

	<p>Assets, Regeneration and Growth Committee 1 June 2015</p>
<p>Title</p>	<p>Brent Cross Cricklewood Station project update</p>
<p>Report of</p>	<p>Cath Shaw, Commissioning Director, Growth & Development</p>
<p>Wards</p>	<p>Childs Hill, Golders Green and West Hendon</p>
<p>Status</p>	<p>Public Appendix D is exempt - Not for publication by virtue of paragraphs 3 and 5 of Schedule 12A of the Local Government Act 1972 as amended (as this relates to the financial affairs of the authority and information in respect of which a claim to legal professional privilege could be maintained in legal proceedings)</p>
<p>Enclosures</p>	<p>Appendix A Plan 1 of 1: Proposed Thameslink CPO Plan Appendix B Plan 1 of 2: Proposed Thameslink CPO Plan Appendix C Plan 2: CPO 1 and CPO 2 Map Appendix D (exempt) – Collaboration Agreement</p>
<p>Officer Contact Details</p>	<p>Karen Mercer, Programme Director Re, Karen.Mercer@barnet.gov.uk, 0208 359 7563</p>

Summary

This report provides an update to the Committee on progress on the Brent Cross Cricklewood Thameslink Project.

Recommendations

That the Committee

1. Note progress on the Brent Cross Cricklewood Regeneration Project.
2. A) Approve the terms for the draft Collaboration Agreement between the Council and Argent and Related Companies as set out in the Exempt Report; B) Authorises the Chief Executive in consultation with the Leader of the Council to agree the detail of the Collaboration Agreement;

3. Confirm as a matter of principle, that the Council is prepared to use its compulsory purchase powers pursuant to section 226(1)(a) of the Town and Country Planning Act 1990 (as amended) to acquire the land edged red on the plan at Appendices A & B.

4. Note that :-

- a) the appropriate Chief Officers are commencing negotiations to acquire by private treaty the land and interests in the areas required to deliver the Thameslink Station as shown on the plan at Appendices A & B and to approve and enter into agreements and undertakings with the owners and/or occupiers of the land in the said areas so as to facilitate its acquisition**
- b) the appropriate Chief Officers are undertaking the work needed to prepare for a possible Compulsory Purchase Order (CPO) together with the associated documentation and, if necessary, will bring a further report back to the Committee seeking authority to make a CPO in respect of the land shown on the plan at Appendix C.**

1. WHY THIS REPORT IS NEEDED

- 1.1 This report seeks to provide an update on progress on the Brent Cross Cricklewood project to the Assets, Regeneration and Growth Committee following the key milestones reached in March 2015 as indicated below.
- 1.2 As the Committee is aware, Hammerson UK and Standard Life Ltd (the Development Partners) will deliver the redevelopment of the shopping centre at Brent Cross and the land around it, together with the infrastructure required to support the comprehensive regeneration proposals. The Council will take the lead on the south side to deliver with its new development partner, those parts of the Brent Cross Cricklewood Regeneration masterplan which are to the south of the North Circular, including the land to be redeveloped in connection with the station improvements. The Committee will be aware that Full Council on 3 March 2015 approved the appointment of Argent and Related Companies PLC (Bidder Z) as the Council's preferred development partner for the Brent Cross Cricklewood South Scheme.
- 1.3 The Committee will also recall that on 16 January 2014 and 8 September 2014 it approved the Council entering into negotiations and concluding agreements by private treaty with owners whose land or interests are required for the delivery of the project. The Committee also approved the land referencing exercise to identify all parties with interests in the land and with whom private treaty negotiations should be conducted.
- 1.4 On 3 March 2014, following the Committee's recommendation, Full Council approved that two separate compulsory purchase orders (CPO) be made pursuant to the powers in section 226(1)(a) of the Town and Country Planning Act 1990 (as amended) for the acquisition of the land as shaded in the plan

attached at Appendix C. This land is needed to bring forward the regeneration proposals in respect of the first phase development north and south of the North Circular Road to deliver the redevelopment of the shopping centre and critical road infrastructure (CPO1) and the BXC South proposals (CPO2) as part of the overall comprehensive regeneration of Brent Cross Cricklewood area.

- 1.5 Full Council also authorised the appropriate Chief Officers to settle the final form and content of the CPOs and associated documentation and take all action needed to pursue the CPOs and secure their confirmation alongside authorising Chief Officers to carry out the necessary procedures under Part 11 of the Housing Act 1985; and to use Ground 10A to obtain vacant possession of Council owned dwellings that are occupied by secure tenants and approving the service of Initial and Final Demolition Notices as required pursuant to the Housing Act 2004 to suspend the right to buy on properties due for demolition which are situated on the Whitefield Estate.

2. UPDATE

- 2.1 As previously reported to the Committee, following the completion of the Section 106 agreement, the Section 73 planning permission for the wider Brent Cross Cricklewood scheme (which amended the phasing of the original planning permission and made consequential changes) was granted on 23 July 2014. The Brent Cross Development Partners are now focussing on discharging the relevant conditions and preparing the necessary reserved matters applications in respect of the shopping centre and critical infrastructure to be provided. Reserved matters applications have now been submitted and are being considered by the Local Planning Authority and will be reported to the Planning Committee for determination.
- 2.2 The Council has also now made the two Compulsory Purchase Orders in respect of the land required to facilitate the first phase development as shown on the plan attached at Appendix C. The Orders were made on 20 April 2015. The formal statutory Notices were served on those affected by the CPO on 30 April 2015. Notices were also placed in local press as required. This commenced an objection / consultation period to enable those affected by the CPOs to register their objections and make representations to the Secretary of State. Once the objection period is closed, the Secretary of State will advise whether an Inquiry is needed and will confirm an Inquiry date. It is anticipated that an Inquiry will be held in early 2016 and a decision in late Summer 2016.
- 2.3 The Council and its advisors are continuing private treaty negotiations with those business and residents affected by the CPO. The Council is also holding CPOs surgery meetings to meet directly with residents to discuss their concerns and next steps.
- 2.4 In relation to the south side scheme, the Council is now in discussions with Argent and Related Companies, following the Full Council's approval on 3

March 2015 to appoint Argent and Related Companies as the Council's preferred development partner for the Brent Cross Cricklewood South Scheme. The Gateway Barnet consortium comprising Far East Consortium, Countryside Properties and Notting Hill Housing Trust have been selected as the Council's reserve development partner as approved by Full Council.

- 2.5 The Council and Argent and Related Companies will now jointly develop a full business plan alongside drafting the joint venture structure and legal documentation for approval by the Council's Assets, Regeneration and Growth Committee, before the creation of a formal joint venture partnership. To assist and guide this process, a collaboration agreement has been drafted between the parties. This agreement provides the framework for ongoing discussions, working practices as well as setting the key milestones for the next year. The Committee is requested to approve the terms set out in the Collaboration Agreement and to authorise the Chief Executive in consultation with the Leader of the Council to agree the final form of the Collaboration Agreement so that it can be executed. Details of the Collaboration Agreement are in Appendix D (Exempt).
- 2.6 In order to support the south-side scheme and comprehensive regeneration of the Brent Cross Cricklewood area, the Council is now leading on the delivery of the Station in partnership with Network Rail and public sector stakeholder partners.
- 2.7 As the Committee is aware the Council has been working with the GLA, HM Treasury, DCLG and Department for Transport over the last 18 months to develop the business case and funding strategy to bring forward the station proposals. Following submission of the Thameslink Business Case and presentation to DCLG Finance Sub-Committee on 11 February 2015, the Government announced in its Budget Statement on 18 March 2015 that the government will provide £97m grant funding and ringfence the local 50% share of business rate growth to support the London Borough of Barnet and the Greater London Authority plans for the regeneration of Brent Cross, and facilitating the delivery of 7,500 new homes.
- 2.8 The Council met with HM Government and the GLA on 14 May to discuss next steps. All parties agreed to work together to finalise the Full Station Business Case and detail of the funding arrangements throughout 2015. The parties are also establishing the Government Assurance Board to include the Council, GLA, HM Treasury, DCLG and DfT to drive the project forward and ensure the necessary Governance arrangements are in place.
- 2.9 The Council has also entered into a Design Services Agreement with Network Rail to take forward the station design development and other support work. This includes the pedestrian and road links across the Midland Main Line as set out in the 2010 planning permission. A Stakeholder workshop was held that included all key stakeholders including Network Rail, TfL, the Freight and Train Operating Companies and London Borough of Brent. The next milestone is the development of the single option selection for the station design by November 2015. The target date for station opening is 2021.

- 2.10 The delivery of the Thameslink Station will also require the Council to acquire land interests and rights within the area identified on Plans 1/1 and 1/2 attached at Appendices A & B to facilitate its delivery. The Council is already in discussions with Network Rail and freight operating companies regarding the acquisition of the relevant land and rights. The Council has instructed Terraquest to undertake the formal land referencing to identify those land interests and rights affected and the Council will commence private treaty negotiations with those parties affected.
- 2.11 As indicated above, discussions are under way with a view to acquiring the necessary land interests and rights to deliver the Thameslink Station. In the event that it is not possible to acquire these by negotiation then it would be necessary to resort to the use of compulsory purchase (CPO) powers.
- 2.12 In line with the approach taken for CPO1 and CPO2 an appropriate power would be Section 226(1)(a) of the Town and Country Planning Act 1990. This enables acquiring authorities with planning powers to exercise their compulsory acquisition powers if they think that acquiring the land in question will facilitate the carrying out of development redevelopment or improvement on, or in relation to, the land being acquired and it is not certain that they will be able to acquire it by agreement. The wide power in section 226(1)(a) is subject to subsection (1A) of section 226. This provides that the acquiring authority must not exercise the power unless they think that the proposed development, redevelopment or improvement is likely to contribute to achieving the promotion or improvement of the economic, social or environmental well-being of the area for which the acquiring authority has administrative responsibility.
- 2.13 The Government Circular 06/04 ("the Circular") sets out guidance for local authorities regarding the making of CPOs. The Circular includes key policy tests which need to be satisfied before a CPO can be confirmed. Crucially, before progressing a CPO members must be satisfied that there is a compelling case in the public interest for making and promoting a CPO, that the use of the powers is necessary and proportionate, and that the public benefits associated with the proposed regeneration will clearly outweigh the interference with the rights of those affected. These matters are referred to below, and will be considered further in detail in any future report to the Committee to seek authority for a CPO to be made.
- 2.14 As indicated in Section 3 below, the Thameslink Station is an important component of the integrated transport strategy for the Brent Cross Cricklewood regeneration. The Station will increase the attractiveness of Brent Cross Cricklewood area as a place to live, shop and work.
- 2.15 The delivery of the Thameslink Station is also an important element when it comes to achieving the ambition of creating a regional town centre that offers priority to sustainable transport modes including rail, bus, cycling and walking.

- 2.16 Accordingly, whilst any case for making a CPO will be rehearsed in a future Committee report, officers are of the view that a compelling case in the public interest for making and promoting a CPO could be made out and the use of the powers could be seen as both necessary and proportionate and the public benefits associated with the proposed regeneration are likely to outweigh the interference with the rights of those affected.
- 2.17 Turning to human rights issues, whilst this report only seeks an ‘in principle’ decision from the Committee that it is prepared to authorise the use of CPO powers to facilitate the Scheme, officers would provide the following guidance at this stage on the human rights implications of pursuing CPO action.
- 2.18 The Circular confirms that an acquiring authority should be sure that the purposes for which it is making a compulsory purchase order sufficiently justify interfering with the human rights of those with an interest in the land affected. Regard should be had, in particular, to the provisions of Article 1 of the First Protocol to the European Convention on Human Rights (ECHR) (right to the peaceful enjoyment of property) and, in the case of a dwelling, Article 8 of the ECHR (right to respect for private and family life, home and correspondence).
- 2.19 Before deciding whether to authorise a CPO, the Committee will need to consider the balance and compatibility between the compulsory powers sought and the rights enshrined in the ECHR and whether there is a compelling case for a CPO in the public interest which means that the acquisition of land to enable the scheme to proceed, brings benefits to the area, which could not be achieved without the use of compulsory purchase powers.
- 2.20 The Committee should note that approvals have already been given to undertake preparatory work for a possible CPO, including a land referencing exercise identifying all relevant land interests in the site to be occupied by the Thameslink Station.

3. REASONS FOR RECOMMENDATIONS

- 3.1 The comprehensive regeneration of Brent Cross Cricklewood is a long-standing objective of the Council and a key regeneration priority of the Mayor of London. At 151 Ha, it is one of the largest regeneration schemes in Europe. The London Plan identifies it as an Opportunity Area with an indicative employment capacity target of 20,000 jobs and a minimum new homes target of 10,000 homes. The Council’s Core Strategy reinforces the significant comprehensive regeneration opportunity, which includes a new town centre, major new and improved transport and community facilities, and other infrastructure and public areas.
- 3.2 The area is significantly constrained by the existing road network and rail infrastructure, which creates a poor environment for those who live and work there. Nevertheless, given its location at the connection between the M1 and

A406, the regeneration area has the potential to be a major and attractive gateway into London. The potential accessibility of the area is further enhanced by its connection with the A5 and A41, and its close proximity to the Northern Line at Brent Cross station, the Midland mainline, and Brent Cross bus station.

- 3.3 One of the reasons why the area has not been redeveloped to date is the need for substantial infrastructure 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 infrastructure to be funded and delivered, for the benefit of Brent Cross Cricklewood as a whole. In particular, in addition to major improvements to existing roads and public transport and social infrastructure, the proposals will create strong and attractive linkages between the communities to the north and south of the North Circular.
- 3.4 The development of this strategic gateway site will create a new town centre and residential quarter, uniting the areas north and south of the A406 North Circular, providing an attractive and vibrant place to live and work. It will contribute to the future prosperity of the Borough. The development to the north of the North Circular alone is expected to create 3,000 construction jobs, and an additional 4,000 permanent jobs over the next five to seven years. It will provide around 91,500 sqm (net) of additional retail and commercial floorspace.
- 3.5 Brent Cross Cricklewood 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. The scheme 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 new Thameslink Station alongside the major highways and junction improvements (including those to junctions on the M1, A5, A406 (the North Circular), A407 and A41) will vastly improve the accessibility of the area and will help realise the regeneration of the area to its full potential. To address the existing barriers to accessibility between the communities to the north and south of the North Circular, as part of the first stage of development a series of bridges will be delivered including the Living Bridge (a new pedestrian and cycle bridge over the North Circular adjacent to Claremont Avenue and Market Square); the Templehof Bridge (replacing the existing Templehof Bridge over the North Circular); the A406/M1 Junction Pedestrian and Cycle Bridge – a new shared pedestrian and cycle bridge over the A406 adjacent to this improved junction; changes to the Staples Corner Pedestrian Bridge; 9 road bridges across the improved and diverted River Brent, and a further two bridges for the use of pedestrians and cyclists only.
- 3.7 The regeneration of Brent Cross Cricklewood will be a major component of achieving the Council's priority objectives in its Corporate Plan 2013-2016, including to 'maintain the right environment for a strong diverse local

economy', with the strategic objective under this priority being to sustain Barnet by 'promoting growth, development and success across the borough'.

- 3.8 The scheme also supports the achievement of the objectives set out in 'One Barnet - A Sustainable Community Strategy for Barnet 2010–2020', including:

"Sharing opportunities for success' and 'choice and responsibility', where the proposals will provide high quality homes. The Scheme itself will offer more choice by providing a number of different housing options such as shared equity, shared ownership and private homes for sale to residents and those in the wider community".

- 3.9 In addition, it will further the strategic objectives in the Council's Housing Strategy 2010-2025 which include:

- (a) increasing housing supply, including family sized homes, to improve the range of housing choices and opportunities available to residents; and
- (b) promoting mixed communities and maximising opportunities available for those wishing to own their home.

4. ALTERNATIVE OPTIONS

- 4.1 If the Council decides not to progress private treaty negotiations with owners, then the project and comprehensive development will be delayed indefinitely because the Council and its Development Partners will not have the land and interests needed to deliver the scheme.

5. POST-DECISION IMPLEMENTATION

- 5.1 The Council and its advisors will continue to work on the workstreams to delivery of the Brent Cross regeneration proposals as outlined in this report and approved by the Assets, Regeneration and Growth Committee.

6. IMPLICATIONS OF DECISION

Corporate Priorities and Performance

- 6.1 The regeneration of Brent Cross Cricklewood supports the Corporate Plan 2013-2016 priority 'To maintain the right environment for a strong diverse local economy', and the strategic objective under this priority to sustain Barnet by 'promoting growth, development and success across the borough'.
- 6.2 The Growth Strategy for Barnet recognised that regeneration and growth are vital for ensuring the future prosperity of the Borough and maintaining Barnet as a successful London suburb. The scheme to transform Brent Cross Cricklewood will play a major role in delivering this prosperity, doubling the size of the shopping centre and linking seamlessly to a new town centre for Barnet and North London across the North Circular Road. Brent Cross Cricklewood is one of Barnet's priority regeneration areas, and will provide

approximately 7,500 new homes over the next 20 years. It is a key part of the wider revitalisation of the A5 corridor, linking Brent Cross Cricklewood with developments at West Hendon, Colindale and Edgware and improvements to Cricklewood Town Centre, to create a series of high quality modern suburbs.

- 6.3 The first phase of the Brent Cross Cricklewood project includes the redevelopment of the shopping centre, creation of major new infrastructure, improved links to the existing tube station, and delivery of around 2,461 new homes over the next 8-10 years. This will create an estimated 3,000 construction jobs, and 4,000 permanent jobs. The Thameslink Station is important to the success of the regeneration scheme in both place-making as well as viability terms. However, at present the scheme does not benefit from the delivery of the station until the later phases. Bringing the station forward in the delivery programme will increase the attractiveness of Brent Cross Cricklewood area as a place to live, shop and work and thereby improve the viability of Brent Cross Cricklewood South and will also increase the pace of delivery of new homes.

Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)

- 6.4 The Brent Cross Principal Development Agreement executed on 3 March 2015 confirms that the Development Partners are obliged to pay the Council's (and their consultants) costs in connection with this project.
- 6.5 In relation to CPO, there are two main elements of costs associated with any potential CPO process – the costs of preparing and promoting the CPO itself, and the compensation and consideration to be paid to those whose land and interests are acquired.
- 6.6 In terms of the costs for resourcing the private treaty acquisitions, this will require input from internal and external resources covering various disciplines, including senior officers, legal input, surveying and valuation expertise. In respect of these acquisitions which fall in the northern part of the scheme, the Development Partners will meet all of these costs through the CPO Indemnity agreement executed on 3 March 2015. The indemnity is backed by security, so the Council is fully protected.
- 6.7 In relation to the land required to deliver the first phase development on Brent Cross Cricklewood South, capital funding was approved on 4 March 2014. This funding will be later recouped from the Brent Cross Cricklewood South development.
- 6.8 In relation to the design and development work for the Thameslink station, capital funding of £4.9m was approved by Council on the 4 March 2014, funded from the infrastructure reserve. This funding will be recouped by the Council as it would form part of the overall Station development project cost. In relation to land assembly, the Council is only undertaking the preparatory work towards the CPO at this point in time as well as the land referencing exercise. The Council is in discussions with owners and occupiers

within the south-side area as approved by the Committee on 16 January and 8 September 2014.

- 6.9 Costs relating to the collaboration agreement will be determined as workstreams are determined. Funding for these workstreams will be identified as required.

Legal and Constitutional References

- 6.10 The Council's Constitution, Responsibility for Functions, Annex A states the terms of reference of Assets, Regeneration and Growth Committee, including to agree externalisation contracts, to oversee major regeneration schemes including those of key social housing estates and all matters relating to land and buildings owned, rented or proposed to be acquired or disposed of by the Council
- 6.11 Council Contract Procedure Rules, Appendix 1, Table A sets out the framework for authorisation of tender stage for contract, including that authorisation to commence a procurement process for amounts of £172,514 and above by the relevant Thematic Committee and that the procurement be carried out by one of three methods. The Procurement and Delivery Strategy has been created in accordance with the Contract Procedure Rules.
- 6.12 The Procurement Code of Practice provides guidelines for Council officers to carry out effective and efficient procurement activities, which are compliant with Council Constitution and policies. The Procurement and Delivery Strategy has been created in accordance with this procurement code
- 6.13 The Council has a general power of competence under Section 1 of Chapter 1 of the Localism Act 2011 and this empowers the Council to enter into joint venture arrangements for the development of the south side of the Brent Cross Cricklewood regeneration scheme. Section 1 of the Localism Act 2011 provides local authorities with a broad power to do anything that individuals can do subject to any specific restrictions contained in legislation.
- 6.14 The Council has the power to acquire and dispose of land in accordance with Sections 120 to 123A, and subject to obtaining appropriate consents and approvals in Sections 128 to 131 of the Local Government Act 1972 to ensure value for money is secured.
- 6.15 Section 226(1)(a) of the Town and Country Planning Act 1990 enables the Council to exercise its compulsory acquisition powers if it thinks that acquiring the land in question will facilitate the carrying out of development redevelopment or improvement on, or in relation to, the land being acquired
- 6.16 The procurement of a partner and other advisers for the south side of the scheme will be carried out in accordance with the relevant European Union procurement regulations and public sector procurement principles.

- 6.17 The Public Services (Social Value) Act 2012 requires the Council to consider whether it can achieve an improvement to the economic, social and environmental well-being of an area as part of the procurement of these services. If so, the social value objectives identified must be written into the procurement process. All of this must be achieved with regard to value for money and in a way that is compliant with existing public procurement law. "Social value" objectives can include the creation of employment, apprenticeship and training opportunities for local people, trading opportunities for local businesses and the third sector; and the promotion of equality and diversity through contract delivery.
- 6.18 Section 111 of the Local Government Act 1972 provides that a local authority has power to do anything which is calculated to facilitate, or is conducive or is incidental to, the discharge of its functions.
- 6.19 The public sector equality duty referred to in Section 5 also required consultation to ensure the Council complies with its duties under the Equality Act 2010.

Risk Management.

- 6.20 The key risks for this stage of work can be summarised as follows:
- 6.21 Affected parties failing to be identified in any potential CPO – a specialist land referencing firm, TerraQuest, have been appointed to undertake the land referencing exercise to mitigate against this risk. Also, the discussions being held by the Council and the Development Partners with those affected when seeking to acquire their land and interests are helpful in checking the parties with interests in the area.
- 6.22 Procurement risk. There is the risk that any procurement of a partner could be subject to challenge. To mitigate this risk, the Council has retained specialist legal advice on the scheme as a means of ensuring that all actions taken by the Council accord with the provisions of relevant laws, regulations and directives. Failure to agree a business plan or agree commercially acceptable terms during the pre-contract business plan and finalising contract stages would prevent the creation of the joint venture and halt the procurement process. The inclusion of the option to appoint a reserve bidder will help mitigate this risk. A material change to the terms of on which the preferred bidder was selected could also pose a risk of challenge and officers are aware of this in the conduct of negotiations.
- 6.23 Failure to agree on a viable first phase scheme, thus preventing delivery. This is considered to be low risk given the due diligence undertaken to date to inform the delivery strategy. Nonetheless the partner will be invited to describe a backstop for Phase 1 and agree a deadlock process for resolving any disagreements as part of the Business Plan and Project Agreement negotiation.
- 6.24 Failure to secure finance for Thameslink Station. Most parties consider the

train station a key element of the delivery of Brent Cross South. The delivery of the station will help to increase land values, thereby facilitating the regeneration of the Brent Cross Cricklewood area. The Council together with public sector partners (Greater London Authority, Network Rail and Transport For London) and Central Government working together to finalise the full business case and detail of the funding arrangements.

- 6.25 There is the risk that Hammerson and Standard Life (the Development Partners) do not progress the shopping centre scheme, or deliver part of the scheme but fail to deliver the critical infrastructure needed to facilitate the comprehensive regeneration of the area. In this regard, the commercial agreements with the Development Partners require the delivery of critical infrastructure to enable the Brent Cross Cricklewood South development to come forward in advance of the shopping development. This will ensure that the regeneration of the southern land is progressed. There will also be provision within the legal agreements enabling the Council to acquire Hammerson owned land needed to deliver the south side in the event the north does not progress. Furthermore, the commercial agreements with the Development Partners require the delivery of critical infrastructure to enable the Brent Cross Cricklewood South development to come forward in advance of the shopping development. This will ensure that the regeneration of the southern land is progressed.

Equalities and Diversity

- 6.26 The 2010 Equality Act which outlines the provisions of the Public Sector Equality Duty (PSED), requires all Local Authorities to pay due regard to the need to:
- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010;
 - Advance equality of opportunity between people from different groups;
 - Foster good relations between people from different groups;
- 6.27 This places a legal obligation on the Council to pay due regard to equalities in an appropriate and proportionate manner and to take account of how the Council's decisions might impact on different groups across the borough including those identified in equality legislation as protected characteristics, namely: Age, disability, gender, gender reassignment, marriage, civil partnership, pregnancy and maternity, sexual orientation and religion or belief.
- 6.28 Equality and diversity issues are a mandatory consideration in the decision-making of the Council. This requires elected Members to satisfy themselves that equality considerations are integrated into day to day business and that all proposals put to committees have properly taken into consideration what impact, if any, there is on any protected group and what mitigating factors can be put in train.
- 6.29 The Development Proposals support achievement of the council's Strategic Equalities Objective which sets out our commitment that citizens will be treated equally, with understanding and respect; have equal opportunities with

other citizens and receive quality services provided to Best Value principles. The development proposals will reflect the council's aim that all residents are able to share in the benefits and take advantage of the opportunities of economic growth in the borough.

- 6.30 The council intends that the development proposals will have a positive impact on all groups identified in the 2010 Equality Act and other vulnerable groups in the borough because it is designed to share the benefits of growth with all Barnet citizens and promote inclusion and community engagement and participation
- 6.31 The council is committed to improving the quality of life for all and wider participation in the economic, educational, cultural, social and community life in the Borough.
- 6.32 The development proposals for the Brent Cross Cricklewood scheme will make a significant contribution to the provision of additional, high quality affordable housing units in the Borough as well as providing employment through the creation of a new town centre with leisure, health and educational facilities. The delivery of the Thameslink Station will enhance public transport provision and improve accessibility and provide greater choice for all. It should be emphasised that a fully integrated and accessible town centre will be created as part of these proposals.
- 6.33 An Equalities Impact analysis was carried out in respect of the Outline Planning Application granted in 2010, which took fully into account the demographic makeup of the regeneration area and addressed the impact on the protected characteristics. This anticipated a significant positive impact from the regeneration proposals. This will be updated to assist the council in meeting the requirements of the Public Sector Equalities Duty.
- 6.34 The projected increase in the borough's population and changes in the demographic profile will be key factors in reflecting the aspirations and contributions of current residents.
- 6.35 The Census data of 2011 (as updated by the GLA population projections 2014) shows how Barnet is growing and changing. There has been a significant increase in the diversity of growth in the borough population and growth in older and younger generations has been particularly rapid. The over 65 population is forecast to grow by 10.4% in the next 5 years and 24% in the next decade.
- 6.36 Barnet is a racially diverse and multi faith borough and proud of community cohesion. Over a third of Barnet's citizens come from a rich diversity of black and minority ethnic groups. Christianity remains the biggest religious group (41.2%) and Barnet is home to the UK's largest Jewish community. Other significant groups are no religion (16.0%), Muslim (10.3%) and Hindu communities (6.2%).
- 6.37 Our reputation for excellent schools and green spaces makes us a popular destination for young families. These demographic changes present

challenges both in the demand for services and the way we commission, deliver and continuously improve our services.

- 6.38 Barnet is a relatively affluent borough with significant pockets of deprivation and we have been successful in attracting regeneration funding to those areas in 7 major regeneration schemes. Our growth and economic strategies will reflect the importance that everyone benefits from regeneration and growth, job creation, reinvigorating communities and improved quality of life. This includes the protected characteristics outlined in the 2010 Equality Act as well as citizens and other groups in Barnet who can experience disadvantage, for example carers, lone parents and low income families, people with particular disabilities including mental health and learning difficulties, unemployed people.
- 6.39 Brent Cross Cricklewood is an opportunity to extend Barnet's success as a desirable and attractive suburb, by creating a new urban village for London which sets the tone for future evolution of the borough more widely and emphasises the need to create a place that makes residents, workers and visitors feel good – inviting people to meet and spend time in the spaces, and to walk or cycle.
- 6.40 Importantly, the requirements highlight that Brent Cross Cricklewood will be place for people of all ages, with housing mix that reflects different life stages, a range of housing tenures, and public spaces which are accessible to all. It emphasises that promoting health and wellbeing and reducing dependency will be ingrained in the place.

Consultation and Engagement

- 6.41 Extensive consultation has and will continue to be undertaken with key stakeholders and the community to ensure that the Brent Cross Cricklewood scheme reflects local needs including the needs of those with protected characteristics, as well as securing the future of North London's only regional shopping centre.
- 6.42 There has also been consultation and engagement with local stakeholders and the community during the planning process, and the CPO process (should a CPO be necessary) is designed to allow parties an opportunity to make representations and, if desired, attend a public inquiry and state their cases.

7 BACKGROUND PAPERS

- 7.1 Cabinet, 26 April 2004 (Decision Item 8) – approved the adoption of the Cricklewood, Brent Cross and West Hendon Development Framework as Supplementary Planning Guidance.
- 7.2 Cabinet, 29 March 2005 (Decision Item 6) – agreed to enter into a Collaboration Agreement with the development partnership (Cricklewood Regeneration Limited, Hammerson and Standard Life).

[<http://barnet.moderngov.co.uk/Data/Cabinet/200503291900/Agenda/Document%204.pdf>]

- 7.3 Cabinet, 5 December 2005 (Decision Item 7) – approved, amongst other matters, that 1) the Eastern Lands Addendum be adopted as Supplementary Planning Guidance; and 2) the Eastern Lands Supplementary Guidance is incorporated into the Cricklewood, Brent Cross and West Hendon Development Framework.
[<http://barnet.moderngov.co.uk/Data/Cabinet/200512051900/Agenda/Document%204.pdf>]
- 7.4 Cabinet Resources Committee, 25 March 2008 (Decision Item 16) – approved the outline terms so far agreed with the Brent Cross partners and Cricklewood Redevelopment Limited, including the proposals for the finalisation of the financial terms, be approved in principle subject to the outcome of Counsel's advice on procurement issues, and that the finally agreed terms for the Development Framework Agreement and the Principal Development Agreements be reported to a future meeting of the Cabinet for approval.
<http://barnet.moderngov.co.uk/Data/Cabinet%20Resources%20Committee/200803251900/Agenda/Document%2015.pdf>
- 7.5 Cabinet, 21 October 2009 (Decision Item 7) – approved the terms and conditions of entering into the Development Framework Agreement and the Principal Development Agreements, subject to approval of the Brookfield Europe and Hammerson Guarantor companies by the Director of Finance and the Leader of the Council, and the approval of the appropriate land transaction and financial arrangements by the Secretary of State. The approval was also subject to agreement of the plans, the historic costs and the form of the legal documents.
<http://barnet.moderngov.co.uk/CeListDocuments.aspx?Committeeld=120&MeetingId=306&DF=21%2f10%2f2009&Ver=2>
- 7.6 Cabinet Resources Committee, 19 October 2010 (Decision Item 5) – approved the changes to the terms and conditions of the Development Framework Agreement and the two Principal Development Agreements regarding Brent Cross Cricklewood (as considered and approved by Cabinet in October 2009)
[<http://barnet.moderngov.co.uk/Data/Cabinet%20Resources%20Committee/201010191900/Agenda/Document%203.pdf>]
- 7.7 Cabinet Resources Committee, 18 April 2013 (Decision Item 14) - noted that the Brent Cross Cricklewood Development Partners wished to modify the existing planning consent to allow re-phasing; approved that the Director for Place begin preparations to enable the Council to procure a development partner to deliver the regeneration of the southern parts of Brent Cross Cricklewood Regeneration Area and confirmed the continued appointment of the external advisors for the Brent Cross Cricklewood Regeneration project, and the procurement of appropriate additional advice, and to delegate authority to the Director for Place to deal with necessary contractual issues or arrangements.

[<http://barnet.moderngov.co.uk/mgConvert2PDF.aspx?ID=8369&ISATT=1#search=%22Brent%20Cross%20%22>]

- 7.8 Cabinet Resources Committee, 16 January 2014 (Decision Item 6) - approved the changes to the terms of the Brent Cross Principal Development Agreement (as considered and approved by CRC in October 2010) and the terms for the Co-operation Agreement as set out in Section 9 of this report; authorised the Chief Executive in consultation with the Leader of the Council to agree the detail of the Brent Cross Principal Development Agreement and Co-operation Agreement; approved commencement of market testing through the issue of a Prior Information Notice to inform the delivery strategy for the Brent Cross Cricklewood South area; and approve that the Council enter into negotiations with landowners to acquire land required in advance of any Compulsory Purchase Order, subject to approval of the bid for capital funding by Cabinet on 25 February 2014; and approved that the Council continue the design and development work to develop the business case and funding strategy for delivery of the Thameslink Station, subject to approval of the capital funding bid by Cabinet on 25 February 2014; and delegate authority to the Strategic Director for Growth and Environment to procure the necessary advice and consultants to progress the Brent Cross project workstreams and deal with the related contractual issues and arrangements. [<http://barnet.moderngov.co.uk/mgConvert2PDF.aspx?ID=12505&ISATT=1#search=%22Brent%20Cross%20%22>]
- 7.9 Assets, Regeneration and Growth Committee dated 9 July 2014 approved the procurement of a partner for the Brent Cross Cricklewood South development through an OJEU Negotiated route in accordance with the Brent Cross South Procurement and Delivery Strategy, and approved the Council's requirements for the Brent Cross Cricklewood South opportunity; and noted procurement timetable and that to meet this timetable an additional meeting would be needed to approve the selection of a preferred partner, which would be called in accordance with statutory requirements and the Council's constitution. [<http://barnet.moderngov.co.uk/ieListDocuments.aspx?CId=696&MId=7960&Ver=4>]
- 7.10 Assets, Regeneration and Growth Committee dated 8 September 2014 approved that the appropriate Chief Officers be authorised to negotiate and enter into agreements to acquire by private treaty the land and interests in the areas shown on the plan at Appendix 1 and to approve and enter into agreements and undertakings with the owners and/or occupiers of the land in the said areas so as to facilitate its acquisition and that the appropriate Chief Officers be authorised to arrange for a land referencing exercise (including the service of statutory requisitions) to be undertaken to identify all parties with interests in the land shown edged red and shaded pink and shaded blue on the plan at Appendix 1.
<http://barnet.moderngov.co.uk/documents/s17302/Brent%20Cross%20Cricklewood%20-%20Report.pdf>

- 7.11 Assets, Regeneration and Growth Committee dated 15 December 2014 noted progress on the Brent Cross Cricklewood project.

<http://barnet.moderngov.co.uk/documents/s19845/BXC%20update%20-%20Publish.pdf>

- 7.12 Urgency Committee, 26 February 2015 (Decision Item 1)

<https://barnetintranet.moderngov.co.uk/documents/s21721/Annex%201%20Report%20to%20Urgency%20Committee%2026%20February%202015.pdf>

- 7.13 Full Council dated 3 March 2015 approved the appointment of Argent and Related Companies PLC (Bidder Z) as the Council's preferred development partner for the Brent Cross Cricklewood South Scheme; the selection of Gateway Barnet consortium comprising Far East Consortium, Countryside Properties and Notting Hill Housing Trust (Bidder Y) as the Council's reserve development partner for the Brent Cross Cricklewood South Scheme; authorise Officers to work up the Business Plan, Project Agreement and documentation necessary to form the joint venture for consideration and approval by Assets, Regeneration and Growth Committee prior to formally entering into the joint venture contract and authorised the Commissioning Director (Growth and Development) to determine the exact structure of the joint venture arrangement.

<http://barnet.moderngov.co.uk/documents/g7819/Public%20reports%20pack%2003rd-Mar-2015%2019.30%20Council.pdf?T=10>

- 7.14 Full Council dated 3 March 2015 approved that a compulsory purchase order (CPO) be made pursuant to the powers in section 226(1)(a) of the Town and Country Planning Act 1990 (as amended) for the acquisition of the land shaded pink on the plan at Appendix 1 and pursuant to section 13 of the Local Government (Misc Provisions) Act 1976 to acquire new rights in respect of the land shaded blue on the said plan to deliver (CPO1); That the appropriate Chief Officers be authorised to settle the final form and content of the CPO and associated documentation and take all action needed to pursue the CPO and secure its confirmation; That the appropriate Chief Officers be authorised, following the confirmation of the CPO, to implement the CPO powers and acquire title to and/or take possession of the land ; That the appropriate Chief Officers be authorised to carry out the necessary procedures under Part 11 of the Housing Act 1985 and to use Ground 10A to obtain vacant possession of Council owned dwellings that are occupied by secure tenants in the area shown shaded pink on the plan at Appendix 1 ; that the appropriate Chief Officers be authorised to approve the service of Initial and Final Demolition Notices as required pursuant to the Housing Act 2004 to suspend the right to buy on properties due for demolition which are situated on the Whitefield Estate but fall within the Brent Cross North Development and on the Rosa Freedman Centre; and that the appropriate Chief Officers be authorised to take all necessary steps to re-house secure tenants from the Sheltered

Housing Units at Rosa Freeman and to pay statutory home loss and disturbance to those tenants.

<http://barnet.moderngov.co.uk/documents/g7819/Public%20reports%20pack%2003rd-Mar-2015%2019.30%20Council.pdf?T=10>

- 7.15 Full Council on 3 March 2015 approved that a compulsory purchase order (CPO) be made pursuant to the powers in section 226(1)(a) of the Town and Country Planning Act 1990 (as amended) for the acquisition of the land to deliver the first south side phase (known as CPO2) shaded pink on the plan at Appendix 1 ; That the appropriate Chief Officers be authorised to settle the final form and content of the CPO and associated documentation and take all action needed to pursue the CPO and secure its confirmation; That the appropriate Chief Officers be authorised, following the confirmation of the CPO, to implement the CPO powers and acquire title to and/or take possession of the land; That the appropriate Chief Officers be authorised to carry out the necessary procedures under Part 11 of the Housing Act 1985 and to use Ground 10A to obtain vacant possession of Council owned dwellings that are occupied by secure tenants in the area shown shaded pink on the plan at Appendix 1 and that the appropriate Chief Officers be authorised to approve the service of Initial and Final Demolition Notices as required pursuant to the Housing Act 2004 to suspend the right to buy on properties due for demolition which are situated on the Whitefield Estate but fall within the Brent Cross South Development..
- <http://barnet.moderngov.co.uk/ieListDocuments.aspx?CId=162&MID=7819#A11444>