders, at the detailed design stage.

FURTHER COMMENTS OF THE GREATER LONDON COUNCIL (GLA)

Lifetime homes

The GLA have commented that Condition 36.5 (Lifetime Homes) as currently drafted does not comply with policy 3A.5 of the London Plan. The GLA have provided a detailed

comment on how it is possible to achieve the standards in high density housing such as is proposed at Brent Cross Cricklewood.

Comment – Officers agree with the GLA and propose the following amendments to Condition 36.5 (Lifetime Homes), Appendix 1, p80:

All housing shall be constructed to meet Lifetime Home Standards as set out in Appendix 6 of the DSF, to the extent that this is consistent with a high density mixed use development. In instances where one or more of the standards cannot be achieved on any residential unit the reasons and an application for approval of any necessary relaxation shall be submitted and approved by the LPA in consultation with the Consultative Access Forum prior to the construction of the Building containing any such unit. In addition the construction and design of the housing shall have regard to the London Mayor's Supplementary Planning Guidance on inclusive design, sustainable design and construction or any successor guidance.

Affordable housing

The GLA have requested that it is made clear that there should be potential for the suggested target of 2250 affordable housing units to be exceeded, subject to viability. They have further requested that it be made clear that any cap of 15% in the first Phase will need to be fully justified.

Comment: These are matters of detailed drafting for the S106 agreement. Further discussions are being held between the Council, the applicant and the GLA on the detail of the review mechanism in relation to the assessment of the amount of affordable housing considered to be viable for each phase. It will be necessary to agree the detail of the wording of the review mechanism between the applicant, Barnet and the GLA if appropriate post-resolution.

Energy

The GLA have requested that the following changes be made to clarify the applicants' carbon reduction targets and the establishment of an Energy Panel. It is suggested that the following minor changes are made to the main committee report:

Page 266 after CHP paragraphs:

“Carbon Reduction Targets:

The applicants have minimum commitments for carbon savings over Part L of the building regulations 2006 as follows:

44% for all residential elements

20% for all non residential elements

This will include savings from energy efficient design, energy efficient technologies (including CHP/CCHP) and savings from renewable energy. This will be secured within the section 106 agreement and monitored and scrutinised by the energy panel

Energy Review Panel

The applicants have committed to setting up an Energy Review Panel. The Panel's initial role will be to help and advise the applicant and the Council on preparing and delivering the Energy Strategy and the infrastructure and carbon commitments therein. This will include the procurement process of the energy supplier and advice to the applicant on the selection of energy partners who will be established prior to the Energy Strategy being put into practice, in particular consideration of the obligations to undertake a feasibility study into the use of RDF to supply the site wide CHP/CCHP system. The terms of reference for the panel will be set out within the section 106 agreement."

FURTHER COMMENTS ON ISSUES OF CONCERN TO TRANSPORT FOR LONDON

Transport for London (TfL) has not provided an update to the Mayor's Stage 1 referral as they consider that many of the issues raised are yet to be fully addressed. However, the council is proposing to give TfL the mechanisms and controls it needs to determine the impacts of the development and level of necessary mitigation as the development rolls out, which should address the issues raised. TfL has expressed concern that a number of these issues have not been addressed prior to this resolution but acknowledges that (as explained in the Committee report and its various schedules) there are controls proposed that are intended to achieve this purpose post permission. In summary, there is close agreement by officers of both organisations that there are a number of shortcomings in the assessment to date but that these should be effectively controlled through the extensive proposed management regime, as set out in the Section 106 Heads of Terms and Conditions. The controls are ultimately overseen by the council, but TfL are obliged to be extensively and closely involved in all strategic transport matters. TfL will not make its final decision on these issues until the application is referred back to the Mayor by way of the Stage 2 report following Barnet's resolution to determine.

A summary of TfL's concerns is provided below together with a Barnet officer response (which is based on detailed and constructive discussions with TfL's officers and advisers since the date of the Stage 1 report):

TfL concern	Officer comments
5 year old baseline data with the impacts of the development unlikely to be felt for at least a further 5 years.	It should be noted that, following a detailed audit by specialist consultants, commissioned by Barnet, the traffic model was recalibrated and revalidated in 2008 including gathering new traffic survey data. Due to the size and complexity of the proposed development, it would not be expected to commence on site for several years to allow for the various planning and other processes to be carried out, including CPO and highways approvals.
Absence of reliable interim assessments which have been modelled using the same methodology as the end state assessment.	2016 has been modelled in the same way as the 2026 end state. Other key sensitivity tests have also been carried out using the BXC models and hence the same modelling methodology, although it is agreed that the analysis and reporting of these tests was not as comprehensive as for the end state assessments. The specifics were however agreed in advance with the transport authorities.

<p>Failure to calibrate and validate the development triggers.</p>	<p>Key triggers, such as those for the M1 / A406 / A5 and MML bridge have been assessed, and there are various controls on these, which have been agreed with the authorities. The primary means of control is through the Transport Reports, although the triggers are very important, and as such are included in the draft Conditions. It is acknowledged there are some remaining issues over specific triggers, but these can be addressed as part of the detailed drafting of the Section 106 in relation to the Transport Reports and related provisions.</p>
<p>Mode shift targets which do not represent the transport assessment which has been undertaken.</p>	<p>The mode shift targets are the aspirational targets set out in the Development Framework, which are intended to cover a 12 hour weekday period. It is agreed that the non-car mode splits assessed in the TA are higher, although this is to be expected as highway congestion, restraint measures and better public transport would apply to a greater extent than at off peak times. The mode shift targets are therefore considered to be both supported by the modelling and suitably challenging, and it should be noted that the developer has accepted that they can be modified if circumstances do not change as expected, which would be for the TSG to discuss and approve under the proposed conditions and obligations. Monitoring of public transport patronage at peak times against that predicted in the TA has also been agreed, and monitoring will generally be carried out at the Developers' cost.</p>
<p>Completeness and comprehensiveness of the development in relation to joint and several liabilities on critical infrastructure which have been split between north and south, and in relation to variations to conditions and splitting of phases [the conditions will</p>	<p>These issues are considered to be appropriately addressed in the draft Conditions and Section 106 Heads of Terms.</p>

<p>need to be amended to deal with this].</p>	
<p>No absolute commitment from the developer to deliver a new railway station and no clear support from Network Rail that the station will be delivered.</p>	<p>Given the long timescale for implementation of the proposed new station it is not felt reasonable or realistic for the Developers to commit to its delivery at this stage. Network Rail's key reservation is over the agreement of aspects of the financing, which is a matter to be determined nearer the implementation date. Network Rail has expressed support for the scheme in writing.</p>
<p>No absolute commitment to deliver step free access and hence failure to fully represent the needs of mobility impaired users or residents of this town centre scheme.</p>	<p>The step free contribution at Cricklewood station is considered to be appropriate (£8.4m). Network Rail costs for West Hampstead, which has the same layout, were £3.5m. Step free access at the new train station is committed, and there should be sufficient funding for step free access at Brent Cross tube station. So all public transport provision should be fully accessible which has always been a key aim of the scheme. The details of the contributions are a matter which TfL and Barnet can discuss in the TSG as a CTF Decision. There is also step free access at Hendon Central which will be well connected to the development by accessible buses. The agreed section 106 position is therefore considered reasonable at this stage, and this is a flexible permission so TfL and Barnet can use the CTF funding (under the s106) to optimal effect. This can also be addressed as the development proceeds, as part of the Transport Report and related approvals.</p>
<p>A failure to undertake full and robust pedestrian and cycle analysis prior to outline permission.</p>	<p>Pedestrian and cycle analysis reported in the TA within the red line boundary of the scheme is considered appropriate for this outline stage, and there is a requirement to</p>

	<p>look at links beyond the development post permission, through the area wide study and strategy requirements set out in the Section 106 Heads of Terms, which TfL will be fully involved in, and which they jointly requested with Barnet. The Developers are paying for the extra work, and any mitigation measures that the study identifies.</p>
<p>A failure to fully assess the impacts of the development upon the A5 corridor and adjoining boroughs prior to outline permission.</p>	<p>Following concerns expressed (mainly) by TfL, Brent and Barnet earlier this year over various detailed aspects of the TA in this regard, but particularly in relation to the A5 and Claremont Road corridors, the Developers agreed to undertake further assessment work post permission through a comprehensive corridor study, the scope of which is set out in the Section 106 Heads of Terms. The Study will extend into Brent and Camden to ensure that appropriate mitigation measures, if required, can be identified. The developers are committed to paying for the study and funding any further mitigation measures.</p>
<p>No assurance at this stage that the transport mitigation package [Consolidated Transport Fund] and s106 contribution satisfactorily mitigates the impact of the development and ensures that the development does not result in a need for unnecessary expenditure of public money to manage that impact.</p>	<p>The TA includes and assesses the mitigation for the 2026 end-state, the roll-out of the development is comprehensively controlled through the Section 106 Heads of Terms and Conditions, particularly through the provisions relating to Matrix assessments, Transport Reports, monitoring, indicative construction and detailed delivery programmes and post outline permission studies. The CTF is £46m, which is considered, in so far as it can reasonably be determined, adequate at this stage, including funds for both mitigation and contributions, which have been negotiated by Barnet and TfL. If the Transport Reports demonstrate that more mitigation is required (to keep the impacts within the 2026 benchmarks) over and above the mitigation to be provided</p>

	<p>directly or explicitly committed in the CTF, then such additional mitigation will be required and delivered under planning agreements linked to the approvals of the relevant Transport Reports. This is provided for in the draft S106 HoTs. Additional S106 agreements and appropriate contributions are also considered likely, for example, in order to provide for Controlled Parking Zone related work.</p>
--	--

PART 2

MINOR CORRECTIONS

MAIN REPORT

- Page 1: Wards: Childs Hill, Golders Green, West Hendon.
- Page 6, Para 4: Replace 'Appendix 1' with Appendix '5'.
- Page 18, Last Para : Replace 'Joint Transport Executive Board' with 'Transport Strategy Group'.
- Page 22, Point 20, d: As above.
- Page 125, Para 2: 'Further responses were received from Brent in April, May add July and August'.
- Page 129, Campaign for Better Transport: Replace '240' with '303'.
- Page 200, Para 2, Replace 'Site 29' with 'Site 39'.
- Page 227, replace 'Error! Reference source not found' with 'Figure 3'.
- Page 228 Plan, replace 'A5 / Dollis Hill Gardens junction' with 'A5 / Dollis Hill Lane junction', and label should circle this junction (not Dollis Hill Avenue).
- Page 270, Para 1: Replace 'The Heads of Terms for the planning obligations (S106) are also set out in replace Appendix 1 with Appendix 5.' Also in the last sentence of Para 1 replace Appendix 1 with Appendix 5.

APPENDIX 1 (Conditions)

Errata for Planning Conditions Document Dated 7 September 2009

The following changes are required to the Planning Conditions document (dated 7 September 2009) that forms Appendix 1 of the Planning Committee Report:

1. Condition 1.2 (Duration of Planning Permission), p4.

The Condition currently states "*all Other Matters Applications and Reserved matters Applications required under Condition 1.12 are made...*"

This should instead refer to Condition 1.15 and should read "*all Other Matters Applications and Reserved matters Applications required under Condition 1.15 are made...*"

2. Condition 1.3 (Duration of Planning Permission), p4.

The Condition currently states "*all Other Matters Approvals required under Condition 1.12 shall have been...*"

This should instead refer to Condition 1.15 and should read "*all Other Matters Approvals required under Condition 1.15 shall have been...*"

3. Conditions 1.5, 1.6 and 1.8 (Critical Infrastructure), p5-6.

To ensure consistency with the definitions and other conditions, Critical Infrastructure should be split between 'Pre-Phase' and 'Non Pre-Phase' to reflect those elements of critical infrastructure where details should be provided prior to a phase commencing, and

those necessary before that element of Critical Infrastructure is implemented. The Conditions should therefore be revised as follows:

Condition 1.5:

*No part of the Development (including Phase 1) shall commence unless and until the Developer shall have obtained all pre-commencement Other Matters Approvals necessary under this Permission relevant to Phase 1 or any Sub-Phase of Phase 1 and shall have obtained or completed all Necessary Consents relating to the Critical Infrastructure **(Pre-Phase)** in Phase 1 (or any Sub-Phase of Phase 1) to enable the construction of the Critical Infrastructure **(Pre-Phase)** within that Phase 1 or Sub-Phase of Phase 1 to be delivered in accordance with the Indicative Construction Programme and the Primary Development Delivery Programme.*

Condition 1.6:

*The Development shall not Commence in any Phase or Sub-Phase other than Phase 1 unless and until the Developer shall have obtained all pre-commencement Other Matters Approvals necessary under this Permission relevant to that Phase or Sub-Phase and obtained or completed all Necessary Consents relating to the Critical Infrastructure **(Pre-Phase)** in that Phase or Sub-Phase to enable the construction of the Critical Infrastructure **(Pre-Phase)** within that Phase or Sub-Phase to be delivered in accordance with the Indicative Construction Programme and the Detailed Delivery (Non-PDP) Programme.*

Condition 1.8:

*Not to Commence any part of the Development in any Phase or Sub-Phase unless and until full details and designs of the Remediation Works and Site Engineering and Preparation Works, and all Critical Infrastructure**(Pre-Phase)** within that Phase or Sub-Phase shall have been submitted to and approved by the LPA*

4. Condition 2.1 (Reserved Matters Applications),p12

Paragraph g) viii currently states "...if necessary update the Illustrative Reconciliation Plan described in b (ii) above...".

This should be amended to state: "...if necessary update the Illustrative Reconciliation Plan described in **c** (ii) above...".

5. Condition 2.2 (Inclusive Access Strategy), p16

Condition 2.2 currently duplicates Condition 1.27. This will be amended in the final version of the Conditions.

6. Condition 2.5 and 2.6 (Design and Access Statement and Framework Travel Plan), p17-18

To ensure consistency with the approach outlined in Condition 2.4 (relating to alterations to the Development Specification and Framework) these conditions should recognise that such adverse environmental impacts should be beyond those assessed to date in the Environmental Statement accompanying the Planning Application. The Conditions should therefore be revised as follows:

*The Design and Access Statement and Design Guidelines shall be revised by the Developer (subject to obtaining the approval of the LPA) from time to time in order to support approved revisions to the Illustrative Reconciliation Plan reflecting the LPA's Reserved Matters and Other Matters Approvals relating to earlier Phases or Sub-Phases of the Development or earlier Plot Development as well as any relevant best practice guidance or other relevant policy guidance. All proposed changes shall be submitted to and approved in writing by the LPA prior to the Commencement of any Plot Development or other parts of the Development to which the proposed changes apply and provided that no such changes will be approved by the LPA unless and to the extent that they shall reflect such earlier approvals or such guidance and are unlikely to have significant **unassessed** adverse environmental impacts and/or to undermine the comprehensive development of the Site in accordance with UDP policy C1 and the terms of this Permission. Following any such review the Development shall be carried out in accordance with the approved revised Design and Access Statement, unless otherwise approved by the LPA*

*The Framework Travel Plan shall be revised by the Developer (subject to obtaining the approval of the LPA) from time to time in order to support approved revisions to the Reconciliation Plan reflecting any changes brought about through the LPA's Reserved Matters and Other Matters Approvals relating to earlier Phases or Sub-Phases of the Development or earlier Plot Development as well as any relevant best practice guidance or other relevant policy guidance, including revisions to thresholds and categories of Individual Travel Plans as set out in TfL guidance "Guidance for Workplace Travel Planning for Development"; and "Guidance for Residential Travel Planning in London" or any successor document. All proposed changes shall be submitted to and approved in writing by the LPA, in consultation with the Transport Strategy Group, prior to the Commencement of any Plot Development or other parts of the Development to which the proposed changes apply and provided that they shall reflect such earlier approvals or such guidance and that no such changes will be approved by the LPA unless and to the extent that they are unlikely to have significant **unassessed** adverse transport or environmental impacts and/or to undermine the comprehensive development of the Site in accordance with UDP policy C1 and the terms of this Permission. Following any such review the Development shall be carried out in accordance with the approved revised Framework Travel Plan, unless otherwise approved by the LPA*

7. Condition 2.7 (A5 Corridor Study), p18

The Condition currently refers to the 'A5 Corridor and Mitigation Strategy'. Reference to the 'Mitigation Strategy' should be deleted and replaced with the following text:

*Prior to or coincident with the submission of the first Other Matters Approval or Reserved Matters Approval in respect of Phase 1 the A5 Corridor Study ~~and Mitigation Strategy~~ **and the necessary mitigation measures required to address the detailed impacts in the study** shall be submitted to and approved by the LPA, in consultation with the London Borough of Brent*

8. Condition 5.2 (Non PDP Delivery Programme), p21-22

To ensure consistency with the approach outlined in Condition 2.4 (relating to alterations to the Development Specification and Framework) this condition should recognise that such adverse environmental impacts should be beyond those assessed to date in the Environmental Statement accompanying the Planning Application. The Condition should therefore be revised as follows:

*No Development shall Commence in relation to any Phase of the Development (other than the Primary Development Package) unless and until a Detailed Delivery Programme (the Detailed Delivery (Non-PDP) Programme) for Critical Infrastructure in that Phase outside the PDP has been submitted to and approved by the LPA which accords with the principles and parameters as to the sequencing and approximate duration of operations for the delivery of Critical Infrastructure comprised in such Phase of the Development as set out in the Indicative Construction Programme unless and to the extent that the LPA shall approve any modification or variation of such parameters and principles and provided that such approval shall be given under this condition to any modification or variation of such principles and parameters provided that the LPA is satisfied that it is unlikely (a) to cause any significant **unassessed** adverse environmental impacts, unless and to the extent that such changes are validly approved by the LPA after they have been assessed by a subsequent new or revised Environmental Statement and an appropriate EIA process or (b) to significantly undermine the comprehensive delivery of the whole of the Development in accordance with Policy C1 of the UDP 2006*

9. Condition 12.1 (Construction Transport Management Plan), p25-26

To ensure consistency with the approach outlined in Condition 2.4 (relating to alterations to the Development Specification and Framework) this condition should recognise that such adverse environmental impacts should be beyond those assessed to date in the Environmental Statement accompanying the Planning Application. The Condition should therefore be revised as follows:

The CTMP shall be prepared in accordance with the parameters and principles and the scope described and defined in paragraph 11 of the CoCP. The Development shall be carried out in accordance with the approved CTMP, unless otherwise approved by the LPA

*(and provided that such approval shall be given under this condition to any modification or variation of such requirement the LPA is satisfied that it is unlikely to cause any significant **unassessed** adverse environmental impacts, unless and to the extent that such changes are validly approved by the LPA after they have been assessed by a subsequent*

10. Condition 13.1 (Phase 1 Details) p26

The Condition requires Phase 1 Details for Critical Infrastructure to be submitted and approved prior to development commencing in Phase 1. As outlined under paragraph 3 above, to ensure consistency with the definitions and other conditions, Critical Infrastructure should be split between 'Pre-Phase' and 'Non Pre-Phase' to reflect those elements of critical infrastructure where details should be provided prior to a phase commencing, and those necessary before that element of Critical Infrastructure is implemented. As the Condition relates specifically to 'Pre-Phase' infrastructure it should be revised as follows:

*The Phase 1 Details for the Critical Infrastructure (**pre phase**) to be delivered or provided as part of the whole or such part of Phase 1 as listed below have been submitted to and approved in writing by the LPA in accordance with the relevant parameters and principles contained in the DSF and the relevant parameters and principles set out in the DSF and the Design and Access Statement (including the Design Guidelines) and the Primary Development Delivery Programme*

11. Condition 14.1 b (x) and (xiii) (Phase 2 Details), p31

These elements of the River Brent Works are envisaged to be provided in Phase 2 as shown on the indicative construction programme. However, the accompanying text suggests it will be delivered in accordance with the Primary Development Delivery Programme, rather than Detailed Delivery (Non PDP) Programme. The Condition should be amended as follows:

14.1 b (x)

*River Brent Alteration & Diversion Works (Part 2) as described in paragraphs 3.24 to 3.26 of the DSF and the ~~Primary Development~~ **Detailed** Delivery (Non PDP) Programme*

14.1 b (xiii)

*River Brent Bridges (as relevant to the River Brent Alteration and Diversion Works (Part 2)) as described in Paragraphs 4.23, 4.24, 4.25, 4.26 of the DSF and the ~~Primary Development~~ **Detailed** Delivery (Non PDP) Programme*

12. Condition 15.1 b (i) and (iii) (Phase 3 Details), p33

These elements of the River Brent Works are envisaged to be provided in Phase 3 as shown on the indicative construction programme. However, the accompanying text suggests it will be delivered in accordance with the Primary Development Delivery

Programme, rather than Detailed Delivery (Non PDP) Programme. The Condition should be amended as follows:

15.1 b (i)

*River Brent Alteration & Diversion Works (Part 3) as described in paragraphs 3.24 to 3.26 of the DSF and the ~~Primary Development~~ **Detailed** Delivery (Non PDP) Programme*

15.1 b (iii)

*River Brent Bridges (as relevant to the River Brent Alteration and Diversion Works (Part 3)) as described in Paragraphs 4.23, 4.24, 4.25, 4.26 of the DSF and the ~~Primary Development~~ **Detailed** Delivery (Non PDP) Programme*

13. Condition 21.15 (Brent Riverside Park), p50

As per the alterations to Condition 14.1 above, this condition should be amended to read:

*No more than of 45,000 sq.m of new comparison retail within Brent Cross East zone shall be Occupied or open for trade prior to practical completion of the Central Brent Riverside Park in accordance with the relevant Phase 4 **2** Details*

14. Condition 22.6 (Eastern Lands Corridor Part 2), p52

The Eastern Lands Corridor Part 2 is envisaged to be delivered in Phase 3 as shown on the Indicative Construction Programme. As such the condition should be amended to read:

*No more than 2,000 residential units within the Eastern Lands zone shall be Occupied prior to the practical completion of that part of the Eastern Lands Green Corridor north of the A41 pedestrian bridge in accordance with the relevant Phase 2 **3** Details*

15. Condition 27.4 (Landscaping), p59

The Condition currently states “*The relevant Reserved Matters Applications and Other Matters Applications submitted for approval in accordance with Conditions 1.12 and 1.16 and 27.5...*”

This should instead refer to Condition 1.15 and should read “*The relevant Reserved Matters Applications and Other Matters Applications submitted for approval in accordance with Conditions **1.15** and 1.16 and 27.5...*”

APPENDIX 4

- **Page 1, last sentence: Replace ‘519’ with ‘619’ and ‘511’ with ‘611’.**
- **Page 27, Brent Liberal Democratic Group: Add ‘Comments supported by email from Councillors Mathews, Leaman, Hashmi dated 7/1/09).**
- **Page 34, Brent Friends of the Earth: Add This response is supported by many individual letters including 21 standard letters (with slight variations).**

- Page 45, Second entry: Replace Standard Letter B with Various Standard Letters in support of Campaign for Better Transport , (approximately 300).
- Page 95, Dawn Butler MP response was joint with Navin Shah AM, London Assembly Member for Brent and Harrow.
- Page 100, under bullet point “The Midland Main ...” replace ‘from’ with ‘form’.

APPENDIX 5

- Annex 7 of Schedule 1 attached to the Section 106 Heads of Terms, page 123 footnote, replace ‘Joint Transport Committee’ with ‘Transport Strategy Group’.
- Schedule 2 (Framework Travel Plan) attached to the Section 106 Heads of Terms, figure 1.1 on page 8, replace ‘Joint Transport Committee’ text in box with ‘Transport Strategy Group’.
- Schedule 3 attached to the Section 106 Heads of Terms, page 79 heading, replace ‘shopping centre’ with ‘development.’

**ADDENDUM TO THE REPORT OF THE HEAD OF
PLANNING AND DEVELOPMENT MANAGEMENT**

18 & 19 NOVEMBER 2009

PART 1 - PAGE 1 – 60

PART 2 - PAGE 61

PLANNING AND ENVIRONMENT COMMITTEE

18TH AND 19TH NOVEMBER 2009

**SECOND ADDENDUM TO THE REPORT OF THE HEAD OF
PLANNING AND DEVELOPMENT MANAGEMENT**

C/17559/08

BRENT CROSS CRICKLEWOOD REGENERATION AREA.

This addendum (dated 5 November 2009) is presented in two parts. Part One sets out further representations received since the original report was written and provides a short summary of issues raised by the Consultation Draft Replacement of the London Plan. Part Two corrects an error in the original report dated 23 September 2009.

PART ONE

FURTHER QUESTIONS AND REPRESENTATIONS

BESTWAY

Question 6:

Given the Council's admission in response to our earlier Question 5 that "*there are unsatisfactory and apparently inconsistent aspects of the text in the UDP*" and there was "*confusion and errors that arose at the final adoption stage*", could the Council explain which parts of the UDP are without error?

The First Addendum, in responding to Question 5, sets out a comprehensive account and analysis as to the relevant errors that arose at the adoption stage of the UDP. This account is based on conscientious inquiries made by officers in seeking to respond helpfully to Bestway's question and to ensure that, insofar as possible, the advice to the Committee is based on sound analysis of the relevant policies, in particular Policies C1 and C10, in the light of the error in adopting a version of the UDP Proposals Map which was inconsistent with the Development Framework, the relevant recommendations of the UDP inspector, Cabinet approval of the Post-Inquiry Modifications and the subsequent consultation exercise in respect of the post-Inquiry modifications. Clearly, if the UDP Proposals Map had been amended in accordance with the UDP Inspector's recommendation, the Bestway site would have been shown as the location of the waste handling facility and within the cross-hatched area showing the railway lands (and thus would have been consistent with the Development Framework) and the apparent textual inconsistency between Policy C1 and C10 would not have arisen.

The representations of Nabarro dated 2nd November are helpful in analysing these issues in a manner which is consistent with historical events as outlined in the First Addendum and provide an additional basis for concluding that the BXC proposals are generally in accordance with relevant development plan policies generally and taken as a whole. The detail of their representations is addressed elsewhere in the Second Addendum and is not repeated here. Their alternative approach to the interpretation and application of Policies C1 and C10 is one with which the Officers would agree as an acceptable alternative to the interpretation set out in the response to Bestway's question 5 and the First Addendum. Thus, even if conflict with Policy C10 is assumed, the proposed development is still in accordance with the Development plan.

The answer to question 5 indicates that the officer's view on the interpretation of Policies C1 and C10 in a way which seeks to reconcile their effect and is consistent with the reasoned justification for policies C1 and C10 as well as Policy 5B.2 (and particularly with paragraph 5.42) of the London Plan (2008), which makes reference to the jointly adopted Development Framework in relation to this Opportunity Site.

The officers are not aware of any other significant errors in the UDP which are material to the determination of this application.

Question 7:

Could the Council explain why they are continuing to provide conflicting views of the purported allocation of the Bestway site in the UDP? In answer to our previous Question 5, the Council is suggesting the site is "designated" and yet Bestway have correspondence from the Council dated 25 May 2007 stating that "*the UDP does not in fact allocate a site for such [a Waste Transfer Station] purposes*".

The response to question 5 does not purport to equate "designation" with the legal status of a formal allocation under the UDP as contemplated in paragraph 3.8 of the now superseded PPG12 (February 1992 Edition).

The term "designate" in the context of that response is used in its conventional dictionary sense of specifying or particularising the proposed use of the site. It is used in the context of the references to the Bestway site in Table 13.1 (where the site is referred to as Site 39) and the identification of the Bestway site as the location of the proposed waste handling facility on the masterplan incorporated into the Development Framework (in both the 2004 and the 2005 adopted versions).

These references are relevant in the context of applying Policy C1, which provides that development proposals will be supported "if they are consistent with the policies of the UDP and their more detailed elaboration in the development framework". London Plan 5B.2 also requires reference to be made to the Development Framework because it states that such development frameworks "...should inform DPDs and broader regeneration and community strategies and initiatives".

Some weight must be ascribed to Policy C1. It is clearly important in this context that reference is made to the provisions of the Development Framework in order to ascertain whether the proposals are consistent. A failure to refer to such designations would be a failure to take account of what is clearly a material consideration in the context of these policies and the statutory duties to determine the application in accordance with the development plan unless material considerations indicate otherwise.

The officers note that Bestway does not offer any alternative interpretation in respect of Policy C1. Their approach would appear to require this policy and the Development Framework to be disregarded insofar as the Bestway site is

concerned. This is considered to be an untenable approach in the circumstances.

Question 8:

What is the difference between “designated” and “allocated”, in the context of Council’s response to our earlier questions regarding the Bestway site?

There may be a subtle difference in that the term “allocation” was used in paragraph 3.8 of PPG 12 and required allocations to be shown on an Ordnance Survey base map. For the reasons explained in the First Addendum and mentioned in response to questions 6 and 7 above, the proposed location of the waste handling facility was erroneously not shown on the finally adopted 2006 proposals map, although it was clearly shown on the Development Framework which is mentioned in Policy C1. For this reason it is considered more appropriate to use the term “designation”.

As also explained in the First Addendum report and in the preceding responses, the question of whether the Bestway site is “allocated” is not a particular issue in the context of the policies set out in Chapter 12 of the UDP (and/or 5B.2 of the London Plan 2008 insofar as it applies to this proposed development). The terms of the relevant statutory development plan have been examined and considered in the committee report and in the First Addendum and Second Addendum, as well as in the preceding responses. The LPA clearly must have regard to Policy C1 and ascribe some weight to it. In that context it must consider the jointly adopted Development Framework (2005). Failure to consider that policy and the Development Framework in this context would mean that the LPA was not acting in accordance with its statutory obligations in relation to the development plan and the consideration of all material considerations.

Question 9:

Could the Council provide the correspondence they have received from Network Rail, TfL and NLWA which supports “*officers’ judgement*” that there are “*significant operational benefits*” in locating a new Waste Handling Facility to the west of the Midland Mainline?

Relevant details of the correspondence on which the officers formed their judgement on the issue relating to the location of the waste handling facility are set out below under headings which indicate the source of the input. Copies of these emails will be provided to Bestway’s representatives.

Network Rail email dated 17th August 2009, from Tom Higginson at Network Rail to Mervyn Bartlett at the London Borough of Barnet

“From a railway operational perspective, Network Rail would welcome the relocation of the Waste Handling Facility to the West side of the line. On the west side of the line the facility would be directly connected into freight only goods lines and would not need to shunt across the entire layout interacting with both First Capital Connect and East Midlands Trains services passenger services. Although we cannot comment on the whether the existing facility is fit for purpose (item 4), Network Rail can endorse and support the developer’s submission in relation to the Waste Handling facilities.”

TfL email dated 31st July 2009 from Matthew Rheinberg at TfL to Mervyn Bartlett at the London Borough of Barnet

“We have now looked into the usage of the Midland Main line for freight in the Brent Cross / Cricklewood area.

The trains that use the existing waste facility all access the Midland Main line via the Dudding Hill line. If this flow continues with the new facility then the western side of the tracks would be more appropriate. The trains would no longer need to turn round at West Hampstead and cross all fast and slow lines to access the waste terminal as happens at the moment.

The view for freight overall is similar. We have analysed the freight working timetable for the area (weekdays) and this shows the following:

Northbound

30 trains per day

20 access/egress the Midland Main Line via the Dudding Hill line

10 access/egress the Midland Main Line via the Gospel Oak-Barking line

Southbound

29 trains per day

21 access/egress the Midland Main Line via the Dudding Hill line

8 access/egress the Midland Main Line via the Gospel Oak-Barking line

The Dudding Hill line is on the western side of the tracks and the Gospel Oak-Barking line on the eastern side. This therefore shows that roughly two-thirds of the trains access/egress the route on the western side. Note that these are the paths in the timetable and only some paths are filled by trains each day.

For a freight facility if the flows remained the same and we assumed that two-thirds of trains serving the facility access it via the Dudding Hill line or Midland Main Line to the north and one-third via the Gospel Oak-Barking line to the south then the western side of the tracks is a better position for the freight facility. Only trains from the Gospel Oak – Barking line would conflict with passenger services in accessing the facility. If the facility remained on the eastern side then trains from the Dudding Hill line would need to cross all fast and slow lines and trains from the MML to the north would need to stay on the slow lines for longer.

In summary, we believe the western side of the tracks is a better position for the waste handling and freight facilities.”

Scott Wilson (Applicant's transport engineers) stated in an email dated 4th July 2009 from James Brown at Scott Wilson to Mervyn Bartlett at the London Borough of Barnet

"The issue of relocating the WHF is made up of five interacting lines of investigation

- 1) Strategic*
 - 2) Operational interfaces at main line and stabling sidings*
 - 3) Technical layout and signalling issues*
 - 4) Waste facility fitness for purpose*
 - 5) Regeneration realisation of value*
- Combined they support the relocation, so taking each in turn*

1) Strategic

The provision of a new station at the heart of the regeneration was clearly going to require a rail remodelling which entailed rationalisation of the rail facilities. Currently the freight moves (including WHF) are intermingled with the main line passenger movements and passenger stabling moves and this creates problems today. The segregation of freight and passenger operations near to freight facilities is favoured by operators and Network Rail when this can be achieved. The opportunity to remodel the railway to achieve this by relocating all the freight facilities adjacent to the Hendon Freight lines to the west when undertaking the remodelling to provide the station was seen as an early strategic win and is underpinned by the Development Framework.

2) In essence relocating the freight facilities to the west reduces the need for WHF and other freight moves which go west along Dudding Hill / Acton Branch to cross the passenger movements on the MML. This move is restricted today and is anticipated to become more so as the Thameslink (FCC) timetable is intensified. It aligns the facilities with the freight operations whilst not impacting on the existing freight operations which pass the site. The current WHF movements interact with the use of the stabling facility in an adverse manner and this is likely to become more problematic as use increases with the Thameslink Programme improvements which will double (or more) the number of trains using the facility

3) The new station requires a major rearrangement of stabling facilities to allow for realignment of the main lines and positioning of platforms which would sever the current rail access into the WHF. It has proved to be impractical to retain the waste facility in its current location to integrate with the required rearrangement leading to a need to relocate it in some manner. This taken with the strategic view and operational preference strongly supports the western relocation.

4) The existing facility is not fit for purpose in the evolving waste management environment and would need to be reprovided in the fullness of time regardless. In addition it will be essential to keep the existing facility operational whilst a new fit for purpose facility was developed.

5) The existing facility would sit adjacent to the core transport interchange if not relocated and given that from strategic vision through to technical considerations all preferences are for a new fit for purpose facility, relocating it to optimise the integrated development and realise best value and optimise the rail interface is clearly preferable."

The officers are of the view that their investigations in relation to the location of the waste handling facility to the west of the railway line were thorough and that the conclusions expressed in the Committee report are robust. Bestway have not offered any technically sound basis for questioning these views.

Question 10:

Can the Council explain what level of independent consideration was given in the preparation of the Development Framework to alternative sites for the Waste Handling Facility?

This response needs to be considered in the light of the fact that the Development Framework (in both the 2004 and the 2005 adopted form) are now well beyond the possibility of judicial review. Similarly, the UDP (2006) and the London Plan (2008), which make express reference to the Development Framework, are also beyond judicial challenge by virtue of section 284 of the Town and Country Planning Act 1990. Whilst the criticisms implied by this question may possibly have been valid questions to raise in that context, they are now of limited importance in the light of the adoption of the framework and these statutory development plans, as well as the work that has been done to support and assess the proposal as a whole and the waste handling facility in particular in the context of the BXC application.

As explained in previous correspondence, the Council did not undertake independent consideration of alternative sites for the Waste Handling Facility when preparing the development framework. It relied upon the detailed work that was being done by the applicants in this respect.

Whilst the consideration of alternatives is a legal requirement under the LDF regime and the Strategic Environmental Assessment Directive (which came into force on 21st July 2004), there were no equivalent legal requirements in the Local Development Regulations, although clearly at the time when the UDP and the Development Framework were being progressed it would have been possible for Bestway to have made representations to support alternative policies in relation to their site or to propose an alternative location for the waste handling facility. They did not do so and it is too late now (more than three years after the UDP and the Framework were adopted) for them to challenge the legitimacy of those documents and it would be inappropriate for the LPA to have no regard to them in determining the BXC application in accordance with its statutory duty.

It is a matter for the committee to decide what weight it should give to the Bestway representations on this point and the relevant development plan policies and the Development Framework. However, it is relevant to mention that the BXC application is consistent with the Development Framework and it is accompanied by an environmental statement and further environmental information with respect to the waste handling facility and the proposed development as a whole. Since the application was submitted, officers have had a dialogue on the question of the proposed location of the waste handling facility to the west of the railway lines, with relevant officers of Network Rail

and TfL, as well as with the transport consultants acting for the applicants. The firm conclusion of this process was that there are significant operational advantages of the location to the west of the railway line. The reasons for this are summarised in the Committee report (see Appendix 4 to the Committee report).

Further and in any event in considering the weight to be given to Policy C1 it is relevant to consider whether the proposed location for the waste handling facility is appropriate. The Nabarro representations, which are addressed later in this Second Addendum, explain that the proposed location is appropriate and the Council generally agrees with their explanation. The response to Question 9 indicates that the Council has formed this conclusion having consulted TfL and Network Rail and it considers that its conclusions on this issue are sound. In deciding the weight to give to Policy C1, members must have regard to these matters.

Question 11:

If in answer to Question 10 the Council has to agree with its earlier advice to Bestway in a letter dated 19 November 2007 that the proposed location of the Waste Handling Facility “*was a proposal by the developer not the Council*”, does the Council accept that in this aspect the Development Framework is merely an expression of the developer’s audited preference and for this reason no weight can be attached to the Development Framework or UDP on the issue of the site allocation/designation?

It is emphatically not agreed that “no weight can be attached to the Development Framework or UDP on the issue of the site ...designation ” in the context of Policy C1 and the other relevant policies as addressed in the committee report and the First Addendum and the responses to the earlier questions. The statutory duty to determine applications in accordance with the development plan unless material considerations indicate otherwise still applies to this application.

The LPA must take proper account of the development plan and all other material considerations, including Bestway’s representations, and it must then properly exercise its judgement as to the weight to be attached to each such consideration.

The committee report and the First Addendum and Second Addendum set out the officers’ advice to the committee on these issues and the earlier responses to Bestway’s questions also reflect that advice.

The UDP was adopted in 2006 and it was not challenged by Bestway under the statutory provisions for judicial challenge. It is now too late for Bestway to seek to undermine the status of the Development Plan by another means, although its representations will be taken into account in considering issues of weight. If they had objected to the Development Framework when it was being consulted upon in 2003 and 2004, it was open to them to argue their preference that the waste handling facility should not be located on their site or on any site to the west of the railway line. Similarly, if they had objected to

the relevant policies in the UDP at either the pre-inquiry changes stage or at the post-inquiry modifications stage, they could have sought to change the UDP so as to avoid their site being identified for this purpose. Finally, they could have raised this issue in the context of the recent review of the London Plan, but they did not do so.

Their failure to advance these arguments at the appropriate stage in the development plan process is not a reason which requires the LPA to disregard the statutory development plan and/or the development framework to which it refers, having regard to all of the relevant considerations in respect of the BXC application.

As explained earlier, the Applicants have explained why the proposed location for the waste handling facility is appropriate and the Council has made independent inquiries of TfL and Network Rail to reassure itself on these issues. These matters are relevant when considering what weight should be given to Policy C1.

Bestway comments on the First Addendum (20 October 2009) report and responses to those comments

The Council has, since the First Addendum was published, received a number of letters and emails from the representatives of Bestway containing a mixture of questions, assertions and representations in respect of this application. This section of the Second Addendum attempts to identify the key issues which require drawing to the Committee's attention together with a response from the officers in order to ensure that the Committee is properly advised on these additional issues. It should be emphasised that this is not intended to address every point raised, particularly where they are considered either to have been addressed elsewhere or where they do not raise new issues that need to be addressed by the committee. Where their letters and emails raised questions, a judgement has been made as to whether the underlying comments should be reported or whether (where there is no apparent underlying comment) the officers should simply respond to the questions direct to Bestway or their relevant advisers, in which cases those responses are not included in the information set out below because it was considered to be unnecessary to do so.

DPP letter dated 22nd October 2009 to the Secretary of State requesting that this application should be called in

Whilst this letter is not a direct representation to the LPA, it was copied to the LPA and it is considered appropriate to set out relevant representations that it contains together with the officers' response to those representations in order that members of the committee can take these matters into account in deciding how to determine the BXC. The responses are not intended to influence the Secretary of State in his exercise of his discretion whether or not to call in the application because, unless and until the committee has resolved that it wishes to grant permission for this scheme, it would be inappropriate to let him have any comments on that matter. Therefore the responses set out

below are confined to issues that need to be brought to the attention of members in the context of determining the application.

No.	Bestway comment	Council Response
1	<i>The application should be referred to the Secretary of State under the Shopping Direction contained in circular 15/93, notwithstanding its cancellation by virtue of DCLG Circular 02/2009.</i>	The LPA agrees that this is a sensible interpretation of the effect of Circular 2/2009 and intends to refer the application under that direction.
2	<i>In 2003, the regeneration area boundary in the UDP proposals map was on the eastern side of the railway line and did not include land up to the A5 Edgware Road.</i>	The boundary of the regeneration area shown on the UDP proposals map was amended in the January 2004 version to reflect the proposed pre-inquiry changes that were subsequently considered in the UDP inquiry. On that January 2004 map, the Bestway site was included in the regeneration area but at that stage it was not identified as the site of the waste handling facility. The First Addendum describes the process in which the Bestway site was shown as the location of the waste handling site on the June 2005 Proposals Map (in relation to the post-inquiry modifications) which was approved by the Council on 28 th June 2005 and was subject to consultation between 8 th July 2005 and 19 th August 2005. The First Addendum also refers to the error in the finally adopted Proposals Map (May 2006) which produced in the final adoption process, which was not consistent with the post-UDP inquiry consultation proposals or the UDP inspector's recommendations. The development plan regulations did not require individual owners affected by UDP proposals to be individually notified but the pre-Inquiry changes to the draft UDP and the post-Inquiry Modifications were advertised in accordance with the regulations and guidance and there were extensive public consultations in relation to its

No.	Bestway comment	Council Response
		<p>proposals. It is, however, acknowledged that Bestway did not participate in that consultation process. The land to the east of the midland mainline was included in early drafts of the master plan contained in the Development Framework and there was an extremely intensive public consultation exercise in 2003 and 2004 – as described in the First Addendum – which explicitly showed the Waste Handling Facility on the Bestway site. The non-participation of Bestway in these consultations is not a reason for disregarding the adopted policy and guidance – more than three years after the UDP and the Development Framework were adopted.</p>
3	<p><i>Objections of three MPs and a large number of other parties.</i></p>	<p>As a matter of factual accuracy, only two of the parties named in DPPs letter are MPs, but that does not mean that due consideration and weight should not be given by the Committee to all representations and objections made in relation to material planning matters and the Committee report and Addenda attempt to achieve that objective. Furthermore, Andrew Dismore MP has now withdrawn his objection to the application and his letter is referred to elsewhere in this Second Addendum. Therefore there is only one MP who is objecting.</p>
4	<p><i>Prematurity – in relation to the emerging North London Waste Plan</i></p>	<p>The guidance contained in the ODPM's 2005 guidance on "The Planning System: General Principles" at paragraphs 17 to 19 sets out the relevant considerations in this connection and on the basis of those principles and having proper regard to the adopted development plan policies it is not considered that prematurity is a reason why planning permission for the BXC proposals should be refused. In particular, it is to be noted that the guidance states at paragraph 18 that where a DPD is at an early stage with</p>

No.	Bestway comment	Council Response
		<p>no early prospect of submission for examination then refusal on prematurity grounds would seldom be justified because of the delay which this would impose in determining the future use of the land in question. The NLWP is only just in the consultation process in relation to the Preferred Options. Taking account of the relevant policies in the London Plan (2008), the recently saved UDP policies and the Jointly Adopted Development Framework, in combination with the very early stage of the North London Waste Plan, it is inappropriate to use prematurity as a justification for refusal. It will also be noted that the BXC application now has the support of the NLWA.</p>
5	<p><i>The absence of commitment to an assessment of a larger site that may be proposed by the NLWA and/or a detailed specific technology as to the processes to be used in the waste handling facility undermines the transparency of the planning system.</i></p>	<p>The NLWA, in withdrawing its objection to the application, have made it clear that the site which would be permitted as a waste handling facility if this permission is granted would be adequate for their needs, even though they may ideally wish to consider a larger site.</p> <p>Any larger site would need to be the subject of a further planning application and this permission would not authorise the extension of the site. Any such application could be the subject of further public consultation and scrutiny. Therefore, the commitment that the applicants may have given to NLWA does not affect the merits of the application which is now before the committee.</p> <p>The detailed processes to be operated in the waste handling facility are to be addressed in the procurement exercise that the NLWA will need to undertake in order to procure an operator for the facility in accordance with EU and UK legislation. It is in that context that they are unprepared to commit to a specific process. However, clear parameters and principles for these processes are</p>

No.	Bestway comment	Council Response
		<p>contained in the Development Specification and Framework and will be tied into the planning permission by planning conditions and obligations. They were the basis of the environmental impact assessment process and it is considered that the LPA has enough information at this stage to determine the BXC application, including in relation to the waste handling facility.</p> <p>In due course, there will need to be an application under a separate statutory regime for a waste management permit which will itself be subject to the likely requirement of an EIA and that will involve further public consultation before the licence or permit can be issued. The existence of the planning permission now sought will not prejudice or predetermine the consideration any application for that licence or permit.</p> <p>Finally, it should be mentioned that this facility forms part of a wider comprehensive regeneration proposal which involves the provision of a highly sustainable energy from waste strategy. The proximate location of the waste handling facility and the proposed CHP/CCHP are considered to be important elements in that strategy.</p>
6	<p><u>Highways and transportation:</u> [Various issues are raised in this context and they have been addressed elsewhere in the committee report and the addenda and will not be repeated here.] <i>There is a suggestion that Brent residents who will experience some of the impacts of the scheme have not been directly consulted.</i></p>	<p>Letters were delivered to more than 20,000 addresses including several thousand residents and businesses in the adjoining parts of Brent and Camden.</p> <p>In fact there have been a number of representations from Brent residents and there has been extensive discussion with officers of Brent Council in relation to the mitigation of highways impacts. These have resulted in a package of mitigation measures described in the section 106</p>

No.	Bestway comment	Council Response
		<p>Heads of Terms, including the A5 Corridor Study and the Consolidated Transport Fund (Schedule 5 to the Heads of Terms), which includes specific funding for mitigation measures in adjoining boroughs.</p> <p>There is to be a Transport Advisory Group to coordinate the input of various stakeholders including the London Borough of Brent and TfL is to have a very close and collaborative involvement in the determination of strategic transport applications through the Transport Strategy Group.</p> <p>The officers are of the view that the interests of Brent residents are well-protected under the proposed framework of control which will operate if the permission is granted.</p>
7	<p>Departure from the development plan:</p> <ul style="list-style-type: none"> <li data-bbox="379 1048 766 1115">• <i>Failure to consider London Plan 4A.24;</i> <li data-bbox="379 1751 766 1818">• <i>Bestway site is not validly allocated;</i> 	<ul style="list-style-type: none"> <li data-bbox="836 1084 1361 1518">• The first assertion is factually incorrect. Policy 4A.24 is listed in the relevant policies mentioned on page 7 of the report and the BXC proposal is expressly assessed against this policy (and other strategic waste policies) in Table 1 of the report (page 50). Their letter does not specify any other relevant London plan policies that are not referred to. <li data-bbox="836 1711 1361 2031">• This issue is covered in the response to Bestway's Questions 5 and subsequent questions addressed in the Second Addendum. That analysis will not be repeated here. In summary, the statutory development plan (ie the London Plan 2008 and the saved

No.	Bestway comment	Council Response
	<ul style="list-style-type: none"> <li data-bbox="379 824 767 1010">• <i>The BXC application documents do not justify the location of the waste facility on the Bestway site.</i> <li data-bbox="379 1715 767 1856">• <i>The proposed waste handling facility is larger than “the allocated site”.</i> 	<p data-bbox="882 230 1361 633">policies of the UDP) refer to the Development Framework and policy C1 requires comprehensive redevelopment to be carried out in a manner which is consistent with the UDP and the Development Framework. The BXC proposals are considered to be consistent with these policies and guidance.</p> <ul style="list-style-type: none"> <li data-bbox="834 748 1361 1335">• This statement is factually incorrect and the Committee report and its addenda outline the information that is contained in the application documents in this regard. There is also an indication that the officers of the Council have also had discussion with relevant officers at Network Rail and TfL with regard to the location of the waste handling facility to the west of the railway line in order to validate some of the statements made by the applicants in their documents. <li data-bbox="834 1599 1361 2029">• As explained in the Committee report and the First Addendum and the Second Addendum, the key question is not whether the site is allocated but whether the BXC application proposals are in accordance with relevant policies of the development plan. The analysis in those addenda will not be repeated here, but it is clear that (by particular reference to policy C1 in this

No.	Bestway comment	Council Response
		<p>context) the officers are advising that the propose location of the waste handling facility is in accordance with the development plan generally and taken as a whole. The waste handling facility is also, in this context, consistent with the jointly adopted Development Framework which is referred to in London Plan Policy 5B.2 and UDP policy C1.</p> <ul style="list-style-type: none"> The apparent inconsistency with UDP policy C10 is analysed and explained elsewhere in the Addendum and is not relevant to this issue.
8	<p><i>Technical document failings:</i></p> <ul style="list-style-type: none"> <i>Failure to provide the technical details of the waste handling processes and therefore the Environmental Assessment is deficient and the application is premature.</i> <i>The application should not have been registered without the submission of a transport assessment – suggested that this was to evade the new Mayor’s powers and to avoid the increased planning fees and planning application validation procedures.</i> 	<ul style="list-style-type: none"> The first issue is addressed in the response to issue 5 above. The applicants submitted the application and the LPA decided that, despite the absence of a TA, it was appropriate to register the application so that public engagement could begin. There was a very extensive consultation exercise and that has continued through the process, particularly when the TA and revised ES were submitted and subsequently when the regulation 19

No.	Bestway comment	Council Response
	<ul style="list-style-type: none"> • <i>Changes in the application documentation and piecemeal consultation on the evolving documentation package led to a disjointed consultation process.</i> 	<p>responses were received. The officers consider that the process has been rigorously and properly conducted and that the public has benefited from the level of consultation that this has involved. It is illogical for Bestway to suggest that the purpose of “early” submission was to evade the Mayor’s new powers: in the first place, the key difference is that the Mayor now has the power to require that the application is referred to him so that he can grant permission if the boroughs decide to refuse: this would not achieve the refusal that Bestway are urging. Under the “old” powers of the Mayor that apply to this application, the Mayor already has a power to direct refusal if he decides that it is appropriate to do so. The increased fees issue was not a consideration for the officers of Barnet in this process.</p> <ul style="list-style-type: none"> • This is not agreed. It is a large and complex scheme and it is not unusual for such schemes to have amendments to the documentation and for consultation to proceed in more than one round. The EIA regulations also make provision for requests to be made for further information needed to satisfy the requirements of the EIA directive. The process in this case reflects care and diligence which the council’s team (working carefully with the GLA, TfL and other stakeholders) have exercised to ensure that the application is processed properly in order that

No.	Bestway comment	Council Response
	<ul style="list-style-type: none"> <li data-bbox="379 824 766 1115">• <i>Suggestion that due to the second consultation period being over the Christmas period there was limited opportunity to consult and consider the documents</i> 	<p data-bbox="882 230 1359 667">any decision that is made will be robust and that the permission, if granted, will provide an appropriate framework of control for this important strategic regeneration project. The formatting of the documents has generally identified the changes that were made so that consultees could clearly follow the evolution of the documents throughout the process.</p> <ul style="list-style-type: none"> <li data-bbox="834 786 1359 1149">• This suggestion seems completely invalid in view of the length of time since that consultation took place at the end of last year and the beginning of this year, as well as the number of representations that have been received, not least from Bestway themselves, during this period.
9	<p data-bbox="328 1227 766 1518"><i>Throughout its consideration of the BXC application the council has undertaken bare minimum consultation and has not been prepared to thoroughly engage with those parties objecting to the scheme.</i></p>	<p data-bbox="785 1227 1359 1742">The officers consider that this is completely unfair. There have been public consultation meetings since the application was submitted and officers have met and spoken on the phone to many of the objectors, including Bestway themselves, on many occasions. The time allowed for consultation through this process has been considerable and every effort has been (and still is being) made to ensure that the many comments on the application are addressed in the committee report.</p>

Letter dated 23rd October 2009 from Pinsent Mason to the Head of Law

No.	Bestway comment	Council Response
1	<i>At page 7 of the addendum</i>	As the First Addendum makes clear,

No.	Bestway comment	Council Response
	<p><i>report ..first bullet point referring to policy C10, in what way do you reconcile the report's use of the words "may require" with the UDP policy C10 words "will require".</i></p>	<p>there was an error in the final adoption process in which an incorrect version of the UDP Proposals Map was adopted, in a way which was inconsistent with the UDP inspector's report, the Cabinet's decision to approve and consult on the post-Inquiry modifications in accordance with the inspector's recommendations and the subsequent consultation process in relation to those modifications. The courts have held that where there is an obvious misprint or error in a Development Plan the decision maker is not required to interpret that Plan on the basis that such error was in fact correct. This principle applies in the circumstances relating to policy C10 and the cross-hatching on the erroneous UDP proposals map.</p> <p>Furthermore, as the First Addendum explains, Policy C10 is capable of being interpreted as requiring the retention of (amongst other facilities) the (existing) rail-linked waste transfer and recycling facilities within the cross-hatched area on the Proposals Map unless and until they are replaced by the new waste handling facility as shown in the Development Framework in accordance with Policy C1.</p> <p>It was in the context of discussing the apparent inconsistency between Policy C1 and C10 (and bearing in mind the considerations set out above) that the First Addendum used the words "may require" rather than "will require".</p>
2	<p><i>The comments on Mr Drabble's written opinion misrepresents his position on Policy C1 and do not deal with the previous contrary views expressed by the Council in its letter to our client dated 25th May 2007</i></p>	<p>It is not entirely clear what point is being made here but:</p> <p>a) In relation to Policy C1, Mr Drabble's opinion dismisses Policy C1 with little (if any) explanation in a way which renders Policy C1 ineffectual, other than his unsupported</p>

No.	Bestway comment	Council Response
	<p><i>nor reflect the Fol response to ourselves dated 19th November 2007.</i></p>	<p>assumption that Policy C10 takes precedence over it; and</p> <p>b) Does not refer to the “special role” ascribed to which the UDP inspector ascribed to Policy C1 (see paragraph 13.22 quoted at the top of page 4 of the First Addendum report) and</p> <p>c) Dismisses the recommendations in the UDP inspector’s report that the proposals map should be amended so as to make it consistent with the Development Framework on the basis that he (Mr Drabble) un clear as to which location for the waste transfer station the UDP inspector had in mind.</p> <p>In regard to the reference to the Council’s letters, this comment appears to be focusing on the statement in the Council’s letter dated 25th May 2009 that “the UDP does not in fact allocate a site for [a waste transfer station]” and the statement in the Fol response that the decision to relocate the waste handling facility at the site was “a proposal by the developer not the council.”</p> <p>These issues are addressed in the answers to Questions 6 – 11 raised by Bestway and the responses will not be repeated here. They are set out elsewhere in this Second Addendum.</p>
3	<p><i>The SPG was adopted before the UDP it purports to supplement – do you assert the SPG is part of the UDP?</i></p>	<p>The Officers’ advice as to the relevance of the Development Framework is set out in the Committee report, the First Addendum, the Second Addendum and the responses to Bestway’s questions 1 – 11 and will not be repeated here. From that advice, it is clear that the officers consider that the Development Framework needs to be considered by</p>

No.	Bestway comment	Council Response
		<p>the Council in determining this application, having regard particularly to London</p> <p>Plan Policy 5B.2 and UDP Policy C1 and its statutory duties to have regard to the development plan and to determine the application in accordance with the development plan unless material considerations indicate otherwise.</p> <p>It is also relevant in this connection to refer to the representations made on behalf of the applicants by Nabarro on 2nd November in relation to the interpretation and application of Policies C1 and C10. It will be clear from the Council's response to those representations that the Council very largely agrees with those comments, which reinforce the officers' conclusions and advice that the BXC proposals are in accordance with the UDP generally and taken as a whole.</p> <p>In the light of the information as to the error in the final adoption of the UDP proposals map and the inconsistencies between Policies C1 and C10 which resulted from that error, it is clear that Mr Drabble's interpretation of Policy C1 cannot be sustained, because of the weight which it requires to be placed on the erroneously adopted UDP proposals map.</p> <p>The First Addendum (in responding to Bestway's question 5) and the Second Addendum (in response to Bestway's questions 6 – 11) provides an interpretation of Policy C10 which is consistent with (a) Policy C1 (and the Inspector's statements and recommendations in relation to it), (b) Policy 5B.2 of the London Plan (2008) and the jointly adopted Development Framework to which they refer. The Nabarro representations propose an alternative approach to applying these</p>

No.	Bestway comment	Council Response
		policies in a way which is based on the process leading to the adoption of the UDP and is consistent with policy C1 and the London plan policy. Both of these approaches are considered by the officers to be a more appropriate basis for determining the BXC application than the approach in Mr Drabble's opinion.
4	<i>What was the Addendum referring to when it mentioned the detailed work that has been done in relation to the NLWP? Please supply copies.</i>	The addendum was mainly referring to the various documents listed and contained in the NLWP Document Centre of the NLWA, particularly the Preferred Options document and the NWLP Technical Report relating to the Preferred Options, which describes the site assessment process. These documents can be downloaded from the NLWP web site.
5	<i>What relevant court decisions do you have in mind when referring to conflicting proposals as being a material consideration?</i>	The particular cases contemplated here are the "retention of an existing use" cases referred to at section P70.19 of the Encyclopaedia of Planning Law and Practice. An example of these decisions is the case of Nottinghamshire CC v SSETR [2001] EWHC Admin 293, in which the local authority was seeking refusal of a new permission on the basis that the existing use should be preserved. The Addendum emphasises in this context that the Bestway application is not being pre-judged in the current Committee report and indicates that even if the BXC application is determined favourably there will be two further safeguards for Bestway: firstly, (unless they agree to sell their site) there will need to be a CPO which will only be made and/or confirmed if there are compelling reasons in the public interest to justify compulsory acquisition; and, secondly, there are requirements in the proposed conditions and section 106 Heads of Terms which would help to secure Bestway's satisfactory relocation. The Council is willing to engage

No.	Bestway comment	Council Response
		<p>constructively with Bestway in relation to their relocation if permission is granted for the BXC scheme.</p>
6	<p><i>Bestway has identified an alternative site for the waste facility – is it intended to report this to Committee?</i></p>	<p>Bestway have proposed that the Waste Handling Facility can be located on the Council's site at Pinkham Way, which is also in the North London Waste Plan Preferred Options report. The Council has agreed terms for the disposal of the site to NWLA for this purpose, but the Council believes that it is not intended by NLWA as a replacement or alternative site for the waste handling facility which is envisaged in the Development Framework.</p> <p>It should also be noted that the proposed Waste Handling Facility is intended to provide waste derived fuel to be used in conjunction with the CHP/CCHP to be located within the BXC development as an important part of the Energy Strategy for that development. The removal of the WHF to Pinkham Way will thus undermine the energy strategy for the BXC development because of the distance that the waste derived fuel would need to travel by road to the CHP/CCHP (rather than being transferred off-road by means of the conveyor system, as proposed in the BXC application).</p> <p>The importance which the London Plan (and national planning guidance) attaches to climate change issues and sustainable energy policies (including the attainment of high levels of on-site renewable energy generation), the energy from waste strategy is clearly a very important issue and the Bestway alternative site would not fulfil this policy requirement in the context of the regeneration of the Cricklewood / Brent Cross regeneration site.</p> <p>Finally, the proposal to remove the</p>

No.	Bestway comment	Council Response
		Waste Handling Facility to Pinkham Way would not be consistent with the Development as envisaged in Policy C1.

Email dated 26th October 2009 from Pinsent Mason to the Head of Law

No.	Bestway comment	Council Response
1	It is suggested by Pinsent Masons that the Committee report fails to refer to relevant London Plan policies such as policy 4A.24.	As stated above, this assertion is factually incorrect. Policy 4A.24 is listed in the relevant policies mentioned on page 7 of the report and the BXC proposal is expressly assessed against this policy (and other strategic waste policies) in Table 1 of the report (page 50). Their letter does not specify any other relevant London plan policies that are not referred to.
2	Contrary to what is stated in the First Addendum, the London Plan 2008 pre-dated Mr Drabble's opinion by several months.	<p>This is correct, but Mr Drabble's opinion does not refer to the fact that Policy 5B.2 expressly refers to the role of Development Frameworks as being to "inform DPDs and broader regeneration and community strategies and initiatives". Nor did he refer (in the context of the Cricklewood and Brent Cross Opportunity Area) to the specific reference in paragraph 5.42 to the Development Framework which "has been completed and endorsed by the Mayor and Barnet Council".</p> <p>The London Plan clearly places importance on the role of the Development Framework. As these references to the Development Framework are part of the statutory development plan, his failure to refer to these documents further undermines the interpretation that his opinion provides in relation to Policies C1, C7 and C10.</p> <p>Finally, Mr Drabble's opinion would necessitate the application of a development plan policy in a manner which is based on a palpable error in relation to the UDP proposals map,</p>

		<p>which would be contrary to relevant case law and irrational. His opinion does not address this issue at all, possibly because he was not fully apprised of the relevant historical facts which are set out in the First Addendum and in the Nabarro letter dated 2nd November 2007.</p>
3	<p>Despite repeated requests, our client has not seen any relevant site assessment material – Barnet does not accept that it has any such material. Nor does the NLWA nor the NLWP.</p>	<p>The NLWP web site includes a Technical Report dated October 2009 prepared by Mouchel, which explains the site selection process which underlies the site selection process in connection with the Preferred Options document. This is expressed to form part of the evidence base in support of the Preferred Options for the North London Waste Plan.</p> <p>The report refers to the locational principles established in PPS 10 and sets out the following general principles based on that guidance:</p> <ul style="list-style-type: none"> • The physical and environmental constraints on development including existing and proposed uses on neighbouring land uses; • The cumulative effect of previous waste facilities on the well being of the community; • The capacity of existing and proposed transport infrastructure to support the development including access to alternative modes. <p>The locational criteria are set out in paragraph 2.19 of that report. They include:</p> <ul style="list-style-type: none"> • Protection of water resources • Land instability • Visual intrusion • Nature conservation • Historic environment and built heritage • Traffic and access • Air emissions, including dust • Odour • Vermin and birds • Noise and vibration

		<ul style="list-style-type: none"> • Litter <p>Significantly, in the context of the BXC application, the Technical Report goes on to state as follows: <i>“The locational criteria in PPS 10 are risk based rather than opportunity based and PPS 10 does not pick up on criteria that can define positive opportunities; this can lead to land use conflict issues. Therefore, to allow for opportunistic criteria to be included in site assessment the following criteria were included:</i></p> <ul style="list-style-type: none"> • <i>Proximity to major zones of <u>development and the potential to supply decentralised energy;</u></i> • <i>Opportunity for increased employment.</i> [Emphasis added] <p>The principle relating to the “potential to supply decentralised energy” is clearly relevant in the context of the renewable energy strategy for the Cricklewood/Brent Cross Opportunity Area and is a key part of the BXC application proposals. It is also clearly in accordance with strong national and London Plan policy guidance.</p> <p>In assessing in Appendix 2 to the Technical Report, the Geron Way/Edgware Road site (which includes the Bestway site), Mouchel assigned a score of 115 to this site, which is one of the top three or four sites in the Long List selected for appraisal. It is accepted that this is an early stage in the process for the NLWP process, but it is a material consideration to which some weight can be attached in the light of the relevant development plan policies. It is fair also to say that Bestway are likely to seek to object to the allocation of their site in the NLWP.</p> <p>It is also appropriate to mention that the allocation of this site in the NLWP would</p>
--	--	---

		be consistent with the London Plan (2008) and Policy C1 of the UDP.
--	--	---

Email dated 28th October 2009 from Pinsent Mason to the Major Developments Manager

No.	Bestway comment	Council Response
1	The committee report and addendum report ignore certain key policies in the UDP and London Plan and gloss over their content and relevance	As mentioned in the preceding table, Bestway do not specify any other relevant policies that are not addressed in the Committee report apart from 4A.24, in respect of which their comment is simply incorrect. They do not specify any relevant UDP policies that are relevant. The officers believe that relevant policies are properly addressed in the report and the Addenda to the report.
2	It is alleged that the officers have previously accepted that consultation in respect of the Development Framework and the UDP pre-inquiry changes were “the bare minimum”.	The First Addendum deals with the consultation that was undertaken in connection with the Development Framework and it is not accepted that it was “the bare minimum”. Similarly, it is believed that the pre-inquiry consultation was in accordance with the requirements that applied at that time. In any event, these statements do not in any way undermine or vitiate the Development Framework or the UDP, which are beyond legal challenge and the Council is clearly obliged to take them into account in determining the BXC application.
3	It is alleged that the committee report fails to mention that the applicants have agreed to try to provide a larger site to NLWA for this facility.	Again, this is incorrect. This issue is referred to in the report – see pages 128 and 467.
4	They imply that more detail might be required in connection with the BXC application.	The officers consider that in the context of this outline planning application there is sufficient detail to enable the application to be properly appraised and determined. Many of the details

No.	Bestway comment	Council Response
		<p>are in the form of parameters and principles which are to be tied into the planning permission by means of the proposed planning conditions and the section 106 Heads of Terms. Whilst the scheme is large-scale and complex, this general approach is a conventional approach to major regeneration proposals where a degree of flexibility is required to enable the development to be delivered. The environmental assessment has been based on these parameters and principles and the officers are of the view that the ES and the Design and Access Statement satisfy the relevant legal requirements. If outline planning permission is granted, there will be a need for many approvals under the outline permission, including reserved matters approvals and other matters approvals, which under the proposed planning conditions and planning obligations will be governed by the relevant parameters and principles. The officers consider that this therefore provides a robust framework of control for the delivery of the scheme and one which will ensure that it is compliant with the Environmental Impact Assessment regime and other relevant guidance relating to the planning permission. In addition, some of the elements within the development will require approvals under other statutory regimes, such as the waste management and the pollution prevention and control regimes, under which further environmental impact assessments will almost certainly be required in respect of the detailed processes proposed in respect of such facilities: this would include facilities such as the waste handling facility and the CHP/CCHP.</p>
5	They refer to the Cabinet report relating to the council's proposed commercial arrangements and suggest	In exercising its planning powers in determining the BXC application, the Committee must not take into consideration any commercial or

No.	Bestway comment	Council Response
	<p>that the Hammerson Shopping Centre could go ahead on its own, and suggest that this should be brought to the attention of the P&E Committee.</p>	<p>financial interest which it may have in the site. This is not a material consideration for planning purposes and it must be completely disregarded when determining the application. The members of the committee must put such considerations out of their minds.</p> <p>The proposed planning conditions and section 106 HoTs provide clear controls on the phasing and delivery of the proposed development. For example, paragraph 6 of the Section 106 Heads of Terms contains detailed commitments as to the delivery of each phase in accordance with detailed delivery programmes, including an obligation (in paragraph 6.2) which will prevent the Northern Development (including the expansion of the Brent Cross Shopping Centre) from going ahead unless and until all Necessary Consents (which includes statutory agreements and bonds needed to secure delivery of highways improvements) are in place to enable the Southern Development to proceed.</p> <p>The proposed planning permission is therefore considered to provide an appropriately stringent framework of control to prevent piecemeal development of the site in a way which would be inconsistent with the need for comprehensive regeneration of the site as a whole in accordance with the statutory development plan and the Development Framework.</p> <p>As the committee report explains, this is subject to reasonable provision, in the proposed conditions and planning obligations, for flexibility and protection against the undue risks of unviability, but these provisions are all within the reasonable control of the LPA under the proposed conditions and planning obligations. Without such flexibility and protection, it is unlikely that any</p>

No.	Bestway comment	Council Response
		<p>development for this scale could go ahead, because the financial and commercial risks would be too great. The officers are of the view that the proposed framework of control achieves an appropriate balance between commitment to delivery of comprehensive development, reasonable control of necessary flexibility and protection against undue commercial risk. It is also considered that this control ensures in compliance with the requirements of the EIA Directive.</p>
6	<ul style="list-style-type: none"> • The details required to be approved under the outline planning permission would not be new planning permissions and would not be subject to the same requirements for assessment or consultation. • Assumes that reserved matters applications can be dealt with "swiftly by officers under standing orders". 	<p>It is correct that applications for reserved matters approvals and other matters approvals under the recommended planning permission would not, as a matter of general law, be new planning applications and would not be subject to the same requirements for consultation and assessment that apply to a planning application. It is appropriate to make the point that the outline permission would (if granted) be subject to very detailed parameters and principles that are set out in the Development Specification and Framework and in the Design and Access Statement. These parameters and principles will govern and guide the detailed design and approvals under the permission and they have been subject to extensive consultation and discussion since the BXC application was submitted.</p> <p>However, the Council has adopted policy and practice on the consultation and publicity which it carries out on reserved matters applications. This requires the Council to take the same approach to consultation on reserved matters applications as it would for an application for a planning permission. For both types of application the extent of consultation is based on the scale and nature of the development</p>

No.	Bestway comment	Council Response
		<p>proposed in the application. For example, a reserved matters application for more than 10 dwellings or more than 1000m² of retail floorspace would be consulted upon with at least one site notice, a notice in the local press, the publishing of the applications details on the Council's website and all properties within 100m of the boundary of the development site being send a letter inviting them to comment.</p> <p>As regards delegated powers, the protocol requires that where there are three or more objections in writing to a "planning application" (which under the protocol will include a reserved matters application) will be referred to the Area Sub-committee. All respondents will be informed in writing of the outcome of an application to which the protocol applies.</p> <p>An example of this protocol operating can be seen in a recent reserved matters application considered by the Council, in respect of 98 new dwellings on the Stonegrove and Spur Road Estates, was publicised with a notice on site, a notice in the local press, the publication of the details on the Council's website and the sending out of over a thousand letters to potentially interested parties. The application was considered at the Council's 20 September Planning and Environment Committee, two members of the public spoke and the proposal underwent over an hour of debate.</p> <p>These standards expressly apply to reserved matters applications, as well as to other applications to which the statutory requirements do not apply.</p>

Emails to the Council's external legal adviser dated 28th and 29th October 2009

No.	Bestway comment	Council Response
1	<p>What is the base date for the assumptions underlying the policies in the adopted UDP 2006 which was first published in draft in 2003 and when will up to date policies be produced in accordance with the new local development scheme adopted in 2007?</p> <p>[Email of 29th explained this request in the following terms: "Development plan documents (see PPS 12) must be founded upon a robust and credible evidence base. Put simply what is the evidence base for the Cricklewood SPG and relevant UDP policies and what is the date of this evidence base? Please see also paragraphs 4.3 and 4.4 of the LDS that you attached to your email."]</p>	<p>This question and comment appears to be based upon the misconceived impression that PPS12 and the statutory requirements for an evidence base in support of the new LDF documents, which were introduced under the Planning and Compensation Act 2004, apply retrospectively to the saved policies of the UDP and/or to the Development Framework. This is not correct and it does not in any way undermine or diminish the duty of the LPA to have regard to the development plan and to determine the BXC planning application in accordance with the development plan unless material considerations indicate otherwise.</p> <p>There is no indication in these emails as to what aspects of the evidence that was considered by the UDP inspector might now be so outdated that the relevant policies in the UDP should not be applied or should be given little weight. The officers believe that the relevant circumstances which apply to the BXC Application and the relevant policies are set out in the Committee Report and the addenda.</p> <p>It should be borne in mind that the UDP policies were saved by the Secretary of State in May 2009 under the transitional arrangements in the 2004 Act and so they clearly still apply.</p>

No.	Bestway comment	Council Response
		<p>The London Plan (2008) was adopted on the basis of the new statutory provisions (insofar as relevant to the London Spatial Development Framework) and the North London Waste Plan and the Barnet Local Development documents are being processed under those provisions.</p> <p>The implication that the development plan should be given no (or less) weight as a result of the guidance in PPS 12 is therefore certainly not agreed. The LPA must apply the adopted development plan policies in accordance with their general statutory duties and the advice contained in the Committee Report and the Addenda to the Committee report focus on the key relevant issues in this regard.</p>
2	<p>Where Barnet has a significant vested financial interest in the grant of a planning permission in respect of a site are any particular Barnet planning procedures invoked to avoid bias or the appearance of bias?</p>	<p>Barnet members regularly attend member training sessions that are organised by the Council including sessions on the Planning Code Of Good Practice.</p> <p>The Planning and Environment Committee of 29 July 2009 recommended that the Code should be taken to the Standards Committee for approval.</p> <p>As of the 3rd November 2009 this has subsequently been adopted at a Full Council Meeting.</p> <p>It is available to view at the following web address:</p> <p>http://committeepapers.barnet.gov.uk/democracy/reports/reportdetail.asp?ReportID=8446</p>

**RESPONSES TO FURTHER COMMENTS RECEIVED FROM NABARRO
ON BEHALF OF THE APPLICANT ON 2ND NOVEMBER 2009**

The Council has received a letter dated 2nd November 2009 from Nabarro (on behalf of the Applicant), which on the whole is consistent with the analysis which is contained in the Committee Report and the First Addendum. However, it does contain additional factual information and policy analysis which the officers consider will assist the Committee in determining the applications, particularly in relation to the difficult issues relating to the apparent conflict between UDP Policies C1 and C10 and the underlying errors in the UDP adoption process which led to errors being incorporated into the UDP proposals map. The table below sets out the key comments in the Nabarro letter and indicates where the officers feel that it is appropriate for them to supplement their advice on the policy issues in the light of the issues raised in that letter. That amended advice is incorporated into the Policy Analysis section (and is reflected in the conclusion at the end) of this Second Addendum.

No.	Nabarro comment	Council Response
1	<p><i>"We note the interpretation of Policy C10 of the Barnet Unitary Development Plan 2006 ("UDP") set out in the Addendum. We believe, however, that in addition to that interpretation it is appropriate for the Members of the Committee to consider in the alternative whether assuming as Bestway assert that there is conflict with Policy C10, that would affect the Committee's decision. For the reasons set out below, our clients do not consider that even if it is assumed that there is conflict with Policy 10 the proposed development conflicts with the Development Plan as a whole."</i></p>	<p>The issues arising from the apparent conflict between Policies C1 and C10 are difficult to resolve. The officers have, in the First Addendum, set out their view of how that apparent conflict can be resolved by applying a purposive interpretation of the policies, having regard to the purpose of Policy C10 as explained in the reasoned justification and having regard to the overall intention in Policy 5B.2 of the London Plan (2008) and Policy C1, which the UDP inspector described as having "...a special role. It indicates how Policy GCrick is to be carried out and it forms a 'bridge' between this general policy and the development control oriented policies that follow". Nevertheless, the officers recognise that this issue is problematical and that the alternative approach suggested in Nabarro's letter is not inconsistent with the officers' interpretation. It provides additional force to the overall conclusion in the Committee Report and in the First Addendum that the BXC application proposals are in accordance with the Development generally and taken as a whole. It does that by demonstrating that, even if the officers' interpretation of Policy C10 is successfully challenged on the basis of the interpretation that Bestway</p>

No.	Nabarro comment	Council Response
		might prefer (which the officers doubt will occur), the Committee would have grounds for concluding that the proposed development was still in accordance with relevant development policies on the basis of the alternative approach set out in Nabarro's letter.
2	<p><i>“Even if it is assumed that there is some conflict with Policy C10, Policy C1 (in contrast to Policy C10) requires development of the Cricklewood, Brent Cross and West Hendon Regeneration Area in accordance with the adopted Cricklewood, Brent Cross and West Hendon Regeneration Area Development Framework To comply with Policy C1, therefore, the new waste handling facility ("WHF") is required to be in the location adopted in our clients' application for planning permission..... Thus, adopting Bestway's argument regarding Policy C10 results in a conflict between Policy C1 and Policy C10.”</i></p>	<p>This is in line with the analysis in the Committee report and the First Addendum. It is also in line with the requirement in London Plan Policy 5B.2 that the Development Framework should “<i>inform DPDs and broader regeneration and community strategies and initiatives</i>”.</p> <p>The interpretation of Policy C10 in the First Addendum sought to reconcile the two policies in a way which ensured that they were consistent and which reflected the reasoned justification in the UDP. The alternative approach put forward in Nabarro's letter assumes that Policies C1 and C10 are in conflict and outlines the approach that the LPA should take in that event.</p> <p>The officers consider that this approach is a cogent alternative to the interpretation in the First Addendum and it adds strength to their conclusion that the proposed development is in accordance with the Development Plan generally and taken as a whole.</p>
3	<p><i>Nabarro's letter suggests that the LPA should, as an alternative approach to Policies C1 and C10 “assume” a conflict between them and decide what relative weight should be attached to them if they are in conflict. They state their position on this basis as follows:</i></p> <p><i>“As a matter of law, the Council has to determine which policy is the “dominant policy” when determining</i></p>	<p>Their factual analysis is in accordance with the position as described in the First Addendum and is not disputed.</p> <p>The officers agree with the suggestion that the Committee should, in response to the Bestway representations as to Policy C10, “assume” that there is a conflict between that policy and Policy C1, because it ensures that, even if Bestway seek to challenge the Committee's decision to grant permission for this scheme on the basis of their preferred interpretation of policy C10, the LPA can show that it</p>

No.	Nabarro comment	Council Response
	<p><i>whether the proposed development accords with the Development Plan as a whole i.e. which policy should be given the greater weight? An examination of the history of the UDP process reveals that it was the UDP Inspector's intention and the Council's intention that the WHF should be located as shown within the Development Framework. Policy C10 does not reflect this intention only because of an error in the adoption process. There are two alleged or apparent errors of relevance. First, doubts exist as to whether in error the Proposals Map that was adopted failed to show Plot 39 for the WHF (as was clearly intended). Second, there was a failure to extend the "rail-related employment land and mixed use land" on the Proposals Map as intended to include Plot 39. Policy C10 should therefore be given little weight and Policy C1 should be given great weight as it is the "dominant policy".</i></p>	<p>carried out the analysis needed to apply those two policies properly in the event that they are in conflict as Bestway suggest.</p> <p>The Committee are therefore recommended to decide what weight should be given to each policy, in the light of all of all relevant circumstances and the advice contained in this Second Addendum.</p> <p>On that basis and in the light of the circumstances detailed in the Committee report and its Addenda (as well as Nabarro's letter), the officers recommend that the Committee should conclude that Policy C1 is the dominant policy and that, if and to the extent that it is found to be in conflict with Policy C1, little weight should be attached to Policy C10.</p>
4	<p><i>"Consequently, even adopting Bestway's contention necessarily results in the conclusion that our clients' proposals accord with the Development Plan. We therefore would ask that Officers advise Members to consider the application additionally in the alternative on the assumption that there is some conflict with Policy C10. We would ask that Officers advise Committee Members, that when adopting this assumption Members</i></p>	<p>The officers, in response to Nabarro's suggestion, are recommending that the Committee in this Addendum should consider all of the relevant circumstances in relation to the assumption that policies C1 and C10 are in conflict and to reach a conclusion that</p> <ul style="list-style-type: none"> • Policy C1 is the dominant policy to which great weight should be attached; and • that, in all of the circumstances and having regard to the unfortunate background events

No.	Nabarro comment	Council Response
	<p><i>should direct themselves to considering the weight to be ascribed to Policy C1 and Policy C10 and to determining which is the “dominant policy”.</i></p>	<p>that led to the inconsistency of Policy C10 with London Plan 5B.2 and UDP Policy C1 and the Development Framework, little weight should be attached to Policy C10 if and to the extent that it should be found to be in conflict with the other development plan policies and Policy C1 in particular.</p> <p>This approach would also be consistent with case law which indicates that where there is an obvious misprint or error in a development plan a decision-maker is not required to interpret that Plan as if such obvious error were in fact correct.</p>
5	<p><i>“We would also ask Officers to inform Members that, on a precautionary basis, the Secretary of State should be notified of the application pursuant to the Town and Country Planning (Development Plans and Consultation) (Departures) Directions 1999 (in addition to the Shopping Direction).”</i></p>	<p>The officers advise that, on the basis of this alternative approach described above, it would be appropriate, as a precaution, to consult with the Secretary of State under the “Departures Direction” in order that the alternative approach to the interpretation of Policy C10 can be properly carried through into the procedure adopted following any resolution to grant permission (if the Committee so decides). In practice, it is unlikely that this precautionary reference will add materially to the timescales involved in consulting the Secretary of State because a reference is already acknowledged to be necessary under the Shopping Direction.</p>
6	<p><i>“In addition, when adopting the assumption that the proposed development is contrary to Policy C10 and when considering the weight to be given to Policy C1 and Policy C10, it is relevant to consider whether a location within the rail-related</i></p>	<p>The officers advise that the considerations set out in this section of the Nabarro are material considerations to which weight must be attached in applying policies C1 and C10 of the UDP and determining the BXC application. In summary, these matters (combined with the issues described elsewhere in relation</p>

No.	Nabarro comment	Council Response
	<p><i>employment land and mixed use land hatched area is appropriate for the WHF. For reasons set out in the Appendix below our clients are firmly of the view that it is not. By contrast the site proposed in the application for planning permission is a wholly appropriate site...”</i></p> <p>The information contained in the Appendix in relation to this issue includes, in summary, the following information (much of which is contained in the application documents):</p> <ul style="list-style-type: none"> • Replacement of the existing facility is therefore essential with regard to meeting legal, environmental/operational requirements. A new waste handling facility is needed incorporating waste recycling as well as a much more limited ability to transfer waste to landfill. Any new facility will have to enable the NLWA to meet its operational needs and legal duties under the EU Landfill Directive. • The existing Hendon Waste Transfer Station site in its present form is not capable of re-orientation and redevelopment to a sustainable facility, which complies with policy and legal requirements and meets the NLWA's operational needs going forward. • Another site has to be found for a new WHF that can be developed so that the processing of 	<p>to the UDP proposals map) strongly indicate that great weight should be attached to Policy C1 and that relatively little weight should be attached to Policy C10 if and to the extent that it is assumed to be in conflict with Policy C1.</p> <p>Such a precaution would be entirely consistent with the firm conclusion in the Committee Report and the Addenda that the proposed development is in accordance with the development plan generally and taken as a whole, because the Departures Direction applies where the development or application does not accord with any one of more provisions of a development plan. As the Committee Report and the First Addendum already make clear, the committee is entitled to decide that a proposal is in accordance with the development plan as a whole even if it is not in accordance with each and every policy in the plan. This is a matter of their exercising reasonable planning judgement and the report and addenda make clear the basis of the officers' advice on that matter.</p>

No.	Nabarro comment	Council Response
	<p>waste can be transferred from the existing facility to the new facility without any interruption of service.</p> <ul style="list-style-type: none"> • The provision of the new station requires a major rearrangement of stabling facilities to allow for realignment of the main lines and positioning of platforms. These works result in a severing of the current rail access into the existing Hendon Waste Transfer Station site. • Any new facility will have to be located so as to be able to serve North London including the catchment areas of Barnet and Camden. It is a policy imperative that any new WHF should be rail-linked and should also have to have good access to the strategic road network. Only a location adjacent to the midland mainline can meet these criteria. • A location to the East of the midland mainline railway within the Regeneration Area is inappropriate (see the discussion of this issue in response to Bestway's question 9). • On the Western side of the railway, the only area within the "rail- related employment and mixed-use land" to which Policy C10 applies is identified in the Development Framework as the Rail Freight Facility site. 	

No.	Nabarro comment	Council Response
	<p>Policy C10 purports to identify both the WHF and Rail Freight Facility within the “rail- related employment and mixed-use land”.</p> <ul style="list-style-type: none"> • The WHF cannot be located on the proposed site for the new Rail Freight Facility (located to the south of the proposed WHF) because the site is required for the purposes of the Rail Freight Facility and it would not be consistent with Policy C1. The Rail Freight Facility also needs access to the freight lines on the Western side of the Midland Mainline (without the need to cross the passenger lines on the Eastern side). The Rail Freight Facility must therefore also be located on the Western side of the Midland Mainline and have sidings that can accommodate the largest freight trains including those operating through the Channel Tunnel. It needs to have convenient access to strategic roads. With a location West of the Midland Mainline, access via the A5 Edgware Road is needed. The location identified in the Development Framework is the only appropriate location for the Rail Freight Facility within the “rail-related employment and mixed-use land” to which Policy C10 refers. 	

No.	Nabarro comment	Council Response
	<ul style="list-style-type: none"> There is no other site available within the “rail-related employment and mixed-use land” to which Policy C10 applies that meets the locational requirements for the new WHF. The WHF site proposed in the planning is an appropriate location for the new WHF. This is a highly material consideration when determining the application and when considering the weight that should be given to Bestway’s contention that there is conflict with Policy C10 and the UDP generally. 	

FURTHER REPRESENTATIONS FROM QUINTAIN

RETAIL (These issues are dealt with in Appendix 4 to the committee report pages 71-75)

Policy C6 – Quintain re-iterate their concerns that policy C6 of the UDP has been wrongly interpreted as a requirement specifically directed by the UDP to Brent Cross. It is maintained that the proposal will not meet the policy requirement as the 55,000m² additional comparison retail should be applied across the entire scheme. Quintain further comment that the permissive nature of the policy only comes into effect when the new town centre is created.

Comment - Officers consider that these issues are dealt with satisfactorily in the committee report and Appendix 4. The 55,000 m² figure is contained within a specific policy of the development plan and has been appraised in the context of the whole of the planning application area. It should be noted that it is estimated by the applicant that although the majority of the new comparison retail (before decommissioned floorspace is taken into account) will be provided north of the A406 (61,545m²) approximately 10,874 m² will be provided south of the A406 (Source: BXC06 Revised Retail Report). Criteria viii of UDP Policy C6 specifically recognises that any proposal for additional comparison retail floorspace above the 55,000 m² must be assessed against the tests of PPS6. The Retail Report submitted as part of the planning application provides this assessment, as identified on Page 158 of the Committee Report. Phase 1 of the BXC planning application will not produce a new town centre in its entirety but this is to be expected in a proposal of this scale. A phased approach is to be expected and the level of investment in the early phases provides confidence that a new town centre will be delivered in due course.

UDP requires revision given changes to London's economy – Quintain suggest that long term projects that depend upon substantial retail development are particularly prone to effects of the recession.

Comment – This matter was addressed on Page 71 of Appendix 4 of the officers report to committee. Officers consider that the growth rates on which the BXC analysis is based are conservative and as actual expenditure has exceeded the predictions contained in the North West London Retail Study the analysis on which the development is based is as robust as reasonably practicable.

No delivery strategy has been prepared for the Development Framework – this has denied the public the opportunity to comment on delivery.

Comment – This matter was addressed on Page 72 of Appendix 4 of the officers report to committee, which confirmed that should members resolve to approve this application, the proposed planning obligations and conditions require detailed delivery programmes to be prepared by the applicant for each phase to make sure that items of social and physical infrastructure are provided at the appropriate times and that the development is delivered in a comprehensive way.

Need, scale and sequential approach and impact - These PPS6 policy requirements have not been fully tested.

Comment - All these issues are covered in Appendix 4 and the effect on Wembley has been assessed in the most recent GLA Comparison Retail Need assessment as only 0.5% and cumulative with other major development

schemes as 1.6%. Brent Cross Cricklewood is identified in the London Plan as an Opportunity Area with the creation of a new town centre incorporating substantial retail growth specifically mentioned. It is to be anticipated therefore that retail provision in this location will be substantial. Officers consider that the retail proposal in terms of the PPS6 policy test is appropriate.

TRANSPORT

This section discusses the letter dated 14th October 2009 from SJ Berwin, which includes advice from PBA consultants who have continuing concerns over a number of matters, which were detailed in their December 2008 review, but have now been updated based on a consideration of the TfLs input to the Mayor's Stage 1 report, the TASR2 and the September committee report.

The following matters are raised, each of which are commented on below. Reference is made to pages 76-78 of Appendix 4 in the September committee report where the previous high level concerns were addressed, although more detailed comments are now provided on some matters.

TRANSPORT MODELLING APPROACH

PBA are still concerned that the assumptions made regarding the non-car mode share are unduly optimistic. Key concerns are:-

- Suggestion that committed development totals are being underestimated.

Comment:

The list of committed developments that have been given detailed consideration within the study area are based upon data from the TfL London wide model to ensure that the BXC model is consistent with the overall growth assumptions in the London Plan. Furthermore the modelled BXC development is, itself consistent with the assumptions for the BXC site contained within the TfL London wide model. The Wembley Masterplan (Stage 2) does not represent a committed development in that it did not constitute a planning permission at the time the TA was prepared and submitted, when the list of committed schemes was agreed between all parties.

- It is not clear whether the trip making effectively deals with more ambitious or different developments now being proposed. It is not readily apparent that trip making has been adequately determined. This relates to a previous concern about the abstraction process.

Comment:

The TA has developed trip generation forecasts based upon existing data from the site and from comparable data from other sites. The process of abstraction deals with trips from committed developments and BXC and essentially causes a concentration of trip origins and destinations at these

development sites rather than them being spread more widely across the network.

- The modelling approach leads to a substantial reassignment of car based travel to public transport for the Do Something case – it is questioned whether this is achievable. There appears to be a total reliance on behavioural change brought about by experience of congested highways in the area. This relates to a previous concern regarding mode split results from the modelling (Table 4.10 of the TA), which were felt to be implausible and were noted to exceed the Development Framework targets.

Comment:

Comments on this point are on page 76 of Appendix 4 in the committee report where reference is made to scrutiny of the modelling and various parts of the transport submission, leading to the conclusion that the modelling is robust. Further comments are that the mode split issue is addressed in TA Volume 2 (Appendix IIIK). In particular it should be noted that non-mechanised modes comprise 17% of the DF target mode splits based upon 12 hour weekday data whereas the BXC model considers only the mode split between public transport and car (including car passengers) during peak travel periods. It should also be noted that there are various controls being placed on the roll out of the development through the Matrix assessment and PTR/RMTR scoping, submission and approval. One of the key matrix benchmarks is mode split, and if monitoring shows that the development is not meeting the revised FTP progression to the End-state targets then options include bringing forward the proposed public transport and / or other proposed mitigation measures and / or proposing new additional incentives to promote and encourage travel by sustainable modes.

- Should current patterns of movement and distribution be used to guide future trip distribution for such a significant development? This relates to concern that the proposed development is likely to act as a far greater draw for longer distance trips from other London Boroughs or beyond the M25 and that the modelling may not reflect this. Also concern that sensitivity testing has not been undertaken to examine this potential for enhanced trip making.

Comment:

The BXSC is currently a significant draw for longer distance trips as discussed in the TA, Volume 2, Appendix III(J3.1) (and illustrated in Figure J.1). Therefore the impacts of this traffic has already been accounted for in the base year situation. The 2026 sensitivity test set out in TA Volume 1 Chapter 11 provide for an increase of 10% in the level of trip generation assumed for the site, as well as also testing an alternative trip distribution as provided by TfL as reported in TA Appendix VII.

- Reliance on congestion suppressing car movements is likely to lead to severe queuing on the highway network over a wide area if people's behavioural patterns do not match the expectations of the modelling.

Comment:

The BXC proposal does not rely solely on network constraints to achieve mode shift but proposes a comprehensive integrated package of transport measures that include highway capacity improvements, management of car parking price and numbers, measures to encourage less reliance on the private car and a substantial package of improvements to public transport and other non-car modes. There are also various mechanisms to monitor and control the mode share.

- Public Transport loadings for the new BXC Station (90% is said to be contra peak) seem improbable for a station in Outer London serving office development and some residential development.

Comment:

Comments on this point are on page 76 of Appendix 4 in the committee report, which refers to the train station sensitivity test. The details that address the above can be found in TA section 7.6, Appendix III (J) and the sensitivity test in Appendix VII (R).

TRANSPORT STRATEGY

PBA consider that the proposed improvements to public transport and pedestrian and cycling initiatives may not be sufficient to achieve the very aspirational mode share targets. This summarises a number of previous concerns, as detailed below:

- The deliverability of the integrated transport strategy will largely be dependent upon achieving a massive switch from the car to public transport as well as walking and cycling. PBA see some major risks associated with delivering the behavioural change required to achieve this:
 - The location of the development is at the confluence of the Northern Gateway with the main orbital highway in North London (the North Circular);
 - The fact that these highways leading to the site will tend to attract drivers to access the development by car from a wide catchment area which may lead to the emergence of unsustainable travel patterns;
 - For orbital movements, there is not a high level of public transport provision to provide an alternative to the car;
 - For radial movements in the direction of peak flows there is substantial crowding on public transport routes;
 - The location of the development would lead to major increases in congestion and queuing on key strategic routes if the behavioural change expected is not achieved to the disadvantage of those travelling through the area on the strategic network;
 - Protection of the strategic highway network will lead to queuing and congestion being transferred to the local highway network to the disadvantage of residents and those working in the area and will cause disruption to bus services.

Comment:

Comments on the main point are on page 76 of Appendix 4 in the committee report which highlighted the TA prediction that a large number of new trips will be by non-car modes, that the accessibility by public transport to the area will improve substantially and that there will be extensive monitoring and control of the development. Detailed comments are as follows:

- there is an expectation that some existing car trips will shift to public transport;
 - as mentioned above the BXSC is currently a significant draw for longer distance trips and therefore the impacts of this traffic has already been accounted for in the base year situation;
 - the 10% sensitivity test and radial movement issues are also mentioned above;
 - it is reasonable that some orbital trips will be made such as those between the site and Brent for various purposes, and information provided in TA Volume 2 Appendix V(P5) shows that there is spare capacity on orbital bus routes to provide for this;
 - the roll-out of the development will be contained within the envelope assessed by the TA through the Matrix/PTR/RMTR approach to assessing the mode share progression at each stage;
 - the impact on the local road network has been assessed and capacity improvements have been designed to mitigate only the development impact plus predicted traffic growth and to avoid overprovision of highway capacity.
- It is not apparent that the public transport provision will be perceived as suitable alternative for the car with regard to accessing the expanded retail offer at the shopping centre.

Comment:

The development proposals include a new bus station and an enhanced bus network which will have capacity to cater for the forecast public transport demand which would result from the impacts of maintaining the car parking provision at the retail centre at its current level and introducing price control. Chapter 4 of the TA Main Report and TA Volume 2, Appendix III (K) describes how the BXC transport model takes into account the impacts of car parking availability and price at BXSC upon on mode shift and public transport use.

PEDESTRIAN / CYCLING IMPACTS

The key PBA concern is that the degree of connectivity of pedestrian and cycling links to the surrounding area is limited, as set out below:

- The TA at Figure 8.3 provides details of the proposed pedestrian and cyclist networks. This shows that links are being provided within the development but the degree of connectivity to the surrounding area is severely limited. In order to secure the desired modal shift it will be essential to achieve such linkages within the development and ensure these integrated with the adjacent areas.

Comment:

Comments addressing the above are on page 77 of Appendix 4 in the committee report which summarises the cycling and walking proposals and further proposed studies control mechanisms.

HIGHWAY IMPACTS

PBA consider that without the achievement of the aspirational mode share targets for non-car modes, the development will lead to a further deterioration in the quality of the road network, including the strategic highway network serving the Wembley area at busy times. Key concerns are:

- The TA acknowledges that the Scheme does not include the provision of a highway network capable of accommodating all the predicted traffic.

Comment:

Comments on this point are on page 77 of Appendix 4 in the committee report where reference is made to the Integrated Transport Strategy and the junctions assessments in the TA..

- Certain junctions on the local road network are still considered as being likely to be under severe pressure, even after improvements are made. For some junctions requiring capacity enhancements that would entail land and property acquisition there are no plans to improve them.

Comment:

The transport modelling that supports the TA considers the local road networks. It is essential to maintain the function of these to support the development and the local (and London) economies. Improvements are proposed to the local road network to maintain its functionality that are proportionate to its performance in relation to the wider local road network. The key junction is the A407 / Claremont Road where there will be an improvement implemented as part of the PDP, but a junction layout that would fully address the impacts of all the development related traffic would be impractical, require substantial property acquisition and result in unacceptable traffic impacts on adjacent areas, mostly in Brent and Camden.

- The concerns about the adequacy of the modelling of potential highway impacts from the BXC development are further exacerbated by limitations placed on extent of the area (Area of Influence) within which junctions have been assessed. The area excludes junctions accessing the new Wembley development.

Comment:

Comments on this point are on page 77 of Appendix 4 in the committee report where reference is made to the assessment of the area of influence of the scheme in the TA.

PUBLIC TRANSPORT IMPACTS

PBAs key concern is that it is questionable whether TfL would support a rapid transit system, or other 'essential' public transport improvement proposed:

Comment:

Comments on this point are on page 77 of Appendix 4 in the committee report which summarises the support amongst the key stakeholders for the various key public transport improvements. Officers consider that the provision of a high quality, bus-based RTS to link through the Development site to connect the major transport nodes is essential. TfL have accepted this two tier approach provided that the bus subsidy to provide new and enhanced bus services fully meets the needs of bus travellers to and from the development. New and enhanced bus services to and from the development have been agreed with the transport authorities as a basis for the public transport modelling and these enhanced services have been used as the basis for agreeing the bus subsidy contribution. However it is recognised that the actual bus services procured at the time of implementation will be the responsibility of TfL (in liaison with the relevant boroughs) and will take into account wider issues prevalent at that time. The modelling shows that for the do something bus patronage generally makes good use of existing spare capacity on key routes that terminate at the bus station.

SENSITIVITY TESTS

PBA advise that those so far undertaken do not give sufficient comfort that the highway network in particular will be able to adequately accommodate the proposed development in its current form.

Comment:

Officers' view is that the sensitivity tests have been undertaken as requested to provide clarification to the Council and other highway authorities and the results have demonstrated that the BXC model is a robust transport planning tool upon which to base the TA.

TRIGGERS

PBA advise that there is a need to ensure that the public transport infrastructure in particular is delivered at a sufficiently early stage. If not it is difficult to see the mode share targets being delivered. Key concern is:

- Concerns about the robustness of the modelling would therefore also cast doubt on whether the trigger points for infrastructure improvements are fit for purpose and either need to be brought forward or otherwise modified.

Comment:

Comments on this point are on page 78 of Appendix 4 in the committee report which summarises the approach to the triggers and how the proposed controls will ensure mode split targets are met.

DEMAND MANAGEMENT

This is a new section in the PBA advice. They see controls including effective monitoring and management of future demand on the transport network as being key in addressing their issues, but are concerned about how the controls will work in practice.

Comment:

A very comprehensive framework of control is proposed, as set out in the committee report. The monitoring regime in particular is designed to ensure that the development is performing as predicted in the TA and FTP, Transport Matrix assessments will need to be carried out and Transport Reports submitted and approved, amongst other requirements, prior to development commencing in any phase. It is a fundamental tenet of the control framework that if, for example, the mode split progression to the End-state targets are not being achieved, then the next phase of development would only be approved if the applicants can demonstrate that the mode split performance can be improved so as to fully recover the position. This would be through bringing forward existing proposed mitigation measures, and / or proposing additional incentives to promote and encourage travel by non car modes.

FURTHER REPRESENTATIONS FROM BRENT COUNCIL

This section discusses the letter dated 20th October 2009 from Brent Council, which generally welcomes the response set out in the committee report to matters Brent raised in previous correspondence. The letter goes on to set out the remaining concerns, each of which is commented on below:

Main report - A5 junctions with Geron Way and Humber Road, and junction with Oxgate Gardens, MML link bridge and Dollis Hill Lane

- Brent does not accept the junction proposals and wishes to see them re-designed.

Comments:

Officers accept Brent have concerns about traffic movements along the A5 corridor and the interaction with the local road network. Various issues have been raised through representations regarding the junctions mentioned and it is fully intended that they will be addressed by the authorities working closely as part of the A5 Corridor Study and the Highway Act approval process.

Proposed Conditions and Section 106 Heads of Terms

- Brent seeks clarification on its involvement in agreeing the geographical extent of a future CPZ.

Comments:

It is envisaged that extent of CPZs would be discussed and agreed through the TAG, with the geographical extent of any CPZ in Brent being fully agreed with Brent Council.

- Brent anticipates parking impacts will occur beyond the development area and wish to be a party to consideration of CPZs in Brent through the CTF.

Comments:

Officers agree that it is highly likely that there will be parking impacts on local roads in Brent outside the Scheme area at some point as the development rolls out, and this would need to be determined through monitoring which the Developers are committed to, and which will be overseen through the TAG, and Brent will be fully involved. See below regarding the CTF.

- Confirmation is sought that Brent will be consulted on all Reserved Matter Applications (RMAs), including applications relating to the WHF, FHF and BXSC, together with all PTRs, triggers, ICP etc.

Comments:

Brent will be fully involved in all the matters listed in their letter, although for clarity, the achievement of a trigger point and thus the requirement for an infrastructure item to be provided before further development is occupied / commenced, does not in itself require a RMA.

- Confirmation is sought that Brent would be a full member of TAG, and not just invited from time to time.

Comments:

Brent will be a full member of TAG.

- Recognising that Brent have no control over the allocation of CTF funds nor approval of monies for scheme projects arising out of the A5 Corridor Study, details on the mechanism(s) by which Brent will be able to utilise the CTF are sought.

Comments:

There is no absolute control over the CTF by Brent but there is a clear onus and duty on Barnet to act at all times reasonably and there are clear mechanisms in place that should provide Brent with the necessary comfort, including:

- A5 Corridor Study - this study is to be prepared and completed in full consultation with Brent. Should the study conclude that there is the potential for additional impacts as a direct result of the BXC development any supplementary works will be directly funded by the Development Partners, i.e. not from the CTF;

- TAG and Monitoring - the process through which TAG will seek to secure funds from the CTF is subject to detailed drafting in the Section106 Agreement. However, the anticipated approach is as follows. The application has set out clear requirements for continual monitoring of the traffic impacts of trips generated by the development. Monitoring results will be presented and discussed as part of TAG and should this identify additional impacts as a result of the BXC development on local roads within Brent, TAG will discuss these and identify potential remedial proposals. A recommendation can then be made by TAG to Barnet to fund these proposals from the CTF. It would clearly be unreasonable for Barnet to ignore such recommendations unless it had justifiable reasons for doing so.

- Matrix and Phase Transport Reports (PTRs) / Reserved Matter Transport Reports (RMTRs) - the application has defined a process involving a Transport Matrix and PTRs/RMTRs within which the applicants need to demonstrate, prior to development commencing in that phase, that flows on key gateway junctions and general operation of traffic as a result of the development is no worse than that predicted in the TA. The Matrix and PTRs/RMTRs will be analysed by Barnet and TfL, and consultation will be undertaken with Brent. The protection afforded to the authorities through this process is that should the applicants not be able to provide satisfactory comfort approval will not be forthcoming and thus development in the phase cannot commence.

- Details of the projected timescales for the A5 Corridor Study and the level of funding are requested.

Comments:

The timescale for the A5 corridor study cannot be precisely defined at this time, given that various stages, such as the CPO, would need to be progressed. Assuming the outline application is approved, it is probable that the earliest the study would need to be completed by is 2012. As mentioned above the study will be fully funded by the DPs, as will any further or modified mitigation measures that arise out of the study. Other improvements identified by the study, but not considered to be direct mitigation due to the development, may be funded from the CTF. Clearly until the study is completed it is not possible to identify the extent of funds required but Brent should be reassured by the fact that the CTF is substantial, including a dedicated £1.25m 'adjoining boroughs' fund and a contingency fund of £6.3m, and Barnet have some discretion as to how funds are allocated depending on the outcome of future studies such as A5 Corridor Study.

- Brent requests some amendments to the wording of three conditions.

Comments:

Officers have reviewed Brent's suggested changes to draft planning conditions 20.12, 20.13 and 24.4. These conditions relate to specific junctions i.e. A407 / Claremont Road, A407 / A5, A5 / WHF and A5 / MML. The application seeks full planning permission for these and has recognised that some works will be required within Brent to facilitate operation of these

junctions, although such works will be undertaken within existing highway land boundaries. The conditions acknowledge the need for Section 278 Agreements with Brent for the works that fall within their highway land. Brent is seeking to widen this requirement to include 'other adjacent local roads'. This runs beyond the scope of these conditions and is not considered necessary. As discussed above the need to work in close collaboration with Brent to ensure that there are no additional impacts on local roads as a result of the BXC scheme is committed, in particular through the A5 Corridor Study. Separate planning conditions and obligations exist to control the A5 Corridor Study, and as such there is no need to merge the issues by altering the planning conditions.

The second change proposed by Brent is the inclusion of 'highway/parking measures' to be agreed prior to the development of the above junctions. Separate obligations exist to address CPZs in Brent and officers consider there no merit in merging and confusing these issues in the manner suggested.

In summary, officers consider that the changes proposed are already addressed in separate planning conditions and obligations, and that merging the issues into these conditions will result in confusion.

Concluding paragraph

- Brent welcome the opportunity for further discussion on the matters set out above, particularly the Section 106 and the mechanism by which funds are spent to deliver mitigation measures in Brent.

Comments:

Officers are keen to engage with Brent going forward, in particular in the drafting during the coming months of the full Section 106 agreement. Officers repeat the wholehearted commitment of the council to adopting a reasonable approach to allocating funding from the CTF for appropriate mitigation measures in Brent.

FURTHER REPRESENTATIONS FROM ANDREW DISMORE MP

A further letter (dated 13 October) has been received from Andrew Dismore MP withdrawing his objection on the basis of an improved affordable housing offer. He feels that the improved offer will mean that people on lower and middle incomes will benefit from new homes within their reach. He reiterates his support for the concept of a new town centre and the many jobs it will bring.

Comment – the target of 2,250 units overall and a minimum provision of 15% for each phase will be secured through the detail of the affordable housing review mechanism in the S106.

REPRESENTATIONS FROM DARREN JOHNSON, GLA ASSEMBLY MEMBER (GREEN GROUP)

A letter (dated 12 October) has been received objecting to the application on the grounds of the car trips generated leading to congestion and air pollution. He believes that the additional trips generated outlined in the planning application are an underestimate and that a few thousand extra vehicles can have a disproportionate effect on a road network already at capacity. Insufficient studies have been carried out in relation to impact of the proposal on local shopping centres.

Comment – These issues are dealt with in the appraisal section of the committee report.

REPRESENTATIONS RECEIVED FROM A RESIDENT OF THE RAILWAY TERRACES

A number of emails have been received from a resident of the Railway Terraces seeking further clarification on a number of issues relating to noise from the rail freight facility, construction noise and open space provision.

NOISE FROM THE RAIL FREIGHT FACILITY – concern has been expressed that the night time noise standard specified is Noise Exposure Category A in PPG24. This relates to new housing and concern has been expressed that this is not the appropriate criteria to apply to existing areas of housing such as the Railway Terraces. BS4142 should be applied as this states that the noise created should be lower than background noise. The resident states that background noise can be very low in the terraces at night.

Comment – (These issues are dealt with on pages 189-191 and page 205 of the committee report and Condition 42.1 on page 89 of Appendix 1)
The Revised Environmental Statement submitted as part of the application has assessed the affects on the Railways Terraces area and the relevant paragraphs are as follows:

9.5.11. *The houses in the Railway Terraces Cricklewood Conservation Area are close to the railway, but ambient noise levels are quite low, as quantified from two surveys reported in Section 9.4. Night-time background noise levels fall below LA90, 10 min 40 dB and LAeq, 10 min 45 dB, with peak noise levels generally measured around LAFmax 10 min 60 dB with occasional levels up to 80 dB.*

9.5.12. *Noise modelling has predicted the effect of a large landscaped screening structure along the boundary of the Cricklewood Curve and a 7.5 m wide buffer zone has been allocated to provide for this, as shown on Parameter Plan 018 (Figure 2.18 of the RES). The noise assessment was based on a number of conservative assumptions as to the likely use of the freight yard. It was estimated that at night the*

noisiest 5 minute period from routine operations would arise when two lorries pass in and out of the facility docking (with reversing alarms sounding) at loading bays at the southern end of the building. Noise modelling indicates that it would not be possible to prevent any increase in noise levels at the closest properties, although it should be possible to control noise levels from the facility to within LAeq, 5 minutes 45 dB at the nearest property. Over a full 8 hour night LAeq, 2300-0700 hours levels would be lower than the 45 dB LAeq level predicted over 5 minutes. This is within the night-time noise standard specified as Noise Exposure Category A in PPG24 for new residential development (45dB LAeq 2300-0700 hours). As such the operation of the freight facility is not expected to cause sleep disturbance, although the increase in noise will be noticeable during periods of lorry activity.

It is therefore predicted that the main external noise will be intermittent noise from lorries. It is predicted that this will increase noise levels in the Railway Terraces area at night and will create some noise impact.

This is an outline application and should planning permission be granted there will be a need for many approvals under the outline application, including reserved matters approvals, which under the proposed planning conditions and planning obligations will be governed by the relevant parameters and principles approved under the outline application. Condition 42.1 anticipates the need for control of this aspect of the Rail Freight Facility:

42. Rail Freight Facility

No Development shall Commence within Phase 4, until a Reserved Matters Application and Other Matters Application, which includes the following details in relation to the Rail Freight Facility on Plot 60, shall be submitted to and approved by the LPA:

- a) *Potential uses and users of the facility;*
- b) *siting, layout, design and external appearance of the Rail Freight Facility;*
- c) *details of highway access, external manoeuvring areas and parking;*
- d) *An enforceable route management and servicing strategy in consultation with neighbouring authorities.*
- e) *details of proposed external lighting;*
- f) *details of landscaping (including trees and shrubs to be planted, including species, size of stock and planting layouts) and means of enclosures, including the acoustic screens to be erected on the northern and southern boundary of the site;*
- g) ***a report confirming that the design of the buildings, yard facilities and operational practice will ensure that night time noise levels at nearby residential properties***

in the Railway Terraces Conservation Area do not exceed LA eq 5mins 45dB and that at all times noise emissions at the nearest noise sensitive premises do not exceed 5db below existing background LA90 noise levels, in accordance with BS4142; and

- h) a statement to demonstrate conformity with the parameters and principles described in the DSF (particularly paragraph 5.78) and Design & Access Statement.*

Reason: To ensure high standards of urban design, landscaping and environmental mitigation.

Officers consider that these conditions will provide appropriate safeguards to protect residential amenity in the Railway Terraces.

CONSTRUCTION NOISE – concern is expressed over the levels of construction noise likely to be permitted. The applicant has set out likely noise levels in the Code of Construction Practice submitted as part of the Revised Development Specification and Framework. Concern is expressed that these noise limits (at 75dB or 65dB) are not appropriate, 15 minute assessment criteria should be set and that given the prolonged period of construction, lower limits should be set.

Comment - (These issues are dealt with by Conditions 8.1 and 8.2 on pages 23 and 24 of Appendix 1) The criteria used for construction noise assessment and in the Code of Construction Practice are in line with standard practice for major developments. The Code of Construction Practice submitted with the application is essentially a draft and the conditions outlined below require a Code of Construction Practice that reflects best practice guidance and relevant circumstances at the time of submission. Condition 8.2 requires that this should be revised every three years (in light of: “... issues of concern or causes of complaints which might arise in relation to the operation of any approved version of the CoCP.”)

These conditions are outlined below:

8.0 Code of Construction Practice

- 8.1** *No development shall Commence unless and until the CoCP, has been submitted to and approved by the LPA in accordance with the parameters and principles and the scope described referred to and defined in the Draft CoCP and revised to ensure that it reflects best practice guidance and the relevant circumstances at the time of its submission for approval. Thereafter the development shall be carried out in accordance with the approved document and any subsequent amendments shall be agreed in writing with the LPA. For avoidance of doubt the final Code of Construction Management Plan should cover the following minimum requirements:^[1]*

- (i) *Machinery (Noise & Vibration Levels and mitigation measures, location and storage of plant, materials and fuel, access routes, access to banks etc.)*
- (ii) *Protection of areas of ecological sensitivity and importance*
- (iii) *Site supervision*
- (iv) *Methods for the control of dust and air pollution*
- (v) *Methods used for all channel and bankside water margin works*

Reason: To ensure that the construction of Development uses best practicable means to minimise adverse environmental impacts.

8.2 *The CoCP shall be revised by the Developer at least every 3 years to reflect any changes in relevant best practice guidance or other relevant policy guidance and so as to satisfactorily address (insofar as may be reasonably practicable) any issues of concern or causes of complaints which might arise in relation to the operation of any approved version of the CoCP and (unless the LPA shall have confirmed in writing to the Developers that no review is required for the time being) the Developers shall submit such revised CoCP to the LPA for approval by the LPA no less than every 3 years. Following any such review the Development shall be carried out in accordance with the approved revised CoCP, unless otherwise approved by the LPA*

Reason: To ensure that the construction of the development uses best practicable means to minimise adverse environmental impacts.

Officers consider that these conditions provide appropriate safeguards.

OPEN SPACE – the area of green space between Cricklewood Lane and B & Q has been omitted from Parameter Plan 003 and the schedule of open spaces. This is a prominent and welcome green space in the Cricklewood area. This omission casts doubt on the accuracy of the open space proposals.

Comment – the area in front of B & Q (0.23 ha approximately) has not been included in the schedule or calculations of open space. The spaces listed on Table 5 of the Revised Development Specification and Framework and listed on page 174 of the committee report are recognised as useable areas of open space consistent with those identified in the Development Framework. The area in front of B & Q is not considered to be a fully useable open space for the purposes of the calculation of existing open spaces.

In respect of the overall accuracy of calculations for the existing amount of open space it should be noted that **Condition 2.3 on page 16 of Appendix 1** requires that prior to or coincident with the first Reserved Matter application in any Phase or Sub Phase a detailed and precise site measurement survey should be conducted and submitted of all existing open spaces within the

area. This condition will make sure that the approved parameters and principles as to the provision of new additional open space are fulfilled as the Development proceeds.

REPRESENTATIONS FROM A RESIDENT OF BRENT TERRACE

A letter has been received from a resident of Brent Terrace raising a number of concerns:

Barnet Council has a vested interest in the project as it will help the Borough meet its ten year housing target.

Comment - The principle of the comprehensive regeneration of the Brent Cross Cricklewood area is part of the established planning framework for the area. It is defined in the London Plan as an Opportunity Area where substantial new growth is expected in both homes and jobs. The Barnet Unitary Development Plan has a chapter (Chapter 12) devoted to the policies and principles that underpin this comprehensive regeneration. These two documents guide any development control decisions in the area. The committee report analyses the various policies contained in these two documents and concludes that the planning application is overall in accordance with these policies. All local authorities have housing targets and it is to be expected that these new homes should be provided in areas already designated for growth such as the Brent Cross Cricklewood Area.

The committee report is 800 pages long is costly for the public to reproduce and/or requires access to the internet. It is not 'user friendly' and this is deliberate as the Council wants the project to go ahead.

Comment - A project of this size and complexity requires a thorough appraisal and council members need to be made aware of the full range of planning controls proposed for this application (Appendix 1 and 5). The report contains a summary and this was written to help explain the main issues covered in the report. The Council held two public exhibitions (in May and December 2008) to help explain the proposals to members of the public. The consultation arrangements are fully explained in the report and are well in excess of the minimum requirements. A substantial number of representations have been received and these are outlined in the committee report and Appendix 4.

The report contains omissions, mistakes and contradictions.

Comment - All issues material to the consideration of the planning application are dealt with in the planning appraisal section of the report or in the consultation appendix.

Some of the issues raised through the consultation process are not planning related or are not material to this stage of the planning process. This is an outline application and the detail of the proposals for a particular development area or plot will be dealt with at the next stage of the planning process.

A number of mistakes were made in the final draft of the report and these have been corrected through the first and second addendum reports. These

mistakes do not include any significant omissions in relation to the appraisal of the application.

Only one scheme by one group of developers has been considered by the Council.

Comment - The purpose of the committee report and the committee meeting is to appraise and consider this particular planning application submitted by the applicants.

The consultation process and the arrangements for public speakers to address the committee for this £4.5 billion project has been the same as for a block of flats.

Comment: The consultation process has been explained elsewhere and has been extensive. It is now intended that – subject to the agreement of the full Council on 3 November – that all registered speakers should be allowed to speak at the proposed special meetings on 18 and 19 November.

Councillors are not mandated to visit the area or talk to local residents and businesses.

Comment – The councillors who will be taking the decision are all familiar with the local area and will have been invited to attend at least one site visit.

The project is one of the largest in London, affects several boroughs and it is inappropriate for local councillors to take the decision

Comment - This application is a 'strategic' application and should members resolve to approve the application it will be referred to the Mayor of London and the Government Office for London for their consideration as set out in the recommendations to the committee report.

A decision will be made despite the lack of information on key aspects of the scheme such as quality of the buildings, school facilities etc.

Comment - The officers consider that in the context of this outline planning application there is sufficient detail to enable the application to be properly appraised and determined. Many of the details are in the form of parameters and principles which are to be tied into the planning permission by means of the proposed planning conditions and the section 106 Heads of Terms. Whilst the scheme is large-scale and complex, this general approach is a conventional approach to major regeneration proposals where a degree of flexibility is required to enable the development to be delivered. The environmental assessment has been based on these parameters and principles and the officers are of the view that the ES, the DSF and the Design and Access Statement satisfy the relevant legal requirements.

If outline planning permission is granted, there will be a need for many approvals under the outline permission, including reserved matters approvals and other matters approvals, which under the proposed planning conditions and planning obligations will be governed by the relevant parameters and principles. The officers consider that this therefore provides a robust framework of control for the delivery of the scheme and one which will ensure that it is compliant with the Environmental Impact Assessment regime and other relevant guidance relating to the planning permission. In addition, some of the elements within the development will require approvals under other statutory regimes, such as the waste management and the pollution prevention and control regimes, under which further environmental impact assessments will almost certainly be required in respect of the detailed processes proposed in respect of such facilities: this would include facilities such as the waste handling facility and the CHP/CCHP.

Little in the application has changed in response to the consultation responses.

Comment - All comments were considered and the extensive series of planning controls proposed in Appendix 1 and Appendix 5 should be seen as a way of dealing with many of the issues of concern raised by local residents and other consultees.

Many people in the wider affected area including Camden and Brent were not consulted.

Comment - Approximately 20,000 people received letters on two separate occasions. This included several thousand residents of Brent and Camden who adjoin the application site.

Barnet residents should be listened to by the organisation that is elected to represent them and not feel that the Council has just 'gone through the motions'.

Comment: The issues raised by local people during the extensive consultation process undertaken are adequately reported in the main committee report and in Appendix 4. Committee members will have read these comments and will have taken them into account in making their decision at the Planning and Environment Committee.

THE LONDON PLAN – CONSULTATION ON DRAFT REPLACEMENT

In October 2009 the Mayor commenced consultation on the draft replacement of the London Plan. This consultation draft places emphasis on the role of Outer London including developing the Outer London economy and infrastructure. This includes in Policy 2.7:

“b. identifying, developing and enhancing capacity to support both viable local activities and those with a wider than sub-regional offer including Strategic Outer London Development Centres (see Policy 2.16).”

Policy 2.13 confirms Brent Cross Cricklewood as an Opportunity Area with significant capacity to accommodate new housing, commercial and other developments linked to public transport accessibility.

Policy 2.16 identifies Brent Cross Cricklewood as a Strategic Outer London Development Centre as it has a strategic function of greater than sub-regional importance in relation to the office market (subject to demand) and retail. BXC is highlighted as a business location with potential to generate significant growth of economic significance in these two sectors especially. The potential for strategically significant specialist growth will be explored by the Mayor with relevant stakeholders in ways which will not undermine the prospects of other business locations.

Policy 3.4 states that housing potential should be optimised and re-affirms the density matrix in the current London Plan.

Comment – These consultation proposals on the London Plan reinforce the role of the Brent Cross Cricklewood Regeneration Area as an area of strategic importance to the Outer London Economy. The policies for optimising housing density support the higher density housing proposed in the planning application.

PART TWO

PETITION SUBMITTED BY CRICKLEWOOD REGENERATION PETITION GROUP

This petition suggests the planning application should be rejected in its present form for the following reasons:

- 1) The size - 7,500 homes and offices and businesses, which we considered would be unsustainable in terms of its effect on traffic.
- 2) The high rise nature of the development – i.e. 9, 11 and 21 storey buildings, being totally out of keeping with the area and overshadowing existing homes.
- 3) The knocking down of the Whitefield Estate, Clarefield Park, the shops in Claremont Way, and Hendon Sports centre , which we consider insupportable.

A response to these issues is contained on page 44 and 45 of Appendix 4 (Standard Letter A).

The issues listed on page 117 of the main committee report and page 43 of Appendix 4 were submitted from the same address as the Petition and were incorrectly reported as the issues of concern raised in the petition.

**ADDENDUM TO THE REPORT OF THE HEAD OF
PLANNING AND DEVELOPMENT MANAGEMENT**

18 & 19 NOVEMBER 2009

PAGE 1 – 12

PLANNING AND ENVIRONMENT COMMITTEE

18 AND 19 NOVEMBER 2009

**THIRD ADDENDUM (DATED 18 NOVEMBER) TO THE REPORT OF THE
HEAD OF PLANNING AND DEVELOPMENT MANAGEMENT**

C/17559/08

BRENT CROSS CRICKLEWOOD REGENERATION AREA

The committee report for the Brent Cross Cricklewood planning application was originally drafted for the 23 September 2009 meeting of the Planning and Environment Committee and two addenda were published on 1 October and 5 November to report and advise on issues raised in representations received and to deal with minor amendments that were required to correct errors.

This Third Addendum sets out a consolidated and amended recommendation based on the advice contained in the Second Addendum on the issues raised by Bestway and the applicants in relation to the application of UDP Policy C10. It also updates the committee on progress made in agreeing the outstanding governance issues with TFL and reports that TFL have now agreed the S106 Heads of Terms as explained in this Third Addendum. The consolidated recommendation set out in this Third Addendum reflects the agreement that has been reached with TFL.

The structure of this Third Addendum covers the following matters:

1. Amended recommendations and draft reasons for approval.
2. Update on the Agreement of the parties to the Revised Heads of Terms (including TFL).
3. Update on further representations received.

**SECTION 1: CHANGES TO THE RECOMMENDATIONS AND DRAFT REASONS
FOR APPROVAL**

Discussions have continued to take place with the Greater London Authority and Transport for London and various issues have also been raised in the addenda that have resulted in a number of suggested changes to the Recommendations and draft reasons for approval. The revised recommendations and reasons for approval are set out below.

RECOMMENDATION:

Having taken into account all environmental information received by the Council under the Environmental Impact Assessment (EIA) process and giving full consideration to the environmental impacts of the proposed development, it is concluded that the proposed development is in accordance with the statutory development plan generally and taken as a whole and that there are no other material considerations that should outweigh the grant of permission in accordance with the development plan and it is recommended that the Committee resolve to approve the proposed development subject to:

1) The application being one of strategic importance to London, it will be referred to the Mayor of London and the Government Office for London and no direction to refuse being received from the Mayor of London and no call-in Direction being made by the Secretary of State;

2) In the light of TfL's agreement with the Council in relation to the precise governance arrangements for their involvement in the determination of STN Applications and making CTF Decisions (as explained in this Third Addendum report and set out in the revised Section 106 Heads of Terms appended to the Third Addendum), that the applicants and the other persons shown in the Heads of Terms appended to this report in Appendix 5 as having a requisite interest in the site, shall before the planning permission is issued, be required to enter into planning obligations in the form of a Section 106 agreement to be drafted so as effectively to incorporate and transpose the Heads of Terms Appended to the Third Addendum to the satisfaction of the Head of Planning and Development Management.

3) That the Committee should carefully consider the suggestion in some representations in respect of the BXC application that the proposed development may be contrary to the UDP, on the basis of an interpretation of Policy C10 that is inconsistent with Policy C1 and on the basis of an assertion that Policy C10 takes priority over Policy C1. Having regard to the information and advice contained in the Committee Report and its Addenda, the Committee should conclude that, even if UDP Policy C1 and C10 were construed as being in conflict (rather than being interpreted as being consistent, as explained in the First Addendum):

- a) Policy C1 is considered in such circumstances to be the dominant policy and carries considerable weight in the light of the history of the adoption of the UDP and London Plan Policy 5B.2; and
- b) In the light of the information set out in the Committee Report and its Addenda, particularly the information as to errors that occurred in the final adoption of the UDP Proposals Map in a form which was inconsistent with the Development Framework to which reference is made in both London Plan Policy 5B.2 and UDP Policy C1, the Committee attaches little weight to UDP Policy C10 and the UDP Proposals Map if and to the extent that they are inconsistent with Policy C1 and/or London Plan 5B.2; and

On this basis, and taking account of all material considerations, the Committee concludes that the proposed development is in accordance with the development plan generally and taken as a whole, even if it is assumed that Policy C10 is inconsistent with Policy C1.

4) That (subject to obtaining the Mayor's and the Secretary of State's respective decisions not to direct refusal of and/or to call in the application) upon completion of the above Section 106 agreement in accordance with recommendation 2) above the Head of Planning and Development Management be instructed to APPROVE the application ref: C/17559/08 under delegated powers and grant planning permission subject to conditions substantially in the form contained in Appendix 1 (with such detailed amendments as the Head of Planning and Development Management may consider to be reasonable and necessary in the course of negotiating the detailed Section 106 Agreement and in the light of the Stage 2 response of the Mayor).

5) Should the Council's Head of Planning and Development Management and the other parties to the proposed agreement be unable to agree appropriate detailed terms for the Section 106 Agreement in accordance with recommendation 2) so as to enable the planning permission to be granted within six months of the recommended resolution to grant planning permission, officers are instructed to report back to committee.

6) That authority be delegated to the Head of Planning and Development Management to prepare a summary of reasons for the decision to grant planning permission pursuant to Article 22(1) of the GDPO 1995 and regulation 21 of the EIA Regulations 1999 which are consistent with the reasons set out in this report.

RECOMMENDED REASONS FOR APPROVAL

The reasons for this grant of planning permission or other planning related decision are as follows: -

The proposed development accords generally and taken as a whole with strategic planning guidance and the policies as set out in the Mayor's London Plan London Plan (consolidated with Alterations since 2004) (published 19 February 2008) ("the London Plan") and the Adopted Barnet Unitary Development Plan (UDP) (2006) ("the UDP"). The proposals would deliver comprehensive regeneration across a large part of the regeneration area identified in the UDP and the adopted non statutory Development Framework. The Environmental Statement and its various technical assessments (supplemented by the responses to the Council's regulation 19 request), together with the consultation responses received from statutory consultees and other stakeholders and parties, provide sufficient information to enable the Council to determine this application with knowledge of the likely significant impacts of the proposed development.

In particular, the Council has considered points raised regarding the interpretation of Policy C10. Even if it is assumed that Policy C10 is inconsistent with Policy C1, Policy C1 is the dominant policy and carries considerable weight in the light of the history of the adoption of Policy C1 and C10 and London Plan Policy 5B.2. On this basis, and taking account of all material considerations, the Committee concludes that the proposed development is in accordance with the development plan generally and taken as a whole, even if it is assumed that Policy C10 is inconsistent with Policy C1 and there is conflict with Policy C10. Further and in any event, it is considered that the proposed waste handling facility is justified on the material before the Council.

Whilst a large number of issues have been raised by objectors to the scheme it is considered, for the reasons explained in the detailed analysis, including the responses to the objections contained later in the main Committee report (including

Appendix 4) and the subsequent addenda, that planning permission should be granted for the scheme subject to appropriate safeguards to ensure that necessary controls and mitigation measures are established. This decision is taken on the basis of the proposed controls, mitigation measures and delivery commitments contained in the draft conditions and in the revised Heads of Terms for the Section 106 Agreement (as reported in this Third Addendum and entered on the planning register) which are considered to provide an adequate framework of control to ensure as far as reasonably practicable that the public benefits of the scheme will be realised in accordance with relevant planning policies whilst providing the mitigation measures and environmental improvements needed to address the likely significant adverse impacts of the development.

In particular the following policies are relevant and the proposed development is generally in accordance with the development plan generally and taken as a whole:

Barnet Unitary Development Plan (Adopted May 2006)

GSD; GMixedUse, GWaste, GBEnv1, GBEnv2, GBEnv3, GL1, GParking, GCS1, GEMP2, GEMP3, GTCR1, GRoadNet, GCrick, ENV7, ENV12, ENV13, ENV14, D1, D2, D3, D4, D5, D6, D9, D10, D11, D17, HC17, O1, O2, O12, O13, O14, O15, L6, L9, L10, L11, L12, L14, L27, M1, M2, M3, M4, M5, M6, M7, M8, M9, M10, M11, M13, M14, M15, M16, M17, H2, H16, H17, H18, H20, H21, CS1, CS2, CS5, CS10, CS11, CS13, EMP6, TCR1, TRC2, TCR12, TCR13, TCR18, C1, C2, C3, C4, C5, C6, C7, C8, C9, C10, C11, IMP1, IMP2.

The Mayors London Plan (Consolidated with Alterations since 2004)

2A.1, 2A.2, 2A.5, 2A.9, 3A.1, 3A.2, 3A.3, 3A.5, 3A.8, 3A.9, 3A.10, 3A.13, 3A.15, 3A.18, 3A.23, 3A.24, 3A.25, 3B.2, 3B.3, 3B.4, 3B.10, 3B.11, 3C.1, 3C.2, 3C.3, 3C.4, 3C.5, 3C.8, 3C.9, 3C.10, 3C.11, 3C.12, 3C.13, 3C.14, 3C.16, 3C.17, 3C.18, 3C.19, 3C.20, 3C.21, 3C.22, 3C.23, 3C.24, 3C.25, 3C.26, 3D.1, 3D.2, 3D.3, 3D.4, 3D.6, 3D.7, 3D.8, 3D.10, 3D.11, 3D.13, 3D.14, 4A.1, 4A.2, 4A.3, 4A.4, 4A.5, 4A.6, 4A.7, 4A.11, 4A.12, 4A.13, 4A.14, 4A.16, 4A.17, 4A.19, 4A.20, 4A.21, 4A.22, 4A.23, 4A.24, 4A.25, 4A.28, 4A.30, 4A.31, 4B.1, 4B.3, 4B.5, 4B.6, 4B.8, 4B.9, 4B.10, 4B.15, 4C.2, 4C.3, 4C.4, 4C.10, 4C.11, 4C.14, 4C.22, 4C.24, 5A.1, 5B.1, 5B.2, 6A.3, 6A.4, 6A.5, 6A.7 and 6A.8

Having regard to these relevant policies of the statutory development plan and all other material considerations (including all environmental information put forward under the EIA process) the officers consider that subject to completion of the section 106 agreement prior to the grant of permission and the imposition of conditions substantially in accordance with those set out in Appendix 1, the development will achieve the comprehensive regeneration of the Brent Cross Cricklewood Area with a sustainable new town centre for Barnet spanning both sides of the North Circular Road in accordance with the Council's planning policy objectives and those of the Mayor of London.

The application is therefore considered to comply generally and taken as a whole with the relevant policies of the London Plan and the UDP and there are no other material considerations which the officers consider would override the grant of planning permission in accordance with the development plan.

SECTION 2 – UPDATE IN REGARD TO AGREEMENT OF TfL TO THE REVISED SECTION 106 HEADS OF TERMS

As indicated in the Committee report, TfL had largely agreed the draft section 106 Heads of Terms as appended to that report but there were ongoing discussions

between the Council and TfL as to the precise governance arrangements in order to ensure that TfL are closely involved in:

(a) the determination of applications under the proposed planning conditions which would be likely to have significant effects on the strategic transport network (see paragraph 29 of the section 106 Heads of Terms); and

(b) in decisions relating to the use and allocation of the Consolidated Transport Fund provided under the section 106 agreement (see paragraph 29 of the section 106 Heads of Terms).

There are other specific areas in which TfL will have a close and collaborative role in progressing detailed matters under the planning conditions and obligations and these will also be dealt with in accordance with the governance arrangements which have now been agreed with TfL, as well as the applicants, and those arrangements are now described in this section of this Addendum.

TfL has now agreed that the Transport Strategy Group (TSG) should be the framework within which their close collaboration and involvement in such matters will be achieved. This is already fully described in the Committee report and the details are set out in the Section 106 Heads of Terms and the Terms of Reference of the TSG, which were appended (Schedule 4) to those Heads of Terms. The revisions to the Heads of Terms and Terms of Reference agreed with TfL and the applicants are generally detailed drafting matters which do not need to be reported in this addendum, but the following matters are highlighted for the committee:

1. The Council as local planning authority will remain legally responsible for formally making the decisions referred to the TSG in accordance with the conditions and section 106 agreement, but will exercise its powers in relation to such matters in close collaboration with TfL;
2. Both TfL and Barnet, acting in the TSG will act reasonably and will use all reasonable endeavours to reconcile any differences of view as to how any matter shall be decided or determined – this includes any issues of disagreement being referred to an Expert before the matter is referred up to the Political Tier and at that stage there will generally be a recommendation to the LPA based on the Expert's advice;
3. Barnet (acting as LPA) will determine any STN Applications in accordance with the recommendations of the TSG insofar as it may do so without unlawfully fettering the proper exercise of its statutory discretion;
4. A duplicate of STN applications will be submitted by the developers to both TfL as well as to Barnet;
5. The developers will be encouraged to engage in pre-application discussions with TfL and Barnet before they submit an STN application.
6. The developers will have a right to make representations to the TSG and to TfL and Barnet individually, as well as to any expert appointed to advise in the event that TfL and Barnet fail to agree on any matter for decision or determination.
7. The developers have agreed to pay TfLs ongoing costs in respect of their involvement in the matters referred to the TSG and under the section 106 agreement

8. It has been agreed that the London Boroughs of Brent and Camden will be involved in TAG discussions as appropriate.
9. A new Schedule 6 is included in the Revised Heads of Terms setting out the agreed design principles for the new bus station.

The second recommendation in section 1 of this Addendum takes account of these revisions and authorises the section 106 agreement to be prepared and completed on this basis.

Arrangements are being made to enter the revised Section 106 Heads of Terms on the planning register as soon as possible.

SECTION 3: UPDATE ON FURTHER REPRESENTATIONS RECEIVED

FURTHER REPRESENTATIONS FROM THE GLA

A further letter has been received from the GLA (dated 17 November) stating that the applicant has responded to the issues raised in the Stage 1 report and that the majority have now been resolved to GLA officers satisfaction.

TRANSPORT - A mechanism has now been offered by the Council by which TfL can engage at reserved matters stage and advise the Council on the impact of development where this relates to the strategic transport network. TfL expects the applicant to deliver and fund transport infrastructure in advance of, or concurrently with implementation in order to achieve access and modal shift. TfL requires assurances over the delivery of step-free access and works at Brent Cross Tube station, Brent Cross Bus Station, the proposed Rapid Transit System and the new railway station and freight facility. These matters must be addressed in the Section 106 agreement.

AFFORDABLE HOUSING – There are some outstanding issues in respect of affordable housing delivery, in particular the operation of the review mechanism on which agreement is yet to be reached with the applicant. This will need to be addressed through the detailed drafting of the Section 106 prior to the Stage 2 referral.

COMMENT

It is anticipated that these matters will be agreed through the detailed drafting of the S106 Agreement and the framework for this is already contained in the Revised Section 106 Heads of Terms as reported in the Main Committee Report and the update set out in Section 2 to this report. Officers agree that the affordable housing review mechanism be resolved in the detailed drafting of the Section 106 agreement before the Stage 2 referral.

REPRESENTATIONS FROM THE BARNET 55+ FORUM

A letter (dated 11 November) and meeting note (dated 30 September) has been received from the Barnet 55+ Forum. The Forum believes that community interests should be put at the heart of planning for the future. Social cohesion means helping to facilitate community engagement. Barnet does not have a Town Hall or Civic Centre that can function as a community resource. The BXC project offers a unique opportunity to do something about this. Barnet 55+ Forum point out the changing age profile of the Borough and that at the age of 50 people can anticipate 30+ years

of retirement. They would like a venue and resources to include a meeting point with drop in facilities and office space. They would like the Planning Committee to recognise the concept and would like to begin the process of developing the detail. Other issues include maintaining adequate public toilet provision, recognising the housing needs of older people and providing good access to buildings for all.

COMMENT

The application proposes a total of 2,900m² of community facilities made up of the following:

- Multi-Use community facilities of up to 2,500m². This could include a hall and spaces to rent for use by community groups as well as space for training activities.
- Up to 400m² of library space within the Eastern Lands zone. This may be delivered as part of the Community Campus and may be co-located with the replacement for Whitefield School

The precise location of this floorspace and its potential co-location with other facilities will be subject to approval at a later date and will be subject to consultation with other stakeholders at the detailed design stage but provision for this is contained in the Development Specification and Framework and in the Design Access Statement. The precise timing of the facilities will be subject to the detailed delivery plans submitted under the planning conditions before each phase of the development however 1,500m² will be delivered in Phase 1.

The applicants have attended meetings with the Barnet 55+ Forum and it is anticipated that they will be a key consultee in the future development of community of facilities in the Brent Cross Cricklewood Regeneration Area.

Housing – there will be no housing specifically created for older people. All of the new housing will be built to ‘Lifetime Homes’ Standards (where applicable) and 10% of new homes will be designed to meet wheelchair standards or capable of easy adaptation to wheelchair standards. The overall residential floorspace applied for may include specialist residential uses including sheltered accommodation, special needs housing or student accommodation up to a cumulative cap of 750 units.

Inclusive Access – The commitments of the applicants in relation to inclusive access will be secured through planning condition and obligation. This will include the establishment of a Consultative Access Forum which will be consulted in respect of the detailed design strategies and design issues relevant to ensuring that inclusive access is achieved across the whole development.

FURTHER REPRESENTATIONS FROM QUINTAIN

Quintain are the lead developers in relation to regeneration in the Wembley area and they have largely repeated concerns that they have raised previously. They have sent copies of their letter to members of the Committee and so members will be familiar with the issues that they raise. The following points are highlighted in their latest representations and this section contains the officers response to these points.

1. Modal Split Assumptions

Their reference to the “relatively minor increases in walking and cycling” indicates a failure to appreciate that these targets are based on the primary mode of completing a journey and therefore it does not include trips where part of the journey is on foot or by cycle

The target mode share for the development is consistent with that set out in the Development Framework and the progression is detailed in the Framework Travel Plan (page 54), and the public transport mode includes tube travel. Although there is

a large increase in the rail mode share, it is only about half that of bus and tube, with the bus being the dominant public transport mode. The increase in rail travel, including the significant use of spare contrapeak capacity on the rail network has been demonstrated through the modelling work set out in the TA, and its robustness confirmed by sensitivity testing. There is a framework of control on the roll-out of the development to monitor and ensure that the predicted mode split of the development trips actually happens on the network.

2. Strategic Highway Concerns

The study area was agreed with the Highways Agency and TfL as well as Barnet and it covers a very large area. The TA sets out the process that was used to determine the Area of Influence of the trips that will be associated with the scheme (see page 235 of the committee report). All the key transport corridors are assessed, including the North Circular Road, A41 and the A5. The TA scoping was agreed by all the main transport authorities and the TA has not been required to take account of events at Wembley. The TA has been required to assess the impacts of the proposed development for peaks on an average weekday and a Saturday and similarly does not assess special events at BXC such as the Christmas and January shopping sales period at the shopping centre. LB Brent have not raised events at Wembley as an issue and it is understood that events are strongly orientated towards non-car travel with extensive restrictions on car parking. It is acknowledged that the transport authorities will need to work in close collaboration during the construction period, particularly when there are road closures and diversions on the A406 at BXC to ensure that they do not clash with major events at Wembley. The main junctions on the A406, with the A5 Staples Corner, M1 junction 1 and with the A41 have all been modelled in detail and the Developers Consultants' work has been closely scrutinised by the Highways Agency and TfL, as well as by officers of the council and consultants of all three authorities. These detailed junction models are considered fit for purpose, and to have produced realistic results.

Regarding the traffic flows at the proposed A41 / A406 junction Quintain has quoted figures from the original TA which have been superseded by the TASR2. However, the queue length remains large in the TASR2 because the junction model agreed both with TfL and LBB represents a "worst case" assessment of the likely extent of queuing in that the models ensure that the roundabout circulatory carriageway is kept free of traffic queues and so traffic is 'held' on the approaches. The model inputs include coding of a single lane link leading to a short (nominal 50 metres) length of two single lane links into the mid-level junction itself. However, the proposed junction layout allows for a 100 metre long two-lane approach on the eastbound slip road which will feed the circulatory carriageway. Therefore the queues need to be distributed across these two lanes.

In practice the two lane approach will effectively start before the weaving stretch on the A406 and safety will be enhanced through the use of direction signs, lane markings and an overhead gantry that will direct traffic to use the two nearside lanes to exit to the A41 / A406 mid-level junction (and Brent Cross Shopping Centre). This two lane arrangement will enable queue lengths to be, effectively, halved. Traffic continuing eastbound on the A406 will be directed to use the remaining two outside lanes of the eastbound carriageway.

There will be detailed junction modeling undertaken as part of the technical highway approvals and implementation phase and it is expected that queuing will be maintained at an acceptable level even in the Saturday peak period. In conclusion the proposals will provide capacity to accommodate forecast queuing on the

eastbound approach to the A41 / A406 junction and there will be no impact on the throughput of eastbound traffic on the A406 itself, or on the weaving section to enable M1 traffic to join the A406 eastbound.

It should be emphasised that neither TfL or Barnet consider this to be an issue which would justify refusal of permission for the BXC proposals.

3. S106 Heads of Terms

- Lack of Contingency funding

The Transport Contingency Fund has a specific budget of £6.3m, and details are set out in Schedule 5 at the end of the committee report. Paragraph 29.8 in the S106 HoTs makes provision for the Council and TfL to use the Consolidated Transport Fund in a flexible manner, as set out in paragraph 29.6. It is in this context that paragraph 29.8 is written. Reference should also be made to Schedule 5 which details the contributions to the various improvement schemes listed in paragraph 29.8, and officers currently believe that the sums quoted are sufficient to deliver the schemes.

Furthermore, the provisions relating to the Matrix and Transport Reports for each phase of the proposed development are designed to ensure that the development proceeds in a manner which is consistent with the key network performance outcomes as identified in the TA and to meet the relevant policy objectives. There may be restraints and a need for further mitigation measures if this is not clearly demonstrated in the Transport Reports submitted for approval under the planning conditions. This is currently set out and explained in Schedule 1 to the Section 106 Heads of Terms as appended to the Committee report.

- A5 Corridor Study

The key junctions along the A5 where full permission is sought have all been assessed in terms of the feasibility of the design to ensure that they accommodate both the background and forecast development traffic and have also been subject to appropriate road safety checks. They can therefore be implemented as proposed, but the authorities have asked for the A5 Corridor Study to be carried out at the time of detailed design in order to take full account of any changes in existing conditions in the intervening period. Officers consider the proposals and assessments at this stage to be acceptable. The junctions close to the MML bridge link have been assessed as linked junctions. However, the detailed design and any further traffic and safety benefits that may be achieved through linking signals at further A5 junctions along the study corridor will also be looked at as part of the study, which will include creating a very detailed model of the corridor. (The terms of reference of the A5 Corridor Study are set out in Annex 7 of the S106 H of T). However, it is currently anticipated that any actual mitigation measures would be consistent with the scope of the planning permission that is currently being sought. The A5 Corridor Study is an example of instances where Barnet, Brent and TfL will be working closely together in order to ensure that the Study and any additional mitigation measures which it will require to be delivered are effective in addressing the identified impacts of the proposed development along the defined A5 Corridor.

- Assessment of future development phases

Quintain appear to have misunderstood the framework of control that will be applied under the proposed conditions and section 106 obligations. There is a very high degree of control and if the target mode split is not being met then the development

will not be allowed to proceed unless the Transport Report includes mitigation measures, such as additional measures to promote and encourage more sustainable travel. Condition 37 (in combination with Schedule 1 to the Section 106 Heads of Terms) sets out the details of this framework of control. For example, Condition 37.2 will prevent the developers from even submitting reserved matters applications until the Council has approved the Transport Report for the relevant Phase and that Transport Report (under condition 37.1) must comply with a specification and scoping approval which the Council must grant before the relevant transport report is submitted. Similar controls apply at the plot development level so as to ensure that a Reserved Matters Transport Report is approved before the reserved matters applications are submitted for the relevant plot development. This framework of control ensures throughout the development process that the transport impacts of the proposed development will be consistent with the End State impacts as identified in the TA.

Condition 37.7 makes it clear that the LPA is entitled to require the developers to enter into additional planning obligations or to impose additional conditions to secure the delivery of any additional mitigation measures that may be necessary in or to justify approving any Transport Report submitted under condition 37.

FURTHER REPRESENTATIONS FROM BESTWAY

A further letter dated 11th November 2009 was submitted by DPP on behalf of Bestway. It is fair to say that it largely repeats and re-emphasises matters that have been raised on Bestway's behalf in previous letters and documents sent to the council. To briefly summarise this letter, their main concerns are as follows:

- Their site should not be allocated as the site for the proposed waste handling facility and the council should consider alternative sites for this facility;
- The Addendum report indicates that the council is changing its ground in the interpretation of its UDP policies and is recognising that there are errors in the UDP;
- The Addendum is referring to information emerging under the current consultation in relation to the North London Waste Plan (NLWP) to justify a decision to designate the Bestway site which was made 5 years ago;
- Bestway state that there are errors in the site assessment work that has been carried out in connection with the NLWP;
- Bestway suggest that the Council has been encouraging the production of documents and comments (such as those from Network Rail) to support the designation;
- They question why emphasis is now being placed on the location of the facility to the west of the railway line when the applicants acknowledge that the majority of waste movements will be by road;
- It would be perverse and invalid for the council to discount Bestway's views on the development plan and the Development Framework just because Bestway did not object at the stage when these documents were being promoted and adopted;

- Repeats that Bestway were not directly consulted on the UDP or the Development Framework;
- The approach to the detailed responses to the issues raised by Bestway suggest to Bestway that the LPA is not acting impartially and/or in accordance with its statutory duties – it is promoting the scheme as a partner of the developers in delivering the scheme.

COMMENT

These issues are generally addressed already in the previous responses and advice that the officers have given in the Committee report and its addenda and it is not appropriate to repeat that advice here. The information and advice contained in the First and Second Addendum in relation to Questions 5 – 11 raised by Bestway are considered to be an appropriate response to the issues which they raised and the amendments to the recommendations as set out in Section 1 of this Addendum apply equally to the points that are raised in this latest letter from DPP. The officers do not consider that a decision based on that advice would be either perverse or invalid. The responses to the issues raised on Bestway's behalf were a conscientious effort on the part of the officers to address the serious matters that they raised and it is not clear why they regard it as indicating partiality or a deviation from the normal duty of an LPA.

As demonstrated by the Committee report and its addenda, the proposed planning conditions and obligations will include a requirement to secure the relocation of businesses and other occupiers affected by this proposed development insofar as it is reasonably practicable to do so.

FURTHER REPRESENTATIONS FROM MEMBERS OF THE PUBLIC

An additional letter has received from a resident of the Golders Green Estate objecting to the application on the grounds of: lack of active consultation of long term residents, transport elements are inadequate and should incorporate significant investment in rail including the existing disused railway line, regeneration should be more than additional shops, extent and number of high rise blocks will damage the character of the area as a city suburb and the housing units are too small, the future of Hendon and Thameslink stations should be safeguarded, conditions should be attached to require a substantial proportion of the of output to go by rail, infrastructure improvements should could before development, A5 should be safeguarded as a 'cycle superhighway'.

COMMENT

All these issues have been covered either in the appraisal section of the committee report or in Appendix 4. It should be noted that the London Plan designates the area as an Opportunity Area and the implication of this is that intense development is envisaged in this area. A new mixed use town centre is proposed with the full range of town centre uses anticipated. Officers are satisfied that the proposed phasing and programming of the infrastructure coupled with the other controls and commitments explained in the report will achieve an appropriate balance.

REPRESENTATIONS FROM COUNCILLOR CHRISTOPHER HARRIS

Councillor Harris (Golders Green Ward) has expressed his objections to the density of the Cricklewood development, the loss of open space at Claremont Park and the increase in size of the waste transfer station. He has no objection to the waste transfer station moving but does object to an increase in size. This is not a personal view but reflects the opinions of local residents who have contacted him.