

**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.2) 2015**

STATEMENT OF REASONS

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1. INTRODUCTION

- 1.1 This document is the Statement of Reasons of the London Borough of Barnet ("**the Council**") prepared in connection with a compulsory purchase order made by the Council, entitled The London Borough of Barnet (Brent Cross Cricklewood) Compulsory Purchase Order (No.2) 2015 ("**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 the powers in Section 226 (1)(a) of the Town and Country Planning Act 1990 ("**the Act**"). In this Statement of Reasons, the land and rights included within the Order are referred to as "**the Order Land**" and this is shown on the plan appended to this Statement. The Council is the local planning authority for the Order Land. The Council and Transport for London are the local highway authorities for the roads in the Order Land.
- 1.3 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 development; community facilities; residential development; leisure development; car parking; infrastructure and highways works, and public realm and environmental improvement works ("**the CPO2 Development**"). This forms an early phase of the wider 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.
- 1.4 A separate compulsory purchase order, The London Borough of Barnet (Brent Cross Cricklewood) Compulsory Purchase Order (No. 1) 2015, has been made for another part of the first phase of BXC, which comprises a major redevelopment and improvement of the existing Brent Cross shopping centre and other development; the provision of infrastructure associated with and required for the redeveloped shopping centre, and significant infrastructure to support the redevelopment and regeneration of the wider BXC (and in particular development to the south of the North Circular). The Council considers it essential that the regeneration of the land south of the North Circular is co-ordinated with, and is delivered alongside, the redevelopment of the shopping centre and other development (including infrastructure) so that the momentum of regeneration can be created and maintained. This is explained further in section 7 of this statement.
- 1.5 It is expected that further CPOs will be promoted by the Council in future to facilitate later phases of regeneration.
- 1.6 The Council considers that the CPO2 Development will contribute to the economic, environmental and social well-being of its area by delivering important public benefits including new commercial development which will provide opportunities for jobs, new residential accommodation (including affordable housing) and environmental improvements. It will also start long-awaited regeneration to the south of the North Circular.
- 1.7 This Statement of Reasons has been prepared in compliance with both paragraphs 35 and 36 of Part 1 of the Memorandum and Appendix R of Circular 06/04 – Compulsory Purchase and the Crichel Down Rules.

2. LOCATION AND DESCRIPTION OF ORDER LAND

Land Interests

- 2.1 Details of the land interests to be acquired are contained in the Schedule to the Order and shown coloured pink on the map which accompanies it ("the Order Map") and comprise:
- 2.1.1 premises on the Claremont Way Industrial Estate and along Brent Terrace;
 - 2.1.2 residential land comprising Brent Farm Cottage at the junction of Tilling Road and Claremont Road, and three blocks of flats on Claremont Road known as Whychcote Point, Clare Point and Norden Point;
 - 2.1.3 land at the junction of Prayle Grove and Claremont Road.
- 2.2 Brent Farm Cottage is owned and rented out by the Council. There are 44 residents in Clare Point, of which 35 are secure tenants and 9 are leaseholders. In Norden Point there are 44 residents of whom 24 are secure tenants, 19 are leaseholders and one resident owns a flat having exercised a right to buy. In Whychcote Point, there are again 44 residents, of whom 36 are secure tenants and 8 are leaseholders. **[Final update of figures needed before CPO made]**
- 2.3 The Council and its appointed agent Capita have been in discussion with the residential owners whose interests are included in the Order. The contact details of those at Capita are found towards the end of this statement.
- 2.4 Most of the industrial units and associated land on the Claremont Way Industrial Estate included in the Order are owned by the Council, while unit 1 is owned by Hammerson (Cricklewood) Ltd, and these are let to businesses undertaking various activities. Part of the Claremont Way Industrial Estate is owned by McGovern Brothers and is used partly for waste management purposes, with part let to a concrete plant.
- 2.5 The properties along Brent Terrace are in various ownerships, including the Council's. Again, the occupiers of these properties put them to mainly industrial type uses. There is also a landscape strip owned by DSG Retail Ltd.
- 2.6 There are also warehouse premises and a yard on Brent Terrace owned by a Mr and Mrs Barker, let to the occupiers of a nearby church premises, and from which Cricklewood Food Bank operates.
- 2.7 The Council has appointed Sapiens to assist businesses with their relocation requirements. The Council is in contact with the owners and occupiers of the above properties, with the view to making offers and/or agreeing the terms of acquisition in the near future.

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. The Cricklewood Brent Cross Development Partners (made up of Hammerson

and Standard Life Investments (“**the Development Partners**”)) will progress the redevelopment of the land to the north of the A406 North Circular (including the redevelopment of Brent Cross shopping centre), and the Council will take forward the regeneration of the land to the south, which includes the Order Land. As explained in section 9 below, the Council is procuring a development partner to bring forward the regeneration of the land to the south of the North Circular.

- 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 existing 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.
- 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 component of 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.
- 3.9 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.
- 3.10 The CPO2 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-1990s for an extension to provide an additional 27,000m² of retail floor space and for a new multi-storey car park.
- 4.2 The applications were called-in 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 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 S73 Permission**"). A section 106 agreement was completed on 22 July 2014 ("**the S106 agreement**"). The S73 Permission (Ref No. F/04687/13) is to develop the BXC, including the Order Land, subject to updated conditions that facilitate more efficient delivery of the CPO2 Development and the wider BXC.
- 4.6 The S73 Permission is for comprehensive mixed use redevelopment of the Brent Cross Cricklewood regeneration area comprising residential (Use Class C2, C3 and student/special needs/sheltered housing), a full range of town centre uses including Use Classes A1 – A5, offices, industrial and other business uses within Use Classes B1 - B8, leisure uses, rail based freight facilities, waste handling facility and treatment technology, petrol filling station, hotel and conference facilities, community, health and education facilities, private hospital, open space and public realm, landscaping and recreation facilities, new rail and bus stations, vehicular and pedestrian bridges, underground and multi-storey parking, works to the River Brent and Clitterhouse Stream and associated infrastructure, demolition and alterations of existing building structures, combined heat and power plant ("**CHP**")/combined cooling heat and power plant ("**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 S73 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	171,150	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	2,249
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	-	-
PFS	326	-	-
Total	1,361,673	369,259	147,656

4.8 The primary purpose of the S73 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 achieve comprehensive development of the regeneration area. The main changes can be summarised as:

- 4.8.1 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;
- 4.8.2 alterations to the layout of development within Brent Cross East Development Zone (ie around 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;

- 4.8.3 alterations to the phasing of the development to bring more of the development around the shopping centre into Phase 1 (see below), including the new bus station, and
- 4.8.4 alterations and improvements to the open space and public realm provision, including the reconfiguration of the new Brent Cross Square and Market Square to integrate with the Living Bridge.
- 4.9 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 sum available to mitigate 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.
- 4.10 As part of the section 73 application the Development Partners sought amendments to the S106 Agreement associated with the 2010 permission so as to enable changes to the phased delivery of BXC.
- 4.11 The S73 Permission reflects the fact that Phase 1 of BXC is proposed to be delivered in sub phases which are divided between the areas north and south of the North Circular. 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 BXC to be delivered in a timely, effective and beneficial manner.

5. **DESCRIPTION OF THE BXC DEVELOPMENT**

- 5.1 The overall aim of BXC under the S73 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 are:

- 5.2.1 the creation of an attractive mixed use vibrant town centre enabling new and existing residents to live, work and socialise;
- 5.2.2 the development of a popular and accessible public transport offer;
- 5.2.3 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;

- 5.2.4 a high quality urban environment with a long term management regime;
- 5.2.5 the creation of routes through the area, segregated where appropriate, to form seamless, safe and attractive corridors and ensure integration if the site itself and with its surrounding community.

Phase 1

5.3 The S73 Permission provides for the wider BXC to be delivered over seven Phases. Phase 1 is in five sub-phases split north and south. Phase 1A (North) and Phase 1B (North) will be delivered by the Development Partners. The Council is responsible for delivering Phases 1A (South), 1B (South) and 1C. The phasing is:

- 5.3.1 Phase 1A (North) – all the highways infrastructure to support the northern development including the key highways infrastructure to support the 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 infrastructure works) together with River Brent re-routing, bridge works, the Clitterhouse Playing Fields Part 1 and the Claremont Park Improvements;
- 5.3.2 Phase 1A (South) – includes further minor highway improvements to support Phase 1 of the Southern Development;
- 5.3.3 Phase 1B (North) – includes development plots on the north side with the exception of the residential development within the Brent Cross West Zone. It also includes the new bus station, reconfigured Brent Cross 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;
- 5.3.4 Phase 1B (South) – includes the Market Square, a foodstore, a CHPP, the new Claremont School, and over 1000 residential units;
- 5.3.5 Phase 1C – includes the remaining development plots of Phase 1 to the south of the North Circular.

5.4 To create a town centre environment, Phase 1 (North) 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), in addition to 20,574m² of hotel floorspace (Class C1).

- 5.5 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.
- 5.6 The Living Bridge will provide a new pedestrian and cycle connection from the northern development element to the southern development landing south of the North Circular A406, within the Market Quarter Development.
- 5.7 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 North Circular to stimulate activity in the Southern part of BXC. 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 BXC within Phase 1.
- 5.8 The development in the Market Quarter comprise up to 170,752m² of residential use; 6,735m² of retail and related uses (classes A1-A5); 4,645m² of B1 business use; 11,848m² of hotel use; 4,961m² of leisure use, and 1,075m² of D1 community facilities. Overall, the floorspace in the Market Quarter area will be 199,316m².
- 5.9 The Order Land and the CPO2 Development comprise part of the Market Quarter Development Zone. The CPO2 Development will be worked up in detail by the Council's selected development partner (see section 9 below) but will include around 2365 homes (of which approximately 356 will be affordable) and around 17,600m² of retail floorspace. There will also be commercial, leisure and community floorspace provided. Development will include the creation of a market square which will act as a link between the new Living Bridge to the improved Clitterhouse Playing Fields to the south. New streets (including a continuation of the town centre high street) will create an attractive and active environment. The CPO2 Development is a vital and early part of the regeneration of the southern part of BXC.

Reserved Matters Approvals

- 5.10 The Council has imposed a series of controls through the planning conditions attached to the S73 Permission and the S106 Agreement to ensure the delivery of the new town centre for Barnet is brought forward in an approved and logical manner.
- 5.11 These controls enable the Council to ensure that emerging proposals are generally in accordance with the principles and parameters set within the documentation submitted in support of the S73 Permission.

Retail considerations

- 5.12 The extension of the existing Brent Cross shopping centre, which CPO1 will facilitate, will provide 78,133 m² of new retail floorspace, or which 55,000 m² 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.

- 5.13 The CPO2 Development will provide further retail development in a town centre setting to the south of the North Circular which will help to further enhance the linkages between the areas north and south of the North Circular.

Transport and Highway considerations

- 5.14 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 BXC is to transform the existing Brent Cross 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.
- 5.15 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 BXC 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.
- 5.16 The ITS has the following underlying principles:
- 5.16.1 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;
 - 5.16.2 Delivery of the strategy over a long development period requires flexibility to respond to changing conditions but always within parameters and controls established from the S73 Permission;
 - 5.16.3 Development can only proceed if the necessary related infrastructure has been implemented in step with or slightly ahead of need and in line with the promotion of the target progression of mode shift;
 - 5.16.4 In order to overcome initial transport constraints, some significant new infrastructure is being provided in Phase 1 particularly Phase 1 (North); and
 - 5.16.5 As each element of transport infrastructure is brought forward the works provided will cater for the wider BXC making best use of investment and reducing the overall impact of construction works.
- 5.17 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 within the completed development 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.

- 5.18 In transportation terms the key items of transport infrastructure that Phase 1A (North) will deliver are:
- 5.18.1 A new bus station for BXC providing extra capacity for increased numbers of buses on key routes and much improved facilities;
 - 5.18.2 A new pedestrian and cycle network integrating with existing routes;
 - 5.18.3 A new pedestrian and cycle only bridge (the Living Bridge) linking the development areas to the north and south of the A406;
 - 5.18.4 A new footway/cycleway bridge over the A406 at the M1 junction;
 - 5.18.5 A replacement of the Templehof Bridge, which will have segregated bus lanes in each direction and segregated cycle and pedestrian facilities;
 - 5.18.6 An improved A41/A406 Junction having a direct access into the development at the north of the A406; and
 - 5.18.7 A reconfigured and significantly improved junction linking A406/M1 Junction with the A406/A5 Staples Corner junction.

Compliance with national and local transport policies

- 5.19 Transport policy support for the wider BXC proposals 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.
- 5.20 The BXC proposals comply with policies at national, regional and local levels in terms of the accessibility of 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.

Highway Works

- 5.21 The proposed highway improvements are necessary to provide an appropriate network within BXC and an interface between BXC 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.
- 5.22 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).
- 5.23 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.

- 5.24 There will be new and improved junctions with the strategic highway network provided in Phase 1 (North). The primary vehicular access points for BXC will include:
- 5.24.1 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;
 - 5.24.2 A41/A406 Mid-Level Junction – to provide additional traffic capacity;
 - 5.24.3 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;
 - 5.24.4 A407/Claremont Road – widening of the southbound (Claremont Road) and eastbound (A407) approaches to provide additional traffic capacity;
 - 5.24.5 A new egress directly onto the A406 Eastbound from Brent Cross Shopping Centre (West) at the existing direct access from the A406;
 - 5.24.6 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).
- 5.25 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 non-slip from the A41/A406 junction will be modified.
- 5.26 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 BXC.
- 5.27 Improvements or new facilities are also proposed to the pedestrian and cycle routes throughout BXC including road routes through Clitterhouse Playing Fields (Part 1) and alongside the River Brent. Clitterhouse Playing Fields is an underused area 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.

Bridge Structures

- 5.28 One of the major regeneration benefits that Phase 1 (North) will deliver is the new and improved bridges needed to overcome the existing physical barrier of the A406 to connectivity. The bridges are:
- 5.28.1 Living Bridge – a new pedestrian and cycle bridge over the A406 adjacent to Claremont Avenue and Market Square and the new Bus Station.

- 5.28.2 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.
- 5.28.3 A406/M1 Junction Pedestrian and Cycle Bridge – a new shared pedestrian and cycle bridge over the A406 adjacent to the railway arches.
- 5.28.4 Staples Corner Junction Pedestrian Bridges (improvement and modification of existing bridges to suit the modified junction).
- 5.28.5 River Brent Bridges – there will be a total of nine 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.

Public Transport

- 5.29 The new BXC Bus Station will be the key to facilitating public transport users' access to the core of BXC. Bus services will be significantly improved throughout the area and provide good linkages to both the existing Cricklewood Railway Station and the Brent Cross Underground Railway 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.
- 5.30 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 safety.

Parking

- 5.31 Car parking restraint is seen as the primary means of controlling and managing car use associated with BXC to assist in achieving the mode share targets. The key principles are:
 - 5.31.1 introduction of car parking charges at the reconfigured Brent Cross shopping centre;
 - 5.31.2 Shared use of parking provision;
 - 5.31.3 The "non-allocation" of parking spaces so that residents and business can "lease" parking to suit their needs;
 - 5.31.4 Car parking provision management and review of charges to manage demand;
 - 5.31.5 Potential for a progressive reduction in residential parking standards as public transport accessibility increases;
 - 5.31.6 Use of travel plans/car clubs/cycle club; and
 - 5.31.7 Protection of nearby residential areas from the impacts of parking displacement, through the selective consideration and possible implementation of controlled parking zones ("**CPZ**").

- 5.32 Provision will be made within the public parking areas for disabled drivers in accordance with the London plan and the Council's standards.
- 5.33 Motorcycle and cycle parking will be provided at key locations at least to the standards required by the local authority.

Servicing

- 5.34 The Framework Servicing and Delivery Strategy seeks to embed exemplary servicing and delivery arrangements as central to the design, implementation and on-going maintenance of BXC.

6. PLANNING FRAMEWORK

National Planning Policy

- 6.1 The National Planning Policy Framework ("**NPPF**") published on 27 March 2012 replaced almost all previous Planning Policy Statements and Planning Policy Guidance notes.
- 6.2 The NPPF 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.
- 6.3 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.
- 6.4 Paragraph 17 of the NPPF identifies twelve core planning principles of which the following are of particular relevance:
- 6.4.1 proactively drive and support sustainable economic development to deliver the homes, business units, infrastructure and thriving local places that the country needs. Every effort should be made to identify and meet housing, business and other development needs of an area, and respond positively to wider opportunities for growth;
 - 6.4.2 encourage the effective use of land by reusing brownfield land;
 - 6.4.3 promote mixed use developments;
 - 6.4.4 actively manage patterns of growth to make the fullest possible use of public transport; and
 - 6.4.5 take account of land and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs.
- 6.5 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.

- 6.6 The NPPF requires local planning authorities 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

- 6.7 The London Plan (2011) ("**the Plan**") like its predecessor continues to identify Opportunity Areas and Intensification Areas. BXC is one of 33 Opportunity Areas (referred to as the "**BXC Opportunity Area**" for the purposes of this document). 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):

- 6.7.1 support the strategic policy directions for the opportunity areas set out in Annex 1 (of the London Plan) and adopted opportunity area planning frameworks;
- 6.7.2 seek to optimise residential and non-residential output and densities, provide necessary social and other infrastructure to sustain growth, and where appropriate, contain a mix of uses;
- 6.7.3 contribute towards meeting (or where appropriate, exceeding) the minimum guidelines for housing and/or indicative estimates for employment capacity; and
- 6.7.4 support wider regeneration (including in particular improvements to environmental quality) and integrate development proposals to the surrounding areas especially areas for regeneration.

- 6.8 Annex 1 of the Plan sets the BXC 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 BXC 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."

- 6.9 Annex 1 also defines the planning framework for the BXC Opportunity Area as "adopted".
- 6.10 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.

- 6.11 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.
- 6.12 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. Overall, the draft policies within the FALP do not have any direct implications for the regeneration 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 Brent Cross 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 UDP policies (Chapter 12) and the adopted Brent Cross and West Hendon 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 development plan documents or supplementary planning documents 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 BXC. 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 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 the CPO2 Development on that land and that it will facilitate the regeneration of that part of the BXC area to the south of the North Circular. Section 226(1A) of the Act provides that the Council may not exercise the power unless it thinks that the development, re-development or improvement is likely to contribute to the promotion or improvement of the economic, social or environmental well-being of its area. The Council does think that the development of the Order Land is likely to so contribute.

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

- 7.3 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*”.

- 7.4 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 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.”

- 7.5 The Circular, at Paragraph 16 of Appendix A, then states that, in deciding whether to confirm a compulsory purchase order, the matters the Secretary of State will consider include whether the purpose for which the land is being acquired fits in with the adopted planning framework for the area; the extent to which the proposed purpose will contribute to the achievement of the promotion or improvement of the economic, social or environmental well-being of the area; the potential financial viability of the scheme for which the land is being acquired – including a general indication of funding intentions, and of any commitments from third parties, and whether the purpose for which the land is proposed to be acquired could be achieved by any other means.

- 7.6 The development of the Order Land through the CPO2 Development complies with all relevant guidance. In particular, the purpose for which the Order Land is to be acquired advances the objectives of the adopted planning framework for the area and its core strategy; the proposed purpose will contribute significantly to the achievement of the promotion or improvement of the social, economic and environmental wellbeing of the area; there is a reasonable prospect that the CPO2 Development will proceed; and the purpose for which the Council is proposing to acquire the Order Land could not be achieved by other means such as alternative proposals from existing owners of the land or by seeking alternative locations for the proposals 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 regeneration of the Order Land (and the wider BXC proposals) will bring, it is essential for the proposals to come forward in a comprehensive and co-ordinated manner.

- 7.8 The S73 Permission is structured so that the regeneration of the area (and in particular the regeneration of the land either side of the North Circular) is brought forward on a comprehensive basis. Reflecting this requirement for comprehensiveness, CPO1 includes not only the land and interests needed to facilitate the regeneration of the shopping centre and associated development to the north, but also the land and interests needed to provide the substantial infrastructure which is needed to facilitate both that development and the regeneration of the land to the south. The CPO2 Development (and the wider regeneration of the land to the south) will depend upon the confirmation of CPO1 and the delivery of the infrastructure and the development of the land in CPO1. Without the infrastructure that will be facilitated by CPO1, the CPO2

Development will not occur. As such, it is essential that both CPO1 and CPO2 are confirmed in their entirety.

- 7.9 The certainty of being able to deliver the CPO2 Development on the whole of the Order Land will enable the Council's selected developer to commence the much needed regeneration of the land to the south of the North Circular in a timely manner and on a programme which will enable it to be delivered in a way which is fully co-ordinated with the redevelopment of the land to the north (including the redevelopment of Brent Cross shopping centre) and the delivery of the critical infrastructure. All of the Order Land is needed to create a viable first phase of development to the south of the North Circular, and to create a platform from which the further regeneration of the southern area will flow.
- 7.10 The Council is of the view that the redevelopment and improvement of the Order Land through the CPO2 Development will contribute significantly towards the achievement of the economic, social and environmental well-being of its area. If the Order is not confirmed in its entirety, the regeneration to the south of the North Circular will not occur within a reasonable timeframe or possibly will not occur at all, and the much-needed public benefits will be lost. The Council considers that there is a compelling case in the public interest to promote the Order, so that the substantial public benefits the development will bring can be realised as soon as possible and the momentum being created by the redevelopment of the shopping centre and the provision of the critical infrastructure maintained.

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. The CPO2 Development will also be an important catalyst (being the first phase) for the regeneration of the BXC to the south of the North Circular.
- 8.2 The main benefits from the CPO2 Development on the Order Land are:
- 8.2.1 Around 17,600m² of new retail floorspace will be provided, forming a key component of the new town centre.
 - 8.2.2 Around 2365 new high quality residential units (including around 356 affordable housing) will be developed, providing a range of types and sizes of homes and tenures.
 - 8.2.3 The provision of new community facilities.
 - 8.2.4 The provision of new leisure development.
 - 8.2.5 The CPO2 Development will provide an attractive link between the northern development and the improved Clitterhouse Playing Fields to the south, not least through the new market square.
 - 8.2.6 Development around the new Living Bridge will provide animation and activity along the new east to west walking and cycling route to vastly improve connectivity between the Shopping Centre 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.
 - 8.2.7 New high quality streets and public realm will be provided to create a highly attractive environment.

- 8.2.8 Development of the Order Land will provide critical mass and act as a catalyst for the regeneration of the remainder of the BXC area to the south of the A406 and the realisation of the potential of that area. This includes the start of the link to the proposed regeneration around the Thameslink Station.
- 8.2.9 Approximately 2000 jobs will be created, which will help to improve employment opportunities and skills for those in the area.
- 8.3 The benefits of the remainder of 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 and/or inefficient land uses 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 significant improved urban environment.
 - 8.3.3 The provision of new homes in Phase 1 (including both north and south of the A406) - the planning permission provides for 171,150 sqm of residential development (about 1,850 units) and ultimately the BXC site will provide over 7,540 new homes.
 - 8.3.4 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.
 - 8.3.5 The development of the Order Land will play a vital role as the first stage of the regeneration of that part of the BXC area to the south of the North Circular.
- 8.4 These benefits clearly demonstrate that there is a compelling case in the public interest for the Order. Moreover, without the Order the land and interests needed for the CPO2 Development will not be assembled.

9. DELIVERY AND RESOURCES

- 9.1 As indicated in section 3 the redevelopment of the Brent Cross shopping centre, the regeneration of the land to the north of the North Circular and the critical infrastructure, all of which CPO1 will facilitate, are to be delivered by a partnership between Hammerson and Standard Life Investments.
- 9.2 The regeneration to the south of the North Circular (including the CPO2 Development in the Order Land) is being delivered by a developer in the process of being procured by the Council.
- 9.3 In July 2014 the Council commenced a developer procurement process to select a development partner who will work up detailed proposals for the whole of the BXC scheme to the south of the North Circular and prepare a business plan for

delivering them. This process aims to achieve the appointment of the successful developer in March 2015, who will then have approximately a year to work up its detailed proposals. The legal agreement(s) containing the mechanisms for delivering the regeneration will also be negotiated and completed in this timeframe. This means that, if the Order is confirmed, the land will be ready for redevelopment as soon as the developer partner is ready to deliver the regeneration comprised in the CPO2 Development. **[Update following selection of preferred development partner in March 2015].**

- 9.4 The successful bidder will have to satisfy the Council that it has the requisite experience in delivering "placemaking" through financing and constructing large scale, phased development, and a track record of working successfully in partnership with public sector parties. It will also need to demonstrate to the Council that it is experienced in appointing and managing large professional teams, and has a strong internal team.
- 9.5 In October 2014 the Council shortlisted four consortia from those who entered the competition: (1) Argent and Related Companies; (2) Barratts and London & Quadrant Housing Trust; (3) Capital and Counties Properties; and (4) Far East Consortium International with Countryside Properties, Notting Hill Housing Trust and Southern Grove. All are very substantial renowned development companies and investors with the track record and resources to deliver developments such as the regeneration to the south of the North Circular.
- 9.6 The successful bidder will be required to formulate detailed proposals for the CPO2 Development, based on the S73 Permission. However, it will also be given the opportunity to work up proposals which seek further to maximise the potential of the Order Land, subject to the grant of any necessary planning permissions.
- 9.7 There are no planning, financial or other impediments to the delivery of the CPO2 Development.

10. **LAND NEGOTIATIONS, RE-HOUSING AND CONSULTATION**

Residential Properties

- 10.1 The Order Land includes three blocks of flats, comprising 132 units. Residents have been, and will continue to be, consulted by the Council and their agent Capita regarding their housing needs and relocation options. The Council will work up and implement detailed arrangements for the relocation of residents with the selected development partner.
- 10.2 Condition 1.10 of the S73 Permission and the S106 Agreement for the BXC scheme require residents to be relocated in accordance with a Residents Relocation Strategy approved by the Council as local planning authority.
- 10.3 The approach to relocating residents is based upon the principles contained in the Residents' Relocation Strategy. This will aim for relocation properties to be ready for occupation before existing residential properties are demolished. The objective will be for secure tenants of the Council to be offered a new home in the BXC area, and to only have to move once.
- 10.4 As regards residents who are leaseholders or freeholders, the objective will be for those residents to be offered new homes in the BXC area. Compensation payable to leaseholders and freeholders for their property interests will be based on open market value in accordance with the Compensation Code.

Non Residential Properties

- 10.5 The non-residential properties within the Order Land comprise industrial premises located on the Claremont Way Industrial Estate and Brent Terrace. Contact has been made with owners and occupiers and discussions are ongoing regarding the acquisition of the interests and the relocation options for those affected.

Consultations

- 10.6 There has been substantial consultation on the BXC proposals over a considerable period, and 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.
- 10.7 Ahead of submitting the section 73 application, further extensive consultation with local communities was undertaken. 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.
- 10.8 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.
- 10.9 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.
- 10.10 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.
- 10.11 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.
- 10.12 There will be further public consultation in connection with the detailed proposals that will be brought forward for the CPO2 Development.

11. RELATED ORDERS AND SPECIAL KINDS OF LAND

- 11.1 Where highway stopping up and/or diversion orders are needed, applications for these orders will be made at the appropriate time.
- 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 to secure the delivery of the proposals 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 within 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 regeneration of the Order Land 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 regeneration 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 regeneration of 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 (ie reasonable moving costs and costs/losses directly related to the compulsory acquisition) and statutory loss payments (eg

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" ie 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 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 Scheme will bring. With regard to the residential tenants of the Council, it should also be remembered that 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 1985 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**

- 13.1 The acquisition of the Order Land will facilitate development, redevelopment and improvement of the land, through the CPO2 Development, which will contribute to the promotion or improvement of the economic, social and environmental well-being of the area.
- 13.2 All of the Order Land is required for the CPO2 Development.
- 13.3 The CPO2 Development will contribute towards the achievement of the Council's strategic objectives.
- 13.4 The purpose for which the Order Land is to be acquired accords with the planning framework for the area and has the benefit of planning permission. It is part of the planning permission that has been granted for the regeneration of the whole of the BXC area.
- 13.5 The CPO2 Development is a critical first stage of regeneration of the area to the south of the North Circular, and will set the tone and act as a catalyst for the rest of the regeneration to the south.

- 13.6 The CPO2 Development will deliver new housing, new retail development, leisure development and space for community uses, as well as new infrastructure and public spaces such as the market square and the link between the Living Bridge and the Clitterhouse Playing Fields.
- 13.7 The CPO2 Development will deliver significant public benefits including much-needed new housing (including affordable housing); new retail space offering facilities and choice for the community; new community facilities; new public realm such as the market square; job opportunities for the local population; the remediation and bringing into beneficial use of under-used or ineffectively used land; a significantly improved environment.
- 13.8 The CPO2 Development (and the rest of the regeneration scheme to the south of the North Circular) will be delivered by a development partner procured by the Council. The developer will work up detailed proposals for the whole area, along with a business plan for delivering them. The Council's developer selection process is under way and has attracted substantial and successful developers with the resources, experience and a track record of delivering the "placemaking" development sought by the Council.
- 13.9 There is a reasonable prospect of the development underpinning the Order being delivered.
- 13.10 All owners and occupiers affected by the Order, whether residential or commercial, have been contacted to establish their relocation and other needs, and they will be relocated in accordance with strategies approved by the local planning authority. Negotiations are being, and will continue to be, pursued to acquire the required land and interests by agreement. Compensation will be paid in accordance with the law.
- 13.11 The regeneration of the Order Land will not be achieved without the use of compulsory purchase powers, but the powers will only be used where the required land and interests cannot be acquired by negotiation. As such, the use of compulsory purchase powers is proportionate.
- 13.12 The purposes for which the Order have 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.
- 13.13 Without the confirmation of the Order, the land needed will not be assembled within a reasonable timescale, or at all.
- 13.14 The Council considers that there is a compelling case in the public interest for the making and confirmation of the Order.

14. **DETAILS OF CONTACTS AT THE COUNCIL**

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

Rosie Moore MRICS of Capita, 4th Floor, 65 Gresham Street, London, EC2V 7NQ.
Tel: 020 7544 2055. Email:Rosie.Moore@capita.co.uk

or

Paul Watling MRICS of Capita, at the same address as above. Tel: 020 7544 2296. Email:paul.watling@capita.co.uk

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

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

15. **INQUIRIES PROCEDURE RULES**

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

16. **LIST OF DOCUMENTS**

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

- 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 23rd July 2014
- ARG report and minutes of 15th 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.1) 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:

16.2.1 **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

16.2.2 **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 1

Plan showing extent of Order Land

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