



those that do not and which will require the S73 application to modify the 2010 permission by means of new or varied conditions.

The S73 proposals do not involve any material change to either the total quantum of development or its distribution across Development Zones nor does it extend the timescale within which the Phases and Sub-Phases of the Development must commence or within which the Reserved Matter Applications for the Phases and Sub-Phases of the Development must be submitted. The strategic highway access points into the site remain as consented in 2010.

A S73 application is expected to be submitted in autumn 2013.

### **Proposed Section S73 Application**

The Brent Cross Development Partners propose to make a planning application under Section 73 of the Town and Country Planning Act 1990 for planning permission for the regeneration of Brent Cross Cricklewood without complying with various conditions attached to Planning Permission Ref No: C/17559/08 (“the 2010 Permission”) granted on 28 October 2010. Full details of the conditions to be changed and the reasons for the changes proposed will be submitted with the S73 planning application.

The primary purpose of the application is to make adjustments to the planning conditions of the 2010 Permission to reflect the evolution in the scheme design and the revised strategy for delivery.

The specific changes to the scheme design can briefly be summarised as follows:

- Creation of a footbridge (named the Living Bridge – B7) over the North Circular Road to improve pedestrian and cycle connectivity across the site and provide better integration between the northern and southern components of the new town centre. This will involve the reconfiguration of Market Square to the south of the A406
- Alterations to the layout of development within Brent Cross East Development Zone (i.e. around a remodelled Brent Cross Shopping Centre) including creating the interface with the Living Bridge, as well as consequential amendments to the alignment of the River Brent and the reconfiguration of Brent Cross Main Square
- Alterations to the phasing of the development to bring more of the Brent Cross East Development Zone into Phase 1 including all the proposed north side retail plot development and the new bus station
- The highways infrastructure necessary to support the changes to the phasing of plot development will also be brought forward into the first Phase 1A. This will include the changes to the A406/A5/M1 junction and the A406/A41 junction as well as the new Living Bridge and delivery of the Whitefield Estate Replacement Units need to deliver the proposed Phase 1A infrastructure.

A draft revised illustrative Master Plan is included as Appendix 2

## **Scoping Opinion**

The Scoping Report sets out the scope and methodology to identify and assess the likely significant effects that may arise from the proposed variations to the conditions of the existing permission.

It is not the purpose of the Scoping Report to undertake detailed measurement, calculation or assessment of potential impacts and their resultant effects. Detailed assessment will be carried out when the Environmental Impact Assessment of the scheme is undertaken and its findings reported in the Environmental Statement to accompany the S73 application.

The Council's response to the Scoping Report is exclusively concerned with the scope and methodology for assessing likely significant effects and does not consider the merits of the S73 application.

## **Consultation on the Scoping Opinion**

The Council has consulted the statutory consultees, adjoining boroughs and local interest groups and organisations who submitted comments on the 2010 permission. A total of 81 consultation letters were sent out.

All consultation responses have been forwarded to the applicant and their comments have been included in the Council's letter of response where appropriate.

The consultation responses are summarised below;

### Environment Agency

- Use Water Framework Directive Annual Status Report as input to the water environment baseline
- Confirm use of SUDS
- Confirm ES to assess changes to the gradient and platform of the river (which now will have reduced sinuosity) and effect on optimising flow.
- Include impact to the existing river corridor which is an important link to the Brent Reservoir SSSI
- Confirm will assess impact on aligning the river adjacent to the A406 and potential for detrimental impact on wildlife and amenity uses.
- Demonstrate positive improvements to the SSSI
- ES to include an impact assessment following additional ground surveys of the area of the proposed river realignment

*Officer Comment:* The applicant is continuing to meet the Environment Agency to resolve these issues prior to the submission of the S73 application.

### Highways Agency

- Statement of compliance is required to confirm that the ES has been prepared in accordance with the requirements of the DMRB in relation to any works affecting the Strategic Road Network,
- HA Environmental System (Envis) should be used as a source of information on man-made and natural assets in the area surrounding the SRN.
- Landscape and Visual to refer to M1/A406/A5 Junction Improvement
- Need for more recent Ecological Survey than 2006

*Officer Comment:* The scope and methodology of the Transport Assessment to accompany the S73 application is subject to continuous dialogue with officers of the Highways Agency.

#### Transport For London

- Confirm when the resurfacing of the A406 to reduce noise is required as well as the extent and specification of the resurfacing.
- Confirm how the revised floor risk assessment impacts on TfLs ability to maintain the highway and operate local bus services.
- Demonstrate that the air quality within the bus station is acceptable for both passengers and staff.
- Long term air quality monitoring should be considered as mitigation.
- If the construction access points have varied from the consented scheme then it would be expected that appropriate mitigation is identified.
- Micro-climate assessment should consider the changes in layout including the living bridge and new bus station layout.
- ES should demonstrate how retailers will achieve a reduction in carbon emissions from their transport fleet.

*Officer Comment:* The scope and methodology of the Transport Assessment to accompany the S73 application is subject to continuous dialogue with officers of TFL.

#### English Heritage

- Clarification on the approach to archaeological assessment, including the potential need to undertake some form of field evaluation as part of the Environmental Statement

*Officer Response:* The applicant has contacted English Heritage to brief the new case officer in respect of the protection contained in condition 43.1 of the 2010 Permission which contains measure to avoid damage to archaeological remains. This condition will be unaltered in the S73 application.

#### Thames Water

- The EIA should consider the developments demand for water supply and network infrastructure both on and off site and whether it can be met
- The EIA should consider the demand for sewage treatment and network infrastructure both on and off site and whether it can be met.

- The EIA should consider surface water drainage requirements and flood risk of the development both on and off site and whether it can be met
- The EIA should consider any piling methodology and its potential to adversely affect neighbouring utility services.

*Officer Response:* The EIA will include consideration of these aspects of the proposals and appropriate conditions were part of the 2010 permission and will be unaltered in the S73 application.

#### London Borough of Brent

OBJECTION - Concern is raised that the transportation information has not been updated to take account of more recent assessments carried out. In particular, whilst the scoping opinion makes reference to the Section 106 agreement signed in October 2010, there are several other pieces of work which should now also be considered and will inform the proposed changes including:

- Detailed Design Model (DDM) and the A5 Corridor Study. The A5 Corridor Study was scoped out in 2010, but was never actually started, but is about to be undertaken now, along with an upgrade to the portion of the TfL NoLHAM (North London Highway Assignment Model) for this area.
- A series of traffic surveys were undertaken in June/July 2013 and these should be fed into the assessment.

*Officer Response:* The Section 73 Transport Assessment will consider key issues that could affect the overall impacts of the BXC scheme including relevant information emerging from the work carried out subsequent to the 2010 consent. In particular, the surveys carried out in June/July 2013 can be considered as part of the requirement for the ongoing monitoring process which will feed into the Transport Matrix that forms part of the robust framework of controls that are already in place and which will be incorporated in any S73 consent. The proposed changes to the overall scheme are relatively minor in transport terms with key transport infrastructure to be brought forward to support the increased plot development in the first Phase and with the addition of the Living Bridge, a new pedestrian and managed cycle bridge. The traffic surveys undertaken this year will also inform the development of the Detailed Design Model, which all authorities agree is required, post planning, in order to undertake the highways approvals for the major new junction improvements, where the complexity, particularly for the new M1/Staples corner interchange, means a greater level of specific details will be needed than the planning application modelling provides. The new surveys are also informing the A5 Corridor Study as required by the scoping documents previously agreed and Brent are closely involved in both key pieces of work. It should also be noted that traffic modelling data available from TfL and others indicates a static or falling level of traffic in the Barnet area in the years since the previous application was submitted, giving confidence that the S73 Transport Assessment will be a robust.

## Greater London Authority

GLA officers have been engaged with the strategy for energy and waste and will continue to engage on matters relating to retail impacts and have supplied the following comments from those on-going discussions which fall in the context of the EIA scoping.

### Energy:

There is limited commentary on the energy strategy in the scope however the scope refers to the carbon emissions at 3.1.15. The methodology should ensure the approach is set out as a site wide strategy that includes all uses, not just residential and hotel as presented in the initial scoping draft documents for the full strategy. The EIA and energy strategy must reflect this. The methodology in the EIA must include the indicative updated phasing plan which illustrates how the network will grow over time and the impacts on emissions over this time frame and on completion. There should also be some cross over in terms of an RDF option, should this be progressed.

### Waste:

There is limited commentary in the scope in relation to waste and the impact of an EFW/RDF energy solution. Given on-going discussion it is assumed that the EIA will need to include some form of analysis that considers the updated environmental impact of progressing with the EFW/RDF option and that this is linked to the testing of the energy strategy. Officers have already provided the applicant with detailed comments on the strategy for waste as part of on-going pre-application discussions.

### Retail:

There is limited commentary other than acknowledgment that the land use planning will be assessed against updated policy – including retail policy. The GLA is intending to meet with the applicant to discuss the matter of retail impact and capacity prior to the retail impact study is complete. This will help to inform the EIA in this respect.

### Transport

Please continue to consult directly with Transport for London on associated transport impacts and methodology.

*Officer Comment:* The applicant continues to meet the specialist officers at the GLA to inform the preparation on the ES and on the discharge of the pre-commencement conditions in relation to energy and waste which will continue to apply in any S73 application.

## Natural England

Considers that the application is not one on which Natural England would wish to advise on the detail.

*Officer Response:* Planning conditions are in place on the 2010 permission to protect the natural environment and it is anticipated that these would remain in place for any S73 application.

North London Waste Authority

No comment on the scope and methodology of the S73 Environmental Impact Assessment.

Hertsmere Borough Council: No objection to the Scoping Report

**Formal Response to the Scoping Opinion**

Due to the technical nature of the Scoping Report the Council has engaged AECOM to provide a technical assessment of the Scoping Report informed by their environmental specialists. It is the intention of the Council to retain AECOM to advise on the environmental aspect of any S73 application.

The Council's draft response is included in Appendix 3 in the form of a letter to the applicant and a checklist of comments on the technical aspect of this application

**Recommendation:** Subject to the comments outlined in the letter and checklist the **PROPOSED SCOPE OF THE ENVIRONMENTAL IMPACT ASSESSMENT IS ACCEPTABLE AS STATED IN THE DRAFT SCOPING OPINION.**

Appendix 1 - Site Plan

Appendix 2 – Revised Illustrative Master Plan (August 2013).

Appendix 3 - Draft Scoping Letter and Checklist