

	<h2>Assets Regeneration and Growth Committee</h2> <h3>5 September 2016</h3>
<p style="text-align: right;">Title</p>	<p>EXPLORING OPTIONS TO RE-LOCATE DONOGHUE SKIP HIRE AND WASTE MANAGEMENT COMPANY - Assets Regeneration and Growth Committee Forward Work Plan Item</p>
<p style="text-align: right;">Report of</p>	<p>Interim Deputy Chief Executive and Commissioning Director, Growth and Development</p>
<p style="text-align: right;">Wards</p>	<p>Childs Hill, Golders Green and West Hendon</p>
<p style="text-align: right;">Status</p>	<p>Public</p>
<p style="text-align: right;">Urgent</p>	<p>No</p>
<p style="text-align: right;">Key</p>	<p>Yes</p>
<p style="text-align: right;">Enclosures</p>	<p>Appendix 1: PB Donoghue Title Plan NGL612586 Appendix 2: Map Search NGL612586</p>
<p style="text-align: right;">Officer Contact Details</p>	<p>Karen Mercer, Programme Director Re, Karen.Mercer@barnet.gov.uk, 0208 359 7563</p>

Summary

This report outlines the scope of the feasibility work to explore options to relocate Donoghue and Waste Management company as approved by the Committee on 11 July 2016.

Recommendations

The Committee is requested to note the content of this report and that the results of the feasibility work exploring the options to relocate Donoghue Skip Hire and Waste Management company will be considered by the next Assets, Regeneration and Growth Committee on 12 December 2016.

1. WHY THIS REPORT IS NEEDED

- 1.1 This report confirms that the Council has commenced feasibility work to explore the potential options to re-locate the existing Donoghue skip hire and waste management from its present site on Claremont Road, Cricklewood, and provides a brief summary of the scope of proposed work.
- 1.2 The Committee will recall that at the last Assets, Regeneration and Growth Committee meeting, the Chairman of the Committee introduced the forward work plan and noted that Finchley and Golders Green Area Committee had referred an item to be added to a future ARG agenda. Cllr Zinkin introduced the item and briefly outlined concerns relating to HGV movements in The Vale, Cricklewood from Donoghue Skip Hire and Waste Management.
- 1.3 The request was *“that officers investigate the feasibility of relocating Donoghue due to concerns about health and safety particularly for the children who attend the three schools on the Donoghue’s main route.”*
- 1.4 This was considered to be an urgent issue due to the potential safety issues arising from the HGV transport movements and the Assets Regeneration and Growth Committee requested to receive a report at its next scheduled meeting on 5 September.
- 1.5 As the Committee is aware, Donoghue currently operates from its existing premises on the Vale as shown on the plan attached at appendix 1 and appendix 2. The site, which extends to circa 0.95 ha, is located within the Brent Cross Cricklewood regeneration area, and forms part of the Brent Cross South masterplan proposals that are being brought forward jointly by the Council and it’s development partner Argent Related. The section 73 planning permission as approved in July 2014 identifies the site as a development plot to be brought forward in phase 4 as part of the regeneration of the Brent Cross Cricklewood area. The Council does not have compulsory purchase powers in respect of the Donoghue site and does not own it. If the Council were to acquire the site it would need to be either through private treaty negotiation or a CPO would need to be sought.
- 1.6 Since the Committee meeting in July the item has been added to the Committee work programme and work has commenced to investigate and explore options to relocate the skip hire and waste management operations. The feasibility work will take approximately six to eight weeks to complete.
- 1.7 The study will include the Council:
 - Meeting with Donoghue to understand their existing operations and future requirements
 - Reviewing the traffic movements within the area and understand the safety concerns and consider the various measures taken by the Council to mitigate the effect of HGV traffic in the area in the last five years, the

consequences of those measures and the associated committee and other reports.

- Exploring options to relocate Donoghue, including undertaking a site search to identify whether an alternative site can be identified within the London Borough of Barnet and surrounding areas. This will include a risk assessment of all identified options as well as financial and funding implications.
- To work with the Council's joint venture development partner Argent Related within the terms of the agreement with Argent Related to understand and review the implications of any proposed relocation on the comprehensive regeneration of Brent Cross South given that the Donoghue site is a key development plot within the Brent Cross South regeneration area.

1.8 The findings of the feasibility work and proposed options will be reported to the Assets, Regeneration and Growth Committee at the next Committee meeting in 12 December 2016.

2. REASONS FOR RECOMMENDATIONS

2.1 To undertake the feasibility work to explore options to relocate Donoghue in accordance with the request by the Assets, Regeneration and Growth Committee on 11 July 2016.

3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

3.1 This report explains that the Council is exploring options to potentially relocate the Donoghue as requested by the Committee. The findings of this feasibility work and any options will be considered at the next Committee meeting.

4. POST DECISION IMPLEMENTATION

4.1 The Council and its advisors will progress the feasibility work as outlined in this report and will report a summary of the work alongside potential options to the next Committee.

5. IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

The regeneration of Brent Cross Cricklewood supports the Council's Corporate Plan 2015-20 which states that the Council will work with local, regional and national partners to strive to ensure that Barnet is a place:

- of opportunity, where people can further their quality of life
- where people are helped to help themselves, recognising that prevention is better than cure
- where responsibility is shared, fairly

- where services are delivered efficiently to get value for money for the taxpayer.

5.1.1 The scheme to transform Brent Cross Cricklewood will play a major role in delivering future 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.

5.1.2 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.

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

5.2.1 The feasibility work will also consider and explore the financial and commercial issues associated any potential option, and these findings will be summarised in the report to Committee on 12 December 2016. The feasibility work will be funded initially from the land assembly budget for Brent Cross Cricklewood up to a £10k. Any further funding requirement will be set out in the next report to be considered by the Committee.

5.3 **Social Value**

5.3.1 As the Committee is aware, the Brent Cross Cricklewood programme will secure wider social, economic and environmental benefits. The proposed relocation of Donoghue Skip Hire and Waste Management outside of the regeneration area accord with the section 73 planning permission

5.4 **Legal and Constitutional References**

5.4.1 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.

5.4.2 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.

5.4.3 Council Constitution, Responsibility for Functions states inter alia that only the full Council will exercise the following functions (among others) – All policy matters and new proposals relating to significant partnerships with external agencies and local authority companies.

5.4.4 The public sector equality duty referred to in Section 5.6 below also required consultation to ensure the Council complies with its duties under the Equality Act 2010.

5.5 Risk Management

5.5.1 The feasibility work will identify and review the risks associated with Donoghue continuing to operate from the Vale alongside the risks associated with the potential relocations options for consideration by the Committee.

5.6 Equalities and Diversity

5.6.1 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 discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010;
- Advance equality of opportunity between people who share a relevant protected characteristic (as defined in this Act) and those who do not have it;
- Foster good relations between people who share a relevant protected characteristic (as defined in this Act) and those who do not have it ;

5.6.2 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, race, sexual orientation and religion or belief and this will be taken into account as and when a decision is to be taken regarding the Donoghue site.

5.6.3 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.

5.7 Consultation and Engagement

- 5.7.1 As part of the feasibility work, the Council will consult key stakeholders and the community to help explore the potential relocation options and have regard to their comments.

6 BACKGROUND PAPERS

- 6.1 Cabinet, 26 April 2004 (Decision Item 8) – approved the adoption of the Cricklewood, Brent Cross and West Hendon Development Framework as Supplementary Planning Guidance.

- 6.2 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/CeListDocuments.aspx?Committeeld=120&MeetingId=265&DF=29%2f03%2f2005&Ver=2>

- 6.3 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>

- 6.4 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>

- 6.5 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>

- 6.6 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>

- 6.7 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>

- 6.8 Assets, Regeneration and Growth Committee dated 30 November 2015 approved the terms for the amendments to the Brent Cross Property Development Agreement and Co-operation Agreement and authorised the Chief Executive in consultation with the Leader of the Council to agree the detail of the Brent Cross Property Development Agreement and Co-operation Agreement and any required subsequent changes in the associated commercial documentation; noted progress on land acquisitions within the CPO red line boundary and that the CPO Inquiry for Brent Cross Cricklewood CPO1 and Brent Cross Cricklewood CPO 2 is scheduled for 17 May - 17 June 2016; approved the Brent Cross South Joint Venture Structure that will inform the Project Agreement and documentation necessary to form the Brent Joint Venture; noted the establishment of the Shadow Joint Venture Board and gave approval for the terms of reference for Shadow Shareholder Board for the Brent Cross South Joint Venture to be drawn up including a process for appointing Members for agreement at the next practicable meeting of the Council; and noted progress on the Thameslink Station project, in particular the station design and funding strategy.

<http://barnet.moderngov.co.uk/documents/s27725/Brent%20Cross%20Cricklewood%20Project%20update.pdf>