

**THE TOWN AND COUNTRY PLANNING ACT 1990
AND THE
ACQUISITION OF LAND ACT 1981**

THE LONDON BOROUGH OF BARNET

**(BRENT CROSS CRICKLEWOOD)
COMPULSORY PURCHASE ORDER (NO. 1) 2015**

STATEMENT OF REASONS



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CONTENTS

Clause	Subject matter	Page
1.	INTRODUCTION.....	1
2.	LOCATION AND DESCRIPTION OF THE ORDER LAND	2
3.	THE NEED FOR REGENERATION	2
4.	PLANNING HISTORY OF THE ORDER LAND.....	3
5.	DESCRIPTION OF THE BXC DEVELOPMENT	5
6.	PLANNING FRAMEWORK.....	10
7.	THE NEED AND JUSTIFICATION FOR THE ORDER	13
8.	ECONOMIC SOCIAL AND ENVIRONMENTAL WELL BEING	15
9.	DELIVERY AND RESOURCES.....	16
10.	LAND NEGOTIATIONS, REHOUSING AND CONSULTATION	17
11.	RELATED ORDERS AND SPECIAL KINDS OF LAND	19
12.	HUMAN RIGHTS ACT	19
13.	CONCLUSIONS.....	20
14.	DETAILS OF CONTACTS AT THE COUNCIL AND AT THE DEVELOPERS.....	22
15.	INQUIRIES PROCEDURE RULES.....	22
16.	LIST OF DOCUMENTS	22
APPENDIX.....		24
	Plan showing extent of Order Land.	24

1. INTRODUCTION

- 1.1 This document is the Statement of Reasons of the London Borough of Barnet ("**the Council**" or "**the Acquiring Authority**") prepared in connection with a compulsory purchase order made by the Council, entitled The London Borough of Barnet (Brent Cross, Cricklewood) Compulsory Purchase Order 2015 (No. 1) ("**the Order**") which is to be submitted to the Secretary of State for Communities and Local Government for confirmation.
- 1.2 The Council has made the Order pursuant to Section 226 (1)(a) of the Town and Country Planning Act 1990 ("**the Act**") and Section 13 of the Local Government (Miscellaneous Provisions) Act 1976. In this Statement of Reasons, the land and rights included within the Order are referred to as "**the Order Land**" and are shown on the plan appended to this Statement. The Council is the local planning authority and (other than for TFL roads) the local highway authority for the Order Land.
- 1.1 The Council's purpose in seeking to acquire the Order Land is to facilitate the development, re-development and improvement of it by way of a mixed use scheme (comprising retail, leisure and office development; hotel development; industrial, storage and distribution development; community facilities; residential development; car parking; public transport infrastructure and facilities; major infrastructure and highway works, and public realm and environmental improvement works) ("**the CPO1 Development**") as the first stage of the Brent Cross Cricklewood regeneration scheme ("**BXC**"). The regeneration of the wider BXC area, one of the largest regeneration opportunities in London, is a long-standing objective of the Council and is a key regeneration priority of the London Mayor.
- 1.2 The CPO1 Development comprises Phases 1A (North) and 1B (North) of BXC, as explained in section 5.3 below. It includes the extension and improvement of the Shopping Centre; the provision of infrastructure associated with and required for the Shopping Centre; and significant infrastructure to support the redevelopment and regeneration of the wider BXC land, in particular development to the south of the North Circular Road.
- 1.3 The Council considers that the CPO1 Development will contribute to the economic, environmental and social well-being of its area by delivering important and wide ranging public benefits including investment in the shopping centre, new jobs, new residential accommodation and major infrastructure and environmental improvements which will "pump prime" the infrastructure provision to enable and facilitate future phases of regeneration in BXC, and in particular provide a considerable catalyst for development south of the North Circular Road.
- 1.4 The Council is currently promoting a separate compulsory purchase order ("**CPO2**") in relation to the land to the south of the North Circular Road.
- 1.5 This Statement has been prepared in compliance with paragraphs 35 and 36 of Part 1 of the Memorandum and Appendix R of Circular 06/04 – Compulsory Purchase and the Criel Down Rules.

2. LOCATION AND DESCRIPTION OF THE ORDER LAND

Land Interests

- 2.1 Details of the land interests to be acquired are set out in the Schedule to the Order and are shown shaded pink on the map which accompanies it ("**the Order Map**"). In summary the land includes:
- 2.1.1 To the north of the A406 North Circular Road:- the existing Brent Cross Shopping Centre, the bus station, the multi-storey car park and the areas of surface level car parking and a stretch of the River Brent.
 - 2.1.2 Existing road infrastructure including the A406/A5/M1 junction; the A406/A41 junction; the Templehof Bridge and link road to Tilling Road; the "Now Vauxhall" Staples Corner garage; and units within the arches at Adrian Avenue with adjacent yard.
 - 2.1.3 To the south of the A406:- the Holiday Inn; Cardiff House, 115 Brent Terrace; Community Foods building and associated car park on Brent Terrace; part of the Claremont Way Industrial Estate; former Petrol Filling Station on Tilling Road.
 - 2.1.4 Residential dwellings on the Whitefield Estate at Dyson Court, Rawlinson Court, Anderson Court, Whitefield Avenue, and Claremont Way. Also the Rosa Freedman Centre (day centre and residential care for the elderly), and retail shops on Claremont Way.
 - 2.1.5 Land in the vicinity of Cricklewood Station; part garden at 1 Claremont Road; retail and other premises 164 - 168 Cricklewood Broadway; nos. 2b and 2c Cricklewood Lane.
- 2.2 The Order Land is occupied for a variety of uses. In addition to the existing Brent Cross Shopping Centre the Order Land includes brownfield land in industrial use, land in railway use; residential dwellings; commercial and retailing premises; the bus station and areas of surface level car parking and highway land.

New Rights

- 2.3 The land where New Rights are sought is shown shaded blue on the Order Map. In summary the rights relate to:
- 2.3.1 the car park and service yard associated with Exchange House and Brent Cross Gardens, adjacent to the A41; 2 Cricklewood Lane and 162 Cricklewood Broadway; land adjacent to the M1 motorway and Dallas Road; 140 & 142 Brent Park Road; and some former railway land at Cricklewood Station. These rights are needed to enable transport and junction improvements to be provided.
- 2.4 The discussions with affected residents and businesses are described in Section 11 of this Statement.

3. THE NEED FOR REGENERATION

- 3.1 The redevelopment of BXC is a long-standing objective of the Council. Extending to around 151 hectares, it is one of London's major regeneration schemes. Indeed, it is amongst the most significant planned new developments in Europe. BXC is being taken forward by the Brent Cross Cricklewood Development Partners (made up of Hammerson and Standard Life Investments ("**the Development Partners**") and the Council. The Development Partners will progress the redevelopment of the land to the North of the A406 North Circular Road, and the Council will take forward the regeneration of the land to the South.
- 3.2 The BXC area is significantly constrained by the existing road network and rail infrastructure, but given its location at the connections between the M1 and the A406 and between the A5 and A41, it has the potential to be an attractive gateway into London. That potential is

enhanced by the proximity to the Northern Line at Brent Cross station, the Midland mainline, and Brent Cross bus station.

- 3.3 Substantial infrastructure needs to be provided to realise the area's potential. The comprehensive redevelopment and improvement of the Brent Cross Shopping Centre and other major development in the area provides the opportunity for the major infrastructure to be funded and delivered that will enable and facilitate the wider BXC regeneration. In particular, in addition to major improvements to existing roads, public transport and social infrastructure, the BXC proposals will create strong and attractive linkages between the communities to the north and south of the North Circular.
- 3.4 The development of the BXC strategic gateway site will create a new town centre and residential quarter, uniting the areas north and south of the A406 North Circular Road, providing an attractive and vibrant place to live and work. It will contribute to the future prosperity of the Borough. The first phase alone is expected to create 3,000 person years of construction related jobs, and an additional 4,000 permanent jobs over the next 5-7 years. About 99,000 sqm of additional retail and commercial floorspace will be provided on the Order Land.
- 3.5 BXC is a key element of the Council's regeneration and housing programme and will provide over 7,540 new homes over the next 20 years, including affordable homes and replacement homes for the Whitefield Estate. BXC will also provide new and improved educational and health facilities for the community, and improved open space and recreational facilities for the community to enjoy and use.
- 3.6 The regeneration of BXC will be a major contributor to achieving the Council's priority objectives in its Corporate Plan 2013-2016.
- 3.7 BXC also supports the achievement of the objectives set out in 'One Barnet - A Sustainable Community Strategy for Barnet 2010-2020', and it will further the strategic objectives in the Council's Housing Strategy 2010-2025.
- 3.8 The Council's Health and Well-being Strategy 2012-2015 states that Barnet is a great place to live and that people in Barnet can expect to live longer and better than in many parts of London and England. However, while the overall picture is positive, the Barnet Joint Strategic Needs Assessment ("JSNA") demonstrated significant differences in health and well-being across Barnet. The role played by the major regeneration schemes such as BXC over the next 10 to 15 years in addressing health and well-being issues is acknowledged in the JSNA.
- 3.9 The CPO1 Development, and the wider BXC proposals, will further and promote the achievement of the Council's key strategic aims and objectives.

4. PLANNING HISTORY OF THE ORDER LAND

- 4.1 The existing Brent Cross shopping centre was opened 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.
- 4.2 The applications were called in for determination by the Secretary of State and were the subject of a public inquiry in 1999. In April 2000, the Secretary of State granted planning permission for a multi-storey car park but refused permission for the extension to the shopping centre. 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.
- 4.3 The Development Partners then worked with the Council, the Greater London Authority and other key landowners in the area towards a joint and sustainable approach to the wider regeneration of the BXC area, within which Brent Cross would emerge at the heart of a new mixed use town centre and community for Barnet and London.

- 4.4 Planning permission reference number C17559/08 for the regeneration of BXC including the Order Land was granted on 28 October 2010 ("**the 2010 Permission**"). A section 106 agreement was completed on the same date. The 2010 Permission was granted largely in outline, but with details provided for improvements to strategic junctions providing access into the site, including the A41/A406 junction and the M1/A5/A406 junction.
- 4.5 Planning permission pursuant to an application made under Section 73 of the Act was granted on 23 July 2014 ("**the s.73 Permission**"). A section 106 Agreement was completed on 22 July 2014 ("**the s.106 Agreement**"). The s.73 Permission (reference number F/04687/13) is to develop the BXC Land, including the Order Land, subject to updated conditions that facilitate more efficient delivery of the CPO1 Development and the wider BXC.
- 4.6 The s.73 permission is for comprehensive mixed use redevelopment of the Brent Cross Cricklewood Regeneration Area comprising residential uses (Use Class C2, C3 and student/special needs/sheltered housing), a full range of town centre uses including Use Classes A1 – A5, offices, industrial and other business uses with Use Classes B1 – B8, leisure uses, rail based freight facilities, waste 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, relocation electricity substation, free standing or building mounted wind turbines, alterations to existing railway including Cricklewood railway track and station and Brent Cross London Underground station, creation of new strategic accesses and internal road layout, at grade or underground conveyor from waste 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.
- 4.7 The s.73 Permission did not alter the fundamental principles of the 2010 Permission. It authorises the same quantum of development floorspace overall and the distribution of floorspace across the development zones remains largely unchanged. The permitted uses are:

	Total Scheme (sqm)	Total Phase 1 (N+S) (sqm)	Phase 1 North (A+B)
Residential (Class C3)	712,053	117,150	26,034
Retail and Related Uses (Classes A1 - A5) - North	78,133	78,133	78,133
Retail and Related Uses (Classes A1 - A5) - South	32,794	22,718	-
Business (Class B1)	395,297	10,970	5,396
Hotel (Class C1)	61,264	31,722	20,574
Leisure (Class D2)	26,078	20,411	15,450
Community Facilities (Class D1)	34,615	9,338	2249
General Industrial/Storage & Distribution incl. WHF and Rail Freight (Classes B2 B8)	61,314	24,700	-
Rail & Bus Station (Sui Generis)	2,533	117	71

Private Hospital	18,580	-	-
Petrol Filling Station	326	-	-
Total	1,361,673	369,259	147,656

- 4.8 The S106 Agreement contains planning requirements, restrictions and contributions relating to the provision or funding of infrastructure and other mitigation including education, health, community, child care, leisure, energy and waste facilities, open space, affordable housing, estate management, business and residential relocation provisions, public art, employment and skills provisions, the River Brent diversion, a transport fund (£26,670,000 index linked), bus and train stations, highways and bridges (including the Living Bridge), supplementary transport measures (including a reasonable worst case sum available to mitigate any unforeseen Northern Development impacts occurring South of the A406), construction consolidation centre(s), car parking provisions, bus network mitigation, pedestrian and cycle links and various groups, plans, strategies and co-ordinators/appointments.
- 4.9 The primary purpose of the s.73 permission was 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 in accordance with the clear policy commitment to seek comprehensive development of the regeneration area. The main changes can be summarised as:
- (a) Creation of a pedestrian and cycle bridge with landscaping (named the Living Bridge) over the North Circular Road to improve pedestrian connectivity across the site and provide better integration between the northern and southern components of the development;
 - (b) Alterations to the layout of development within Brent Cross East Development Zone (i.e. around the remodelled Brent Cross Shopping Centre) including creating the interface with the Living Bridge, as well as consequential amendments to the alignment of the River Brent;
 - (c) Alterations to the phasing of the development to bring more of the Brent Cross East Development Zone into Phase 1 including the new bus station; and
 - (d) Alterations and improvements to the open space and public realm provision, including the reconfiguration of Brent Cross Square and Market Square to integrate with the Living Bridge.
- 4.10 As part of the s.73 application the Development Partners sought amendments to the Section 106 Agreement associated with the 2010 Permission so as to enable changes to the phased delivery of the BXC development.
- 4.11 The s.73 permission reflects the fact that Phase 1 of BXC is proposed to be delivered in sub phases which are divided between north and south. This is to reflect the new delivery responsibilities including the Council's role in delivering the regeneration to the south of the North Circular. These, and other changes to the 2010 Permission, are designed to enable the strategic vision for comprehensive regeneration of the site to be delivered in a timely, effective and beneficial manner.

5. DESCRIPTION OF THE BXC DEVELOPMENT

- 5.1 The overall aim of the BXC development under the s.73 permission is:

"to unite the regeneration area north and south of the A406 and to stitch together the damaged fabric of this extensive urban area. The Development Partners will create a sustainable town centre comprising attractive residential environments, a major commercial core and a retail environment along a new High Street. This will result in

BXC becoming a vibrant place to live, work and socialise, providing a catalyst for further economic growth in the surrounding area. BXC represents an opportunity to create a high quality modern development within a mixed community providing local shops, restaurants, offices and schools". (Planning Statement Addendum, October 2013, paragraph 4.1).

5.2 The core elements of BXC are:

- (a) the creation of an attractive mixed use vibrant town centre enabling new and existing residents to live, work and socialise;
- (b) the development of a popular and accessible public transport offer;
- (c) an environmentally sustainable development which provides residents, workers and visitors with the opportunity to reduce their carbon footprint - the development will provide all the facilities necessary to enable individuals to adopt sustainable choices, and to ensure that the opportunity presented by existing under-used facilities is fully maximised;
- (d) a high quality urban environment with a long term management regime;
- (e) the creation of routes though the site, segregated where appropriate, to form seamless, safe and attractive corridors and ensure integration both of the site itself and with its surrounding community.

5.3 **Phase 1**

5.3.1 The Section 73 Permission provides for the BXC Development to be delivered over seven Phases. Phase 1 is in five sub-phases split north and south. The Order Land is needed to secure the land for Phase 1A (North) and Phase 1B (North) which will be delivered by the Development Partners and are collectively referred to as Phase 1 (North). The Council is responsible for Phases 1A (South), 1B (South) and 1C (collectively referred to as Phase 1 (South)). The phasing is:

5.3.2 Phase 1A (North) –all the highways infrastructure to support the Northern Development which will also provide the key highways infrastructure to support Phase 1 (South) and much of the key highways infrastructure for the remainder of the Southern Development, including the improvements to the southern junctions of the A5/A407 Cricklewood Lane and the A407 Cricklewood Lane/Claremont Road Junction improvements and other major highway and bridge works, replacement residential units for up to 60 Whitefield Estate units and demolition of 25 sheltered housing units at the Rosa Freedman Centre (required for the infrastructure works), together with the River Brent re-routing, various bridge works, the Clitterhouse Playing Fields Part 1 and the Claremont Park Improvements.

5.3.3 Phase 1A (South) – includes further minor highway improvements to support Phase 1 of the Southern Development.

5.3.4 Phase 1B (North) – includes the development on the north side with the exception of the residential development within the Brent Cross West Zone. It also includes the new bus station, the reconfigured Shopping Centre, Brent Cross Main Square, High Street North and other northern pedestrian routes, as well as the Riverside Park, Sturgess Park Improvements and around 280 housing units. Commencement of this Sub-Phase will trigger delivery of the Living Bridge over the A406.

5.3.5 Phase 1B (South) – includes the Market Square, a foodstore, the combined heat and power plant (CHP), the new Claremont School, and over 1000 residential units.

5.3.6 Phase 1C – includes the remaining development of Phase 1 on the south of the North Circular.

5.3.7 To create a town centre environment, Phase 1(N) includes a mix of cafés, restaurants, bars, leisure and community uses and residential properties. It will also provide approximately 5,396m² of office floorspace (Class B1), and 20,574m² of hotel floorspace (Class C1).

- 5.3.8 The northern part of the new town centre is to be centred around Brent Cross Main Square which will be connected to the town centre south of the A406 North Circular Road and the Clitterhouse Playing Fields beyond via the Living Bridge. The River Brent is to be diverted alongside the A406 North Circular Road through the proposed Riverside Park and it is also proposed to enhance Sturgess Park.
- 5.3.9 The Living Bridge will provide a new pedestrian and cycle connection over the A406 from the northern development element to the southern development landing south of A406 within Market Quarter Development Zone.
- 5.3.10 The Market Quarter Development Zone complements Brent Cross East Development Zone in creating the heart of the town centre and ensures that shopping facilities extend south of the A406 to stimulate activity in the southern portion of Scheme. Within Phase 1 it is proposed to provide Market Square and a number of plots around the square providing the ground floor retail frontage, while the upper levels will primarily comprise residential development. It is also proposed to provide a new foodstore within the Eastern Lands Zone which along with other retail floorspace will provide 22,718m² of new Class A1 – Class A5 floorspace within the southern element of scheme within Phase 1.
- 5.4 Reserved Matters Approvals**
- 5.4.1 The Council have imposed a series of controls through the planning conditions attached to the S73 Permission and the Section 106 Agreement to ensure the delivery of the new town centre for Barnet is brought forward in an approved and logical manner.
- 5.4.2 These controls enable the Council to ensure that emerging proposals are in general accordance with the principles and parameters set within the documentation submitted in support of the S73 Permission.
- 5.5 Retail considerations**
- 5.5.1 The extension of the existing shopping centre will provide 78,133 sqm of new retail floorspace, of which 55,000 sqm will be additional Class A1 comparison. There will be new anchor stores, shops, leisure, cafes and restaurants, hotels and community facilities in a manner which will enhance the centre as a major retail-led attraction and venue around a network of streets and squares that will create the basis of the new town centre. It will introduce a much needed evening economy in order that visitors can shop, eat and be entertained in a way which is currently not possible.
- 5.5.2 It will be essential to ensure that the current shopping centre will be refurbished to a high standard consistent with the proposed extension. The completed development will provide a seamless design pedestrian link between the old and new which will be essential in terms of Brent Cross retaining its status as a major regional centre and key visitor attraction.
- 5.6 Transport and Highway considerations**
- 5.6.1 The wider BXC site is a significant gateway into London being located at the intersection of the M1, A406, and A41 strategic routes as well as being close to the Northern Line (at Brent Cross LUL station) and the Midland Main Line railway. It also includes Brent Cross bus station. However, it has a poor environment being dominated by strategic transport infrastructure, brownfield land and extensive surface car parking. The aim of the BXC development is to transform the Shopping Centre from a relatively insular and predominantly car-borne retail destination that is served mainly by the strategic road network into an integral part of a new, mixed use town centre both north and south of the A406 that is outward looking in the way that it serves and relates to its locality.
- 5.6.2 BXC is supported by an Integrated Transportation Strategy ("ITS") that makes substantial provision for public transport and other sustainable modes of travel whilst also providing for appropriate growth in car based travel. This recognises that the car will continue as a significant mode of travel in the BXC site whilst the proposals provide a good quality and

attractive level of service for access by public transport and other sustainable modes. This has required a balanced approach that seeks to allow people the opportunity to have access to a car but, through the delivery of a step change in public transport and other modes, provides increasingly attractive alternatives to car use, particularly during the peak travel periods.

5.6.3 The ITS has the following underlying principles:

- (a) It would be unacceptable to meet an unrestrained demand for car travel and that to do so would fail to encourage use of more sustainable modes, particularly during peak travel periods;
- (b) Delivery of the strategy over a long development period requires flexibility to respond to changing conditions but always within parameters and controls established through the s.73 Permission;
- (c) Development can only proceed if the necessary related infrastructure has been implemented in step with or slightly ahead of need and in line with the promotion of the target progression of mode shift;
- (d) In order to overcome initial transport constraints, some significant new infrastructure is being provided in Phase 1 particularly Phase 1 (North); and
- (e) As each element of transport infrastructure is brought forward the works provided will cater for the full BXC development, making best use of investment and reducing the overall impact of construction works.

5.6.4 The provision of highway capacity will be linked to the level of service that drivers might have expected had the development not taken place, so that traffic flows on the road network with the development completed will be no worse than had it not taken place. However, a number of the improvements to the highways infrastructure have been specifically designed to provide enhanced journey time and reliability for buses and improved safety and convenience for pedestrians, cyclists and people with mobility difficulties.

5.6.5 In transportation terms the key items of transport infrastructure that Phases 1A (North) and 1B (North) will deliver are:

- (a) A new bus station for BXC providing extra capacity for increased numbers of buses on key routes and much improved facilities;
- (b) A new pedestrian and cycle network integrating with existing routes;
- (c) A new pedestrian and cycle only bridge (the Living Bridge) linking the development areas to the north and south of the A 406;
- (d) A new footway/cycleway bridge over the A406 at the M1 junction;
- (e) A replacement of the Templehof Bridge, which will have segregated bus lanes in each direction and segregated cycle and pedestrian facilities;
- (f) An improved A41/A406 Junction having a direct access into the Development at the north of the A 406 and
- (g) A reconfigured and significantly improved junction linking A406/M1 Junction with the A406/A5 Staples Corner junction.

5.6.6 **Compliance with national and local transport policies**

5.6.6.1 Transport policy support for the BXC development has been predicated upon the delivery of sustainable regeneration, which in transportation terms minimises car use, and provides a comprehensive range of improvements to public transport and a good level of accessibility by all modes across the area and in particular cycling and walking.

5.6.6.2 The BXC proposals comply with policies at national, regional and local levels in terms of the accessibility for all users. Particular consideration has been given to the sustainability of travel to, from and within the site in relation to public transport, cycling and walking, and a need to generate a mixed use development which will not adversely affect the existing highway network by encouraging and promoting alternatives to the private car.

5.6.7 Highway Works

- 5.6.7.1 The proposed highway improvements are necessary to provide an appropriate network within the BXC site and an interface between the BXC site and the adjacent strategic and local highway networks. They will also facilitate the development of the land to the south of the North Circular Road.
- 5.6.7.2 Phase 1B (North) will inevitably lead to an increase in local vehicular traffic flows. These can be accommodated by the improved highway network being provided in Phase 1A (North).
- 5.6.7.3 The importance of road safety is recognised by a wide range of proposals specifically directed at improvements for the benefit of pedestrians and cyclists with segregated routes wherever practicable and signal controlled crossings of the highway.
- 5.6.7.4 There will be new and improved junctions with the strategic highway network provided in Phase 1 (North). The primary vehicular access points for the BXC site will include:
- (a) A406/A5/M1 (Staples Corner/M1 Junction) – complete redesign to improve the configuration of the two existing M1/A406 and A5/A406 junctions so that they effectively operate more efficiently as one large interchange and provide additional traffic capacity;
 - (b) A41/A406 Mid-Level Junction - to provide additional traffic capacity;
 - (c) A5/A407 - significant improvements to the existing junction, adjacent to Cricklewood Broadway which reconfigures the road layout so that turning movements will be better accommodated, freeing up additional capacity;
 - (d) A407/Claremont Road - widening of the southbound (Claremont Road) and eastbound (A407) approaches to provide additional traffic capacity;
 - (e) A new egress directly onto the A406 Eastbound from Brent Cross Shopping Centre (West) at the existing direct access from the A 406;
 - (f) A new access to Brent Cross Shopping Centre (East) directly from both the A406 Eastbound and the mid-level roundabout of the A41/A406 junction).
- 5.6.7.5 In addition to the above junction works, some works are also required to the A406 North Circular Road where the westbound exit directly to the Tilling Road/Brentfield Terrace will be removed and the A41 southbound on-slip from the A41/A406 junction will be modified.
- 5.6.7.6 The secondary roads and junctions will comprise a combination of new and improved roads and junctions, which will form the main internal distributor roads and junctions within the BXC site.
- 5.6.7.7 Improvements or new facilities are also proposed to the pedestrian and cycle routes throughout the BXC site including road routes through Clitterhouse Playing Fields (Part 1) and alongside the River Brent. Clitterhouse Playing Fields and Claremont Park are underused areas of open space which will be transformed for the existing and future community through the provision of areas for intensive sports use, more leisurely recreation and children's play areas.

5.6.8 Bridge Structures

- 5.6.8.1 One of the major regeneration benefits that Phase 1 (North) will deliver is the new or improved bridges needed to overcome the existing physical barrier of the A406 to connectivity. The bridges are:
- (a) Living Bridge - a new pedestrian and cycle bridge over the A406 adjacent to Claremont Avenue and Market Square and the new Bus Station.
 - (b) A406 Templehof Bridge - a replacement for the existing Templehof Bridge to provide a link over the A406 providing 4 traffic lanes (two of which will have a public transport priority) as well as segregated pedestrian and cycle facilities.
 - (c) A406/M1 Junction Pedestrian and Cycle Bridge - a new shared pedestrian and cycle bridge over the A406 adjacent to the railway arches.
 - (d) Staples Corner Junction Pedestrian Bridges (improvement and modification of existing bridges to suit the modified junction).

- (e) River Brent Bridges – There will be a total of 9 new road bridges across the improved and diverted River Brent and a further two bridges will be for the use of pedestrians and cyclists only.

5.6.9 Public Transport

- 5.6.9.1 The new BXC Bus Station will be the key to facilitating public transport users access to the core of the BXC. Bus services will be significantly improved throughout the area and provide good linkages to both the existing Cricklewood Station and the Brent Cross Underground Station. This local non-car mode provision will be further enhanced by the provision and enhancement of comprehensive pedestrian and cycle facilities that both connect fully within the site and integrate with existing networks in the surrounding community.
- 5.6.9.2 All interchanges will provide step free bus stands and stops, motorcycle parking and cycle parking. Taxi pick-up, set down and rank facilities will also be provided where appropriate. The pedestrian interchange footprints will provide sufficient space that the required pedestrian movements can be carried out in comfort and safely.

5.6.10 Parking

- 5.6.10.1 Car parking restraint is seen as the primary means of controlling and managing car use associated with the BXC development, to assist in achieving the mode share targets. The key principles are:
 - (a) Introduction of car parking charges at the Shopping Centre;
 - (b) Shared use of parking provision;
 - (c) The "non-allocation" of parking spaces so that residents and businesses can "lease" parking to suit their needs;
 - (d) Car parking provision management and review of charges to manage demand;
 - (e) Potential for a progressive reduction in residential parking standards as public transport accessibility increases;
 - (f) Use of travel plans/car clubs/cycle club; and
 - (g) Protection of nearby residential areas from the impacts of parking displacement, through the selective consideration and possible implementation of controlled parking zones (CPZ).
- 5.6.10.2 Provision will be made within the public parking areas for disabled drivers in accordance with the London Plan and LB Barnet standards.
- 5.6.10.3.1 Motorcycle and cycle parking will be provided at key locations at least to the standards required by the local authority.

5.6.11 Servicing

- 5.6.11.1 The Framework Servicing and Delivery Strategy (FSDS) seeks to embed exemplary servicing and delivery arrangements as central to the design, implementation and on-going management of the BXC scheme.

6. PLANNING FRAMEWORK

National Planning Policy

- 6.1 The National Planning Policy Framework (NPPF) published on 27 March 2012 replaces almost all of all the Planning Policy Statements and Planning Policy Guidance notes.

It confirms that the purpose of the planning system is to contribute to the achievement of sustainable development. Therefore, at the heart of the NPPF is 'the presumption in favour of sustainable development' which should be seen as the 'golden thread' running through both plan-making and decision-taking.

- 6.2 The NPPF's purpose is to send a strong signal to all those involved in the planning process about the need to plan positively for appropriate new development so that both plan-making and development management are proactive and driven by a search for opportunities to deliver sustainable development, rather than frustrated by unnecessary barriers.
- 6.3 Paragraph 17 of the NPPF identifies twelve core planning principles of which the following are of particular relevance:
- (a) proactively drive and support sustainable economic development to deliver the homes, business units, infrastructure and thriving local places that the country needs. Every effort should be made to identify and meet housing, business and other development needs of an area, and respond positively to wider opportunities for growth;
 - (b) encourage the effective use of land by reusing brownfield land;
 - (c) promote mixed use developments;
 - (d) actively manage patterns of growth to make the fullest possible use of public transport; and
 - (e) take account of land and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs.
- 6.4 The NPPF also specifically recognises the role that mixed use development can play in promoting healthy lifestyles by encouraging interactions between different sections of the community and highlights that sustainable development can be achieved through three specific roles of the planning system including: economic, social and environmental. There is also a commitment to tackling climate change and reducing carbon dioxide emissions.
- 6.5 The NPPF requires LPAs to meet objectively assessed need and deliver housing which provides people with a choice about where they live and the type of accommodation available. Furthermore, the NPPF states that planning authorities should ensure that there is sufficient land available to support economic growth, particularly in areas well served by transport infrastructure.

Regional Planning Policy

- 6.6 The London Plan (2011) like its predecessor continues to identify Opportunity Areas and Intensification Areas. BXC is one of 33 Opportunity Areas. Policy 2.13 indicates that the Mayor will provide proactive encouragement, support and leadership for partnerships preparing and implementing opportunity area planning frameworks to realize the growth potential in these areas. Policy 2.13 also states that development proposals within Opportunity Areas should (inter alia):
- (f) Support the strategic policy directions for the Opportunity Areas set out in Annex 1 and adopted opportunity area planning frameworks;
 - (g) Seek to optimise residential and non-residential output and densities, provide necessary social and other infrastructure to sustain growth, and where appropriate, contain a mix of uses;
 - (h) Contribute towards meeting (or where appropriate, exceeding) the minimum guidelines for housing and/or indicative estimates for employment capacity;
 - (i) Support wider regeneration (including in particular improvements to environmental quality) and integrate development proposals to the surrounding areas especially areas for regeneration.
- 6.7 Annex 1 of the London Plan (2011) sets the Opportunity Area an indicative employment capacity target of 20,000 jobs and a minimum new homes target of 10,000 units. The strategic policy direction for the Opportunity Area (which includes West Hendon) states that:

"this area combines former railway lands and the wider hinterland surrounding Brent Cross regional shopping centre across the A406 North Circular Road. Brent Cross is to be redeveloped to become a town centre complementing the roles of other centres nearby and with an extended mix of town activities. This should include a significant increase in new housing together with local ancillary services. A rail station on the Cricklewood site is proposed and new development should be phased with improvements to public transport and accessibility. A site for a major waste facility within the area will form a key role in North London Waste Strategy. There is significant potential for improvement to the public realm including restoration of the River Brent."

- 6.8 Annex 1 also defines the Opportunity Area planning framework of BXC as 'adopted'.
- 6.9 Policy 2.16 identifies Strategic Outer London Development Centres. Table 2.1 identifies Brent Cross with a 'retail' strategic function and Brent Cross Cricklewood with a strategic office (subject to demand) function of greater than sub-regional importance. Policy 2.16 states that within these centres there will be a focus on: co-ordinating public and private infrastructure investment; bringing forward adequate development capacity; placing a strong emphasis on creating a distinct and attractive business offer and public realm through design and mixed use development; and improving Londoners' access to new employment opportunities.
- 6.10 The Plan advocates the need to make the most efficient use of brownfield land and recognises that in areas of high public transport accessibility densities should be maximised.
- 6.11 The Draft Further Alterations to the London Plan (FALP) were published in January 2014. These alterations were published to reflect Mayoral priorities as set out in "2020 Vision: The Greatest City on Earth – Ambitions for London", particularly the need to plan for the housing and economic capacity, needed for London's sustainable development following the results of the 2011 Census. These alterations will take the Plan forward to 2036.
- 6.12 Overall, the draft policies within the FALP do not have any direct implications for the regeneration proposals of BXC.

Local Planning Policy and Guidance

- 6.13 In 2004 the Cricklewood, Brent Cross and West Hendon Regeneration Area Development Framework ("DF") was adopted by the Council as Supplementary Planning Guidance. It was updated in 2005 to include the Eastern Lands. The DF was produced by the Council in collaboration with the GLA, other stakeholders and development partners. It was intended to guide and inform the design and delivery of the development of BXC with the aim of achieving high quality comprehensive redevelopment of the area around a new sustainable mixed use town centre for Barnet spanning the A406 North Circular Road.
- 6.14 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 UDP planning inspector endorsed 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 - including express policy support for significant new retail floorspace, jobs and housing.

Barnet's Local Plan – Core Strategy (2012)

- 6.15 Barnet's Core Strategy is one of a suite of documents forming the Local Plan. The Local Plan sets out the policies for delivering sustainable development in the Borough. The Core Strategy details the vision and objectives for the Borough over the plan period (to 2025/26), and a series of strategic policies.
- 6.16 Map 2 provides the 'Key Diagram' for the Borough. BXC is a designated Regeneration/Development Area and Brent Cross Shopping Centre is identified as a

Regional Shopping Centre. Brent Cross Cricklewood Regeneration Area is noted to be the subject of a planning permission granted in October 2010. As well as the provision of new homes (approximately 7,550 units) and jobs, and the transformation of the existing shopping centre, the proposals are expected to deliver a range of social, transport and green infrastructure.

- 6.17 Policy CS2 sets out the broad policy framework and anticipated timescales for the redevelopment of BXC. The policy states that BXC is identified as an Opportunity Area in the London Plan and 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.
- 6.18 The policy seeks the comprehensive redevelopment of BXC in accordance with the London Plan, the saved Unitary Development Plan (UDP) policies (Chapter 12) and the adopted Cricklewood, Brent Cross and West Hendon Regeneration Area Development Framework. The policy describes this as providing the key elements of the local planning policy framework for deciding future planning applications unless and until replaced by new DPD or SPD as a result of the Local Plan Monitoring and review process.

Saved Policies of Chapter 12 of Barnet's UDP (2006)

- 6.19 The Local Plan largely replaced the policies of the UDP. However, Chapter 12, relating to Brent Cross Cricklewood, was saved. The importance of BXC is reflected in saved UDP Policy G Crick which states:

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

- 6.20 Policy C1 (Comprehensive Development) states that the Council will seek comprehensive development in accordance with the adopted Cricklewood, Brent Cross and West Hendon Regeneration Area Development Framework and delivery strategy. Development proposals will be supported if they are consistent with the policies of the UDP and their more detailed elaboration in the Development Framework. Policy C5 also identifies the manner in which the new town centre should come forward, in particular in terms of the additional Class A1 comparison floorspace.

7. THE NEED AND JUSTIFICATION FOR THE ORDER

- 7.1 By virtue of Section 226(1)(a) of the Act the Council has the power to make a compulsory purchase order for any land in its area if it thinks that the acquisition of the land will facilitate the carrying out of development, redevelopment or improvement on or in relation to the land. The Council thinks that the acquisition of the Order Land will facilitate the carrying out of development both of the CPO1 Development and also the regeneration of the wider BXC area. Section 226(1A)(a) of the Act provides that the Council may not exercise the power unless it thinks that the development, re-development or improvement is likely to contribute to the promotion or improvement of the economic, social or environmental well-being of its area. The Council does think that the development of the Order Land is likely so to contribute.
- 7.2 Section 226 (4) of the Act provides that it is immaterial that the development, re-development or improvement may be carried out by a third party.
- 7.3 Section 13 of the Local Government (Miscellaneous Provisions) Act 1976 enables the Council to compulsorily acquire such new rights over the land as are specified in a compulsory purchase order.

- 7.4 Circular 06/2004 ("**the Circular**") provides guidance on the use of these compulsory purchase powers. The Introduction to the Circular states that:

"Ministers believe that compulsory purchase powers are an important tool for local authorities and other public bodies to use as a means of assembling the land needed to help deliver social and economic change. Used properly, they can contribute towards effective and efficient urban and rural regeneration, the revitalisation of communities, and the promotion of business – leading to improvements in quality of life. Bodies possessing compulsory purchase powers – whether at local, regional or national level – are therefore encouraged to consider using them pro-actively wherever appropriate to ensure real gains are brought to residents and the business community without delay".

- 7.5 The main body of the Circular provides general guidance on the use of compulsory purchase powers by acquiring authorities whilst Appendix A provides specific guidance for local authorities on the use of their powers under Section 226. Paragraph 2 of Appendix A of the Circular provides that:

"the powers in Section 226 as amended by Section 99 of the Planning and Compulsory Purchase Act 2004 are intended to provide a positive tool to help acquiring authorities with planning powers to assemble land where this is necessary to implement the proposals in their community strategies and Local Development Documents", which will include "saved" unitary development plans."

- 7.6 The CPO1 Development complies with the guidance in paragraph 16 of Appendix A of the Circular. In particular, the purpose for which the Order Land is to be acquired fits in with the adopted planning framework for the area and the core strategy; the proposed purpose will contribute to the achievement of the promotion or improvement of the economic, social and environmental wellbeing of the area; it is considered that there is a reasonable prospect that the Scheme will proceed; and the purpose for which the Council is proposing to acquire the Order Land could not be achieved by any other means such as alternative proposals put forward by owners of the land or alternative locations for the purposes for which the Order Land is to be acquired.

- 7.7 In order to secure the delivery of the wide range of significant public benefits that the Scheme (and in due course the wider BXC proposals) will bring, it is essential for the proposals to come forward in a comprehensive and co-ordinated manner.

- 7.8 Given the obligations in the planning permission and associated section 106 agreement, which seek to ensure that the redevelopment of the Brent Cross shopping centre does not take place without the significant and critical infrastructure being committed and secured, if the Order is not confirmed then the regeneration of the BXC area will not proceed.

- 7.9 Being able to deliver the CPO1 Development on the whole of the Order Land will provide the confidence and critical mass of development which will enable the Development Partners to commit to the delivery of the infrastructure needed not only to improve that land, but also to facilitate the regeneration of the land to the south of the North Circular Road. Without this, there would be little prospect of the regeneration of the land south of the North Circular taking place and delivering the public benefits. The Council does not consider that the purposes for which the Order has been made could be achieved by any other means than through the Order. Also, there are no alternative locations for those purposes.

- 7.10 The whole of the Brent Cross Shopping Centre is included in the Order so as to provide certainty that all the interests and rights that are required for the Scheme to be constructed and operated are secured. As explained in paragraph 5.5, the works to the Shopping Centre include both extension and refurbishment of the existing premises. The refurbishment will inevitably have an impact on the existing tenants as it will affect servicing and access arrangements while the works are carried out and, in some cases, on a long term basis. Whilst it is likely that many of the refurbishment objectives can be achieved by virtue of the existing tenancy provisions and within a reasonable timescale, there can be no certainty about this. Moreover the planning permission is in outline and final detailed design continues

to evolve. To omit parts of the Centre from the Order before final design approval would be an unacceptable risk to the implementation of the Scheme. However, as explained in section 10.2, the Development Partners have been and will continue to be in negotiation with tenants with a view to reaching an agreement with them and keeping them fully informed.

- 7.11 The Council is of the view that the redevelopment and improvement of the Order Land through the Scheme will contribute significantly towards the achievement of the economic, social and environmental well-being of their area. Moreover, all the interests and new rights included in the Order need to be acquired in accordance with a programme for the phased development described at Section 5. The Council considers that there is a compelling case in the public interest for the Order, so that the substantial public benefits the Scheme will bring can be realised.

8. ECONOMIC SOCIAL AND ENVIRONMENTAL WELL BEING

- 8.1 Development of the Order Land will significantly contribute to the economic, social and environmental well-being of the area and will also be an important catalyst to the development of the whole of Phase 1 and the wider BXC area.

- 8.2 The main benefits from the CPO1 Development on the Order Land are:-

8.2.1 The extension and refurbishment of the existing Brent Cross Shopping Centre to provide additional and improved retail floorspace together with leisure, catering and community facilities and new homes as the basis for the new integrated town centre. The improved offer and range of the Centre will enhance its attraction and avoid the migration of visitors to competing centres. There will be a better retail offer and range of goods available for customers in what will be the foundation for a new and integrated town centre.

8.2.2 The additional floorspace in the Shopping Centre, together with the longer trading hours, will create over 3,000 Full Time Equivalent new jobs, many of which will be local, thus generating economic growth and prosperity in the area. In addition, the construction of the highway and other infrastructure works will provide many more employment opportunities.

8.2.3 The layout and capacity of the highways will be improved and will provide new and improved access and egress points. The new bus station will be double the size of the existing facility, encouraging modal shift between the private car and public transport.

8.2.4 The provision of the new Living Bridge, the new Templehof Bridge and the diversion of the River Brent will create new and enhanced walking and cycle routes to improve connectivity between the new plot development and the land south of the A406 North Circular Road. This will be a major contribution towards the provision of a new and integrated town centre.

8.2.5 The quality of the public realm will be significantly improved and there will be a network of streets and squares to create the basis of the new town centre including central Brent Cross Main Square and the Living Bridge. Open space enhancements are also to be delivered through works to Clitterhouse Playing Fields and Claremont Park. Surface level car parking will be removed to underground and multi-storey facilities.

8.2.6 Development of the Order Land will act as a catalyst for the regeneration of the remainder of Phase 1 and of the wider BXC area. In particular, it will provide the infrastructure necessary to facilitate the regeneration of the land to the south of the A406 and the realisation of the potential of that area.

- 8.3 The benefits of the remainder of Phase 1 and for the wider BXC area – which also apply to the development of the Order Land – include:-

- 8.3.1 Remediation of contaminated land. Some of the current and previous uses have resulted in contamination. In order to create a high quality and safe environment remediation to satisfactory levels will be necessary.
 - 8.3.2 Improvement of visual appearance. Parts of the area are dominated by fragmented land uses and by car parking and have a low visual quality. The BXC development will remove inefficient land uses and integrate the area into a single town centre with a significantly improved urban environment.
 - 8.3.3 The proposed mix of uses includes a range of employment generating floorspace which will improve not only the quantum of jobs but also the diversity of employment opportunities available and accessible to local people. The improved accessibility of the site as a result of the transport improvements will also increase employment opportunities in the wider area.
 - 8.3.4 The development of the Order Land will play a vital role in "pump priming" the wider regeneration of the BXC area including the provision of the integrated town centre with its range of services and facilities. It will also enable the comprehensive package of transport proposals including highway improvements, and improvements to the underground and over ground railway stations.
 - 8.3.5 The provision of new homes in Phase 1 (including both north and south of the A406). The planning permission provides for 171,150 m² of residential development (about 1,840 units) and ultimately the BXC site will provide over 7,540 new homes.
- 8.4 These benefits clearly demonstrate that there is a compelling case in the public interest for the Order. Moreover, without the Order it is most unlikely that the land and interests needed for the first Phase of the regeneration of the wider area could be assembled within any reasonable timeframe and in particular within the deadlines under the s.73 Permission.

9. DELIVERY AND RESOURCES

- 9.1 As indicated in section 3 the CPO1 Development is to be delivered by a partnership between Hammerson and Standard Life Investments. They will be responsible for the redevelopment to the north of the North Circular Road and for the provision of the infrastructure needed to support it and which will also facilitate the regeneration of the land to the south, which is to be taken forward by the Council.
 - 9.2 Hammerson is a FTSE 100 company and is ranked as the fourth largest REIT in the UK with a market capitalisation of about £5bn. It specialises in the investment, development and management of prime retail shopping centres and retail parks in the UK and France. It has been a co-owner of Brent Cross with Standard Life since its development in 1976 as the first out of town shopping centre in the UK. Since 2000 Hammerson has developed the following major shopping centres:- Oracle (Reading); West Quay (Southampton); Bullring (Birmingham); High Cross (Leicester); Cabot Circus (Bristol); Union Square (Aberdeen) and recently Terrasse du Port (Marseille).
- All are major award winning projects and demonstrate an excellent track record in developing and co-owning prime large scale retail-led projects which is second to none in the industry.
- 9.3 With assets under management of £196.1 billion (30/06/14), Standard Life Investments is one of Europe's leading investment houses and one of the largest real estate investors in Europe managing over 500 properties across 14 countries. Standard Life Investments was launched as an investment management company in 1988. It is a wholly owned subsidiary of Standard Life Investments (Holdings) Limited, which in turn is a wholly owned subsidiary of Standard Life plc.

Standard Life Investments is one of the largest owners/asset managers of retail assets in the UK, comprising 15 shopping centres and 38 retail parks. The Standard Life Investments UK

Shopping Centre Trust is majority owner of Brent Cross Shopping Centre in partnership with Hammerson. Other key retail assets owned by Standard Life Investments include Churchill Square (Brighton), Castlepoint (Bournemouth), St Marks (Lincoln) and Thistles (Stirling).

Headquartered in Edinburgh Standard Life Investments maintains offices in a number of locations around the globe including Boston, Hong Kong, London, Beijing, Montreal, Sydney, Dublin, Paris, Stockholm and Seoul. In addition, it has close relationships with leading domestic players in Asia, including HDFC Asset Management in India and Sumitomo Mitsui Trust Bank in Japan.

- 9.4 The Development Partners have negotiated a Property Development Agreement with the Council. It sets out the obligations of the parties for the commencement and carrying out of the Scheme. Other agreements have been negotiated dealing with various planning, highways and infrastructure matters, and an Indemnity Agreement which requires the Development Partners to underwrite all the costs associated with the CPO process, including land acquisition and compensation, is to be entered into.
- 9.5 The Development Partners have the expertise to acquire the land and to deliver the Scheme within the agreed time frame. The CPO1 Development has been agreed with the Council following full consultation and discussion. There are no planning impediments to its implementation. The Development Partners have provided a general indication of funding intentions. Costs are under constant review and a value engineering exercise is being undertaken. The Council will work with the Development Partners to address funding issues in order to support the regeneration proposals. From Officers' discussions with the Development Partners it is considered that there is a reasonable prospect of the CPO 1 Development going ahead.

10. LAND NEGOTIATIONS, REHOUSING AND CONSULTATION

10.1 Residential Properties

- 10.1.1 The Order Land includes 60 dwellings on the Whitefield Estate with a further 25 assisted living units at the Rosa Freedman Centre on Claremont Way. There are people in residential care within the Rosa Freedman Centre. The Council will relocate the residents of the Rosa Freedman Centre to appropriate alternative facilities within the Borough paid for by the Development Partners through the s106 Agreement.
- 10.1.2 The Development Partners will reprovide up to 60 dwellings. Land within the ownership of the Council has been identified for the reprovion of the dwellings and the affected residents have been consulted on the selection of the site. Outline planning permission has been secured and a reserved matters application for detailed approval is to be submitted.
- 10.1.3 The Council and the Development Partners are in the process of securing a Registered Provider to deliver the replacement dwellings.
- 10.1.4 The 60 Whitefield Estate dwellings involve 31 Council tenants, 14 resident owners and 15 non-resident owners. All the Council tenants will be offered replacement housing in the reprovided units and all of the resident owners will have the opportunity to purchase one of the reprovided units. Shared equity terms will be available to resident owners. Non-resident owners will be offered full market value for their property.
- 10.1.5 Small areas of land are required from the garden of three residential properties. At a property in Claremont Road, part of the front garden is required for junction improvements. At a property in Brent Park Road, part of the rear garden is required for works to improve the M1 roundabout and approaches. The front garden of a property in Highfield Avenue is required for junction improvements.

10.2 Non Residential Properties

- 10.2.1 The non-residential properties within the Order Land comprise retail, industrial and trade counter premises west of Whitefield Estate and south of the A406, along with the Holiday Inn and the site of a former petrol filling station on Tilling Road. Some land will be required from the car park and access ways of the Brent Cross Retail Park for improvements to Tilling Road and Templehof Way. Between the A5 and the M1 a car dealership and railway arches in light industrial use are within the Order Land. At the junction of Cricklewood Broadway and Cricklewood Lane retail and office premises and a gaming arcade are included. A strip of land fronting an architectural salvage yard next to Cricklewood Station is required for junction improvements. Land used as a yard adjoining the A406 between the London Underground embankment and Brentfield Gardens is required for road improvements.
- 10.2.2 The Development Partners have commenced and will continue to pursue discussions to acquire by agreement the land interests that are in third party ownership. As part of the discussions, the relocation requirements of affected businesses will be identified and potential relocation opportunities will be explored with each business.
- 10.2.3 The discussions with the Holiday Inn are concerned with mitigation measures to reduce the impact of works and reduced car parking capacity on the operation of the hotel, leaving the hotel with the current owner. The hotel and car park are included in the Order Land in order to ensure that the required works can be delivered in the event that negotiations are not successful.
- 10.2.4 A limited number of retail units within the Brent Cross Shopping Centre will need to be demolished or reconfigured as part of the Scheme. The Development Partners have entered into discussions with the affected tenants to secure lease terms which are compatible with the required works. A larger number of retail units will be subject to changed servicing arrangements and where lease variations are required to accommodate the changes, the Development Partners will seek to secure these variations in advance of any compulsory purchase by the Council. .
- 10.3 Consultations**
- 10.3.1 The Development Partners have consulted and engaged with local stakeholders over a considerable period and, more particularly, on the Section 73 planning application.
- 10.3.2 The 2010 consent followed two phases of detailed and extensive consultation with local communities between 2006 and 2007. These two phases involved almost 3,000 people in total and saw strong public support for the plans.
- 10.3.3 Ahead of submitting the Section 73 application, the Development Partners undertook further extensive consultation with local communities. The objectives were to explain the amendments to the masterplan, to remind people about the consented masterplan and what already had permission, to engage with a wide cross-section of the public and to consider and respond to comments and questions raised.
- 10.3.4 The consultation ran through Summer 2013 and included 12 days of fully-staffed, well-promoted public exhibitions across four local venues as well as meetings with individual stakeholders and groups.
- 10.3.5 The exhibitions were promoted via local newspapers, letters to key stakeholders, residents' groups and local politicians and flyer distribution to 34,000 local households and businesses. An updated Brent Cross Cricklewood website also included information about when and where the exhibitions were taking place.
- 10.3.6 So that as many people as possible to comment on the proposals they were able to use comment cards, the consultation website, e-mail or telephone.
- 10.3.7 Almost 1,700 people attended the exhibitions in total and many more visited the website. In addition, individual meetings took place with a wide range of local political and technical groups and relevant stakeholders.

- 10.3.8 In total 440 people responded to the consultation. 81% expressed overall support for changes in and around Brent Cross; 90% expressed overall support for the introduction of a new pedestrian and cycle bridge over the North Circular Road and 87% expressed overall support for the earlier delivery of transport works.
- 10.3.9 The Development Partners provided a response to all of the common questions and concerns that were raised during the consultation process and a full set of responses was placed on the website. Tailored consultation responses were sent to stakeholders who had asked specific questions during the consultation process.
- 10.3.10 There have also been more recent exhibitions in connection with the submission of reserved matters applications under the s.73 Permission.

11. RELATED ORDERS AND SPECIAL KINDS OF LAND

- 11.1 Various highway stopping up and/or diversion orders are needed to enable the new and improved network to be implemented. An order under Section 16 Highways Act 1980 is also required as there is some additional special category road provision as part of the improvements to Junction 1 of the M1. Applications for these orders will be made and they may require a co-ordinated decision by the confirming Minister and the local highway authority.
- 11.2 The Order Land does not contain any of the special kinds of land such as listed buildings, ancient monuments, conservation areas, open space, etc.
- 11.3 The apparatus of statutory undertakers or utilities will be protected, diverted or replaced as necessary.
- 11.4 There are no requirements for additional information as referred to in paragraph 11 of the Circular or in the light of Government policy statements.

12. HUMAN RIGHTS ACT

- 12.1 In determining whether or not to confirm the Order, the Secretary of State must have regard to any interference with human rights, the provisions of the Human Rights Act 1998 and the European Convention on Human Rights ("the Convention"). The Secretary of State must consider whether, on balance, the case for compulsory purchase justifies interfering with the human rights of the owners and occupiers of the Order Land. The Secretary of State also has to be satisfied that the land included in the Order is all the land necessary in order to secure the delivery of the CPO1 Development and does not include land which is not required for that purpose.
- 12.2 Article 1 of the First Protocol to the Convention states that "...Every natural or legal person is entitled to peaceful enjoyment of his possessions" and "no one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by the law and by the general principles of international law...". Whilst occupiers and owners in the Order Land will be deprived of their property if the Order is confirmed and the powers are exercised, this will be done in accordance with the law, in this case the Act. The Order is being pursued in the public interest as required by Article 1 of the First Protocol. The public benefits associated with the CPO1 Development are set out earlier in this Statement of Reasons. The Council considers that the Order will strike a fair balance between the public interest in the implementation of the proposals and those private rights which will be affected by the Order.
- 12.3 Article 6 of the Convention provides that: "In determining his civil rights and obligations...everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law". The regeneration proposals, including those associated with the Order Land, have been extensively publicised and consultation has taken place with the communities and parties that will be affected by the

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

- 12.4 Article 8 of the Convention states that: "Everyone has the right to respect for his private and family life, his home and his correspondence...interference is justified however, if it is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for its prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedom of others." The Council considers that the interference with this right that will result from the exercise of the powers conferred by the Order will be in accordance with the law (namely the Act), give effect to a legitimate aim (namely securing the much-needed regeneration of the area), and will be proportionate having regard to the public benefits that the regeneration will bring.
- 12.5 Those whose interests are acquired under the Order will also be entitled to compensation which will be payable in accordance with the Compulsory Purchase Compensation Code, assessed on the basis of the market value of the property interest acquired, disturbance (i.e. reasonable moving costs and costs/losses directly related to the compulsory acquisition) and statutory loss payments (e.g. home loss payments). The reasonable surveying and legal fees incurred by those affected in transferring interests to the Council will also be paid by the Council. The Compensation Code has been held to be compliant with Article 8 and Article 1 of the First Protocol to the Convention.
- 12.6 The European Court of Human Rights has recognised in the context of Article 1 of the First Protocol that "regard must be had to the fair balance that has to be struck between the competing interests of the individual and the community as a whole". Both public and private interests are to be taken into account in the exercise of the Council's powers and duties. Similarly, any interference with Article 8 rights must be "necessary in a democratic society" i.e. proportionate.
- 12.7 In promoting this Order, the Council has carefully considered the balance to be struck between the effect of acquisition on individual rights and the wider public interest in the redevelopment of the Order Land and the BXC area. Interference with Convention rights is considered by the Council to be justified here in order to secure the economic regeneration, environmental and public benefits which the proposals will bring. With regard to the residential tenants of the Council, the Council will only exercise its powers under the Order in the event that negotiations and the use of the processes in the Housing Act are not successful.
- 12.8 The requirements of the Human Rights Act 1998 and the Convention, particularly the rights of property owners, have therefore been fully taken into account. There is a compelling case in the public interest for the Order to be made and confirmed, and the interference with the private rights of those affected that would be the inevitable result of the exercise of the compulsory powers conferred by the Order would be lawful, justified and proportionate.
- 12.9 There has been extensive public consultation on the proposals to regenerate the BXC area, and the opportunity has been given through the consideration of the planning applications to make representations on the proposals. A public inquiry will be held into the Order if objections are duly made, and those whose interests are acquired under the Order, if it is confirmed, will be entitled to compensation as provided under national law.

13. CONCLUSIONS

- The acquisition of the Order Land will facilitate development on the land and will contribute to the promotion or improvement of the economic, social and environmental well-being of the area.

- The CPO1 Development will also be an important catalyst for the development of the whole of the Phase 1 of the BXC Scheme and the wider BXC area.
- All of the Order Land is required for the CPO1 Development.
- The CPO1 Development will contribute towards the achievement of the Council's strategic objectives and will deliver important and wide ranging public benefits including investment in and around the existing shopping centre to create the basis of a new town centre, new jobs, new residential accommodation and major infrastructure and environmental improvements.
- The CPO1 Development is essential if the regeneration of land to the south of the North Circular Road (the subject of a separate compulsory purchase order) is to be achieved.
- The purpose for which the Order Land is to be acquired accords with the planning framework for the area.
- Planning permission has been granted for the development of the BXC area. A mixed use scheme, including retail, business, leisure and residential development, is to be carried out on the Order Land as the first stage of the BXC regeneration scheme. It will also provide the essential infrastructure to support redevelopment and regeneration of the wider BXC area. There are no planning impediments to the development of the Order Land.
- The development of the Order Land is to be delivered by the Council's Development Partners who have the experience to carry out the scheme. The Secretary of State can therefore be satisfied that there is a reasonable prospect that the development of the Order Land will proceed.
- The purposes for which the Order Land is to be acquired could not be achieved by any alternative proposals or by development in other locations.
- The extension and refurbishment of the existing Brent Cross Shopping Centre will provide additional and improved retail floorspace needed to enhance its attraction and create the basis of the new town centre. The whole of the shopping centre has been included in the Order to ensure that all the necessary interests and rights needed for construction and operation are secured, but negotiations with tenants will seek wherever possible to achieve any necessary changes by agreement.
- The development of the Order Land includes the extensive highway and transport improvements, new bridges, a new bus station and other public transport improvements and parking and servicing measures.
- The residential dwellings on the Order Land will be re-provided within the Borough at the expense of the Council's development partners. Residents have been consulted on the re-provision and will continue to be fully informed.
- There have been negotiations to acquire by agreement commercial properties in the ownership of third parties. These negotiations will continue and relocation opportunities considered. Owners and occupiers of commercial units will be kept informed.
- The purposes for which the Order has been made sufficiently justify the interference with the human rights of those who will be affected by it. The exercise of the powers conferred by the Order will be lawful, necessary and proportionate.
- The Order is essential to provide certainty that the Order Land can be assembled within a reasonable timeframe and in accordance with the requirements of the planning permission.
- The regeneration of the Order Land will not be achieved without the use of compulsory purchase powers, but the powers will only be used where the required land and interests cannot be acquired by negotiation.
- If the Order is not confirmed the regeneration of the whole of the BXC area will not proceed.

- There is a compelling case in the public interest for the making and confirmation of the Order.

14. DETAILS OF CONTACTS AT THE COUNCIL AND AT THE DEVELOPERS

- 14.1 Anyone affected by the Order who wishes to discuss matters with a Council representative should contact Karen Mercer, Programme Director, Development and Regulatory Services (karen.mercer@barnet.gov.uk) (telephone 020 8359 7563).
- 14.2 Anyone wishing to discuss matters with the Development Partners should contact Ben Littman, Development Manager, Hammerson PLC (ben.littman@hammerson.com) (telephone 020 7887 1031).
- 14.3 Anyone wishing to discuss the acquisition of their interest should contact Paul Astbury, CPO and Regeneration Director, GL Hearn Limited (paul.astbury@glhearn.com) (telephone 020 7851 4979).

15. INQUIRIES PROCEDURE RULES

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

16. LIST OF DOCUMENTS

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

- the Order, Order Schedule and Order Map;
- report to the committee and decision notice and section 106 agreement relating to planning permission ref: F/04687/13 dated 23 July 2014;
- ARG report and minutes of 15 December 2014 authorising the making of the Order;
- National Planning Policy Framework 2012;
- London Plan 2011;
- London Borough of Barnet Core Strategy 2012;
- London Borough of Barnet UDP 2006 – Saved Policies;
- West Hendon Regeneration Area Development Framework;
- The London Borough of Barnet (Brent Cross Cricklewood) Compulsory Purchase Order (No. 2) 2014 and associated Statement of Reasons.

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

- **Barnet House**, Planning Reception, 1255 High Road, Whetstone, N20 0EJ, Tel: 0208 359 2000 during the following hours: 9am – 1pm Mondays, Wednesdays and Fridays; and at
- **Hendon Library**, The Burroughs, London, NW4 4AX, Tel: 0208 359 2628 during the following hours: 9.30am-8pm Mondays, 9.30am-5pm Tuesdays, 9.30am-8pm Wednesdays, 10am-8pm Thursdays and 9.30am-5pm Fridays.

16.3 Documents relating to the Order can be downloaded from the Council's website via the following link: **[TBC – link needed]**.

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APPENDIX

Plan showing extent of Order Land.

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