

AGENDA ITEM: 5.4.1

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Meeting	Council
Date	20 April 2010
Subject	Brent Cross Cricklewood - Transport Strategy Group (TSG)
Report of	Head of Planning and Development Management
Summary	This report seeks approval for the creation of the Brent Cross Cricklewood Transport Strategy Group (TSG) and the nomination of an appropriate Senior elected Member representative for the TSG in line with the recommendations of the Planning and Environment Committee and pursuant to a completed section 106 agreement and planning permission for the Brent Cross Cricklewood Regeneration scheme. The TSG is a liaison and coordination body comprising of officers and members of the Council and Transport for London (TfL), which will consider strategic transport related issues as part of the implementation of the regeneration project.

Officer Contributors	Martin Cowie, Head of Planning and Development Management
Status (public or exempt)	Public
Wards affected	Childs Hill, Golders Green, West Hendon
Enclosures	Site Location Plan: Brent Cross Cricklewood application area
For decision by	The Council
Function of	The Executive
Reason for urgency / exemption from call-in (if appropriate)	Not applicable

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1. RECOMMENDATIONS

- 1.1 That approval is given for the establishment of the Transport Strategy Group (TSG) to ensure that the Council as Local planning authority (LPA) and Transport for London (TfL) act in close collaboration and close coordination in their consideration of Strategic Transport Network applications (only on the basis that its decisions will be non-binding in so far as the LPA is exercising its function as the statutory local planning authority) pursuant to the completed Section 106 Agreement and planning permission for the Brent Cross Cricklewood Regeneration scheme.**
- 1.2 That Council appoints an appropriate elected Member as a representative on the TSG.**

2. RELEVANT PREVIOUS DECISIONS

- 2.1 Planning and Environment Committee – 19 November 2009. Resolution to grant planning permission for comprehensive redevelopment of the Brent Cross Cricklewood Regeneration Area subject to the Mayor not directing that permission should be refused, the Secretary of State not calling in the application and the completion of a section 106 agreement (Planning Reference:C/17559/08).

3. CORPORATE PRIORITIES AND POLICY CONSIDERATIONS

- 3.1 The timely and co-ordinated provision of strategic related transport infrastructure and services are fundamental to the effective and comprehensive delivery of the regeneration project.
- 3.2 The creation of the TSG therefore supports the objectives of all six Corporate Plan Priorities. In particular, the transformation of the area will promote Barnet as a ‘Successful City Suburb’ by enabling growth to take place in a sustainable way and ensuring the borough remains an attractive and prosperous place.
- 3.3 The provision of accessible new housing, employment opportunities, community infrastructure including new schools, health facilities and parks is also critical to the priorities around the ‘Clean, Green and Safe’: a ‘Bright Future for Children and Young People’: ‘Promoting Independence’ and ‘Strong and Healthy’ agendas. Creating the conditions to protect long term social, economic and environmental interests is essential to Barnet’s success and community cohesion.
- 3.4 The aims of the More Choice Better Value Corporate Plan Priority will be achieved through the TSG by ensuring that the delivery of key infrastructure and services is undertaken in a streamlined and cost-effective manner.

4. RISK MANAGEMENT ISSUES

- 4.1 Without the TSG to guide future strategic transport planning of the Brent Cross Cricklewood regeneration area there are increased risks of an incremental and poorly planned approach to development and related movement and transport infrastructure investment. Such impacts and delays would not be in the interests of sustainable development or wider North London area and local communities.

It would fail to comply with planning policy objectives for sustainable movement nor achieve impacts within the parameters of the approved planning application.

- 4.2 In the absence of the TSG the Council, as local planning and highway authority, may fail to work in an effective and holistic way with its strategic transport and development partners. Poor agency coordination would not ensure that decision making processes are robust in relation to key aspects of transport impacts, investment and associated delivery that are vital to underpin the successful delivery of the Brent Cross Cricklewood regeneration scheme.
- 4.3 Timely delivery of necessary transport infrastructure and public realm investment that reduces the environmental impacts of this major development would be hindered in the absence of robust transport agency coordination and partnership via the TSG process. This could result in excessive and undesirable congestion impacts and reduced accessibility to, from and across the planned regeneration area and thereby hold back appropriate and desirable development with associated economic prosperity.

5. EQUALITIES AND DIVERSITY ISSUES

- 5.1 The comprehensive development of the Brent Cross Cricklewood regeneration area, based on sound transport planning and inclusive urban design principles will enable the needs and aspirations of Barnet's diverse community to be met. It will realise the creation of a new town centre, to act as a focus for North London, the provision of thousands of new homes and employment opportunities, in addition to new and high quality community facilities all served by an efficient transport network.
- 5.2 The TSG will assist in ensuring that the proposed development and associated public space, focused around the new town centre, is fully accessible to all users and communities via a variety of means including walking, cycling, public transport and private car. This will increase access and easier movement to new places of economic opportunity, services, housing and leisure locations.

6. USE OF RESOURCES IMPLICATIONS (Finance, Procurement, Performance & Value for Money, Staffing, IT, Property, Sustainability)

- 6.1 The formation of the TSG represents a balanced approach to partnership working and enables important strategic issues to be considered in a pragmatic and effective decision making environment.
- 6.2 The TSG is a governance process that will essentially operate as a strategic transport coordination group between TfL and the Council with support and advice from the Brent Cross Cricklewood Transport Advisory Group (TAG) that incorporates the regeneration development partners, Highways Agency and immediately adjoining London Boroughs of Brent and Camden, as well as other key transport stakeholders in the area. The principle resources required to operate the TSG are technical and professional transport advice, support together with nominated directors and political representation as appropriate. The TSG and TAG are supported by the Brent Cross Cricklewood development and planning application with associated financial support from the related Section 106 Agreement where specific transport funding has been identified and allocated to transport assessments and infrastructure investment.

7. LEGAL ISSUES

- 7.1 As contained within the body of the report.
- 7.2 If the nominated Member of the TSG is selected from the Planning and Environment Committee, there is a risk that they will be seen to have predetermined a decision at Planning and Environment Committee in circumstances where they have already expressed views in fulfilment of their duties on the TSG, in relation to the approval of detailed matters on any strategic network application under the Brent Cross Cricklewood planning application and Section 106 Agreement.
- 7.3 On this basis, if a Member of the Planning and Environment Committee is selected as the nominated Member of the TSG, such a Member should not take part in the determination of the Brent Cross Cricklewood application concerning any strategic network application to protect the Council from judicial review challenges arising from allegations of predetermination and bias.

8. CONSTITUTIONAL POWERS

- 8.1 Constitution, Part 3 (Responsibility for Functions), Section 2 – Council can discharge all non-executive functions but most are delegated to committees or officers.

9. BACKGROUND INFORMATION

- 9.1 The Brent Cross Cricklewood Regeneration Area represents one of the most substantial and important regeneration schemes in Barnet and indeed London. Planning policy support for this scheme dates back to early in the past decade, including the London Plan 2004 and the Barnet UDP 2006. The Core Strategy that is currently in course of preparation will contain continuing policy support to guide and govern the project.
- 9.2 On 19 November 2009, the Planning and Environment Committee resolved to grant planning permission for the Brent Cross Cricklewood regeneration scheme, subject to (a) the Secretary of State not calling in the application; (b) the Mayor not directing that permission should be refused and (c) completion of a section 106 agreement to transpose the detailed heads of terms which were appended to the main committee report (dated September 2009) and which had been revised and amended in the light of detailed discussions with Transport for London by the time that the matter went to committee November 2009.
- 9.3 Section 2 of the Third Addendum to the Planning and Environment Committee report explained in some detail the changes that had made to the Section 106 Heads of Terms in order to resolve the issues raised by TfL in relation to strategic transport issues related to the regeneration project. TfL was concerned that many important transport issues which are to be subject to conditions requiring subsequent detailed approvals from the Local Planning Authority (LPA), are likely to have significant impacts on the strategic transport network for which TfL has statutory responsibility. TfL therefore sought a measure of strategic transport

coordination and control over the granting of such approvals and Barnet needed to ensure that it did not unlawfully fetter its statutory powers as local planning authority.

9.4 A balanced approach has been achieved on the basis that the Council will retain statutory power and responsibility for these matters but will work in close collaboration and liaison with TfL through a joint body to be known as the Brent Cross Cricklewood Transport Strategy Group (TSG), the terms of reference of which are to be formally appended to the Brent Cross Cricklewood Section 106 legal agreement. A copy of those terms of reference is attached to this report. If the Section 106 Agreement is not completed by 19 May 2010 and the permission issued on that basis, officers are instructed by the Planning and Environment Committee to report back to committee for further consideration.

9.5 Essentially, the TSG is a liaison and coordination body and will not have direct decision-making powers. The terms of reference provide for a consultative hierarchy intended to ensure that:-

(a) decisions on a specified range of applications relating to the approval of detailed matters likely to have impacts on the strategic transport network and

(b) decisions authorising spending on specific projects under the Consolidated Transport Fund (to be established by the Council from specific phased payments for this purpose made by the Brent Cross Cricklewood developers ('Applicant') under the Section 106 agreement)

are made by Barnet as LPA only after appropriate discussions between representatives of Barnet and TfL resulting in a recommendation from the TSG to the committee or Council officer with appropriate delegated powers at Barnet which is ultimately responsible for determining the relevant applications or making the relevant decisions.

9.6 This process is intended to ensure that decision making is conducted as efficiently and cost-effectively as is reasonably practicable. It would start with the relevant case officers of each authority and if agreement cannot be reached on the relevant decision then it would be escalated to a senior officer level for further discussion and hopefully agreement. If the senior officers of each body also fail to reach agreement as to the basis on which such matters should be decided, it would be referred to an expert to be appointed jointly to advise. This advice would in turn be considered by Member representatives of each body who would make a recommendation to the LPA in accordance with the Expert's recommendation, unless it would be unreasonable or unlawful to do so. The LPA would then determine the relevant applications or make the relevant decisions in accordance with the recommendation from the TSG unless and to the extent that it would be unreasonable and/or unlawful to do so.

9.7 The officers dealing with the Brent Cross Cricklewood planning application recommend to Council that these arrangements are approved by Council in order that they can be implemented at the appropriate time to make the relevant decisions under the planning consent and so that the Section 106 Agreement can be completed before 19th May 2010 in accordance with the Planning and

Environment Committee resolution. It is recommended that the Council appoint an appropriate elected Member as a representative on the TSG. Other members on the TSG will be officers of TfL, officers of the Council and political representatives from TfL.

- 9.8 The officers consider that the basis agreed with TfL for the TSG represents a proper and sensible balance between the functions of Barnet as LPA and TfL, as the strategic transport authority for London, in dealing with these important matters and will lead to a streamlined, effective and appropriately expeditious decision-making on the basis of agreement between the two authorities insofar as is reasonably practicable and lawful.

10. LIST OF BACKGROUND PAPERS

- 10.1 Second Addendum, Planning and Environment Committee report 18/19 November 2010.
- 10.2 TSG Terms of Reference
- 10.3 Any person wishing to inspect a background paper listed above should contact Martin Cowie on 020 8359 4514.

