

	<p>Assets, Regeneration and Growth Committee 11 July 2016 (Appendix A)</p>
<p style="text-align: center;">Title</p>	<p>Brent Cross Cricklewood Compulsory Purchase Order (No. 3) and Project Update Report.</p>
<p style="text-align: center;">Report of</p>	<p>Interim Deputy Chief Executive and Commissioning Director, Growth and Development</p>
<p style="text-align: center;">Wards</p>	<p>Childs Hill, Golders Green and West Hendon</p>
<p style="text-align: center;">Status</p>	<p>Public</p>
<p style="text-align: center;">Urgent</p>	<p>No</p>
<p style="text-align: center;">Key</p>	<p>Yes</p>
<p style="text-align: center;">Enclosures</p>	<p>Appendix 1 of 2 Plan of Proposed Boundary of CPO3 Appendix 2 of 2 Plan of Proposed Boundary of CPO3 Appendix 3 Draft Statement of Reasons Appendix 4 Proposed Station Layout Appendix 5 Consultation Update</p>
<p style="text-align: center;">Officer Contact Details</p>	<p>Karen Mercer, Project Director Re, Karen.Mercer@barnet.gov.uk, 0208 359 7563</p>

Summary

This report requests that the Committee approves the making of a compulsory purchase order (CPO) in respect of the land and interests needed to deliver the Thameslink Station phase in the Brent Cross Cricklewood Regeneration Scheme in respect of land to the south of the North Circular as shown on the plans at Plan 1 of 2 and Plan 2 of 2 (“the CPO Plans”).

- Recommendations**
1. The Committee is requested to note the content of this report and to recommend the following to full Council for approval:
 - 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 CPO Plans and pursuant to section 13 of the Local Government (Miscellaneous Provisions) Act 1976 to acquire new rights in respect of the land shaded blue on the CPO Plans.

- To authorise the appropriate Chief Officers to settle the final form and content of the draft CPO, the CPO Plans and Statement of Reasons.
- To authorise the appropriate Chief Officers to take all necessary steps to secure confirmation of the CPO and the acquisition of all third party interests in the CPO and of the new rights. This authorisation includes the publication and advertisement of the CPO, serving statutory notices, and seeking confirmation of the CPO.
- In pursuance of its statutory duty to treat to authorise the appropriate Chief Officers to enter into agreements and make undertakings, contracts and transfers on behalf of the Council with third parties having an interest in the CPO or for the creation of new rights or with parties otherwise affected by the CPO to facilitate the development.
- To authorise the appropriate Chief Officers following confirmation of the CPO to authorise the publication and service of all appropriate notices of confirmation of the CPO and to make one or more general vesting declarations or serve notices to treat and notices of entry (as appropriate) in respect of the land within the CPO (“the Order Land”).
- To authorise the appropriate Chief Officers to initiate or take part in any arbitration or proceedings before the Upper Tribunal (Lands Chamber) or the Courts in order to resolve any disputes as to compensation or other payments payable for any interests in the Order Land or arising from the making or confirmation of the CPO or securing possession of any part of the Order Land or title to any part of the Order Land.

1. WHY THIS REPORT IS NEEDED

- 1.1 This report is requesting that the Assets, Regeneration and Growth Committee approve the making of a compulsory purchase order (“the CPO”) and other related steps in order to acquire the land and interests and new rights needed to facilitate the delivery of Thameslink Station phase of the comprehensive regeneration of Brent Cross Cricklewood on land to the south of the North Circular. The extent of the land proposed to be acquired pursuant to the CPO is shown edged red and shaded pink on the plans at Appendix Plan 1 of 2 and Plan 2 of 2 (“the CPO Plans”). The acquisition of new rights is sought over the land shaded blue on the CPO Plans.
- 1.2 The Committee will recall that on 17 March 2016, the Assets, Regeneration and Growth Committee approved the making of a compulsory purchase order in respect of CPO3 and other related steps in order to acquire the land and interests needed to enable part of the station phase of the comprehensive regeneration of Brent Cross Cricklewood to go ahead on land to the south of

the North Circular. The extent of the land acquisition needed was shown shaded pink on the plans at Appendix Plan 1 of 2 and Plan 2 of 2 attached to that report. Since the 17 March 2016 resolution, the extent of land acquisition required has been amended and it is therefore necessary to seek a fresh approval for the making of the CPO.

- 1.3 The amendments to the boundary include the addition of land adjacent to the A5, which is required to provide the proposed relocated waste transfer station; and the addition of land over which new permanent rights need to be acquired for the purposes of construction of the station and infrastructure within the phase and permanent rights in respect of the vehicular and pedestrian bridges proposed over the Midland Mainline railway. The land to the rear of Brent Terrace which was previously included within the proposed CPO boundary has now been removed as this is no longer needed for the construction of the Midland Mainline Bridge or Spine Road. Further details are set out within the report.
- 1.4 This report therefore seeks the Committee's approval to the making of a CPO (referred to for the purposes of this report as CPO3) as set out in the recommendations of this report in respect of the land shown on the CPO Plans appended to this report. The purpose in seeking to make the CPO is set out in this report and in the Draft Statement of Reasons which is attached at Appendix 3.
- 1.5 The Committee will recall that on 1 June 2015, it decided as a matter of principle that the Council was 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 required to deliver the early delivery of the Thameslink Station in order to support the comprehensive regeneration of the Brent Cross Cricklewood area. The Committee noted that the negotiations to acquire the land and interests in the areas required to deliver the Thameslink Station by private treaty had commenced and it approved the entering into agreements and undertakings with the owners and/or occupiers of the land in the said areas so as to facilitate its acquisition. The Committee also noted that work was being undertaken to prepare for a possible compulsory purchase order together with the associated documentation and, if necessary, a further report would be brought back to the Committee seeking authority to make a CPO.
- 1.6 The Council's purpose in seeking to acquire the land and new rights shown on the CPO Plans is to facilitate the development, re-development and improvement of the land by way of a mixed use scheme, comprising commercial, retail, residential, hotel, conference and leisure development; community facilities; car parking, infrastructure and highway works; new rail station, station buildings, railway sidings, rail stabling facilities and associated rail infrastructure; rail freight facilities; a waste transfer facility; public realm and environmental improvement works ("the CPO3 Development"). This forms what is known as the Thameslink station phase of the wider Brent Cross Cricklewood regeneration area), one of the largest regeneration opportunities

in London, a long-standing objective of the Council and key regeneration priority of the London Mayor.

- 1.7 In order to authorise officers to make and pursue CPO3, section 226 of the Town and Country Planning Act 1990 requires that members must be satisfied that the use of compulsory purchase powers will facilitate the development, redevelopment or improvement of land, and that it is likely to contribute towards the promotion or improvement of the economic, social and environmental well-being of the area. Further, members must be satisfied that there is a compelling case in the public interest for making and promoting the 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 explained and considered in more detail below and within the attached Draft Statement of Reasons.
- 1.8 The CPO3 Development forms part of the wider Brent Cross Cricklewood regeneration scheme (“BXC”). An extant outline planning permission exists for the BXC regeneration reference F/04687/13 dated 23 July 2014 (the “s.73 Permission”).
- 1.9 As the Committee is aware, two separate compulsory purchase orders CPO1 and CPO2 have already been made for the first phase of BXC and a joint inquiry commenced on 17 May 2016. The Inquiry is due to close on 6 July 2016
- 1.10 BXC CPO 1 will facilitate the improvement and extension of the Brent Cross Shopping Centre to the North of the BXC area; the provision of infrastructure associated with and required for the redevelopment of the shopping centre; significant infrastructure to support the redevelopment and regeneration of the wider BXC area (and in particular development to the south of the North Circular). This part of the scheme is to be delivered by Hammerson UK and Standard Life Ltd.
- 1.11 BXC CPO 2, which relates to the remaining part of the first phase of the BXC area to the South of the North Circular, will facilitate a mixed use development including residential and retail development; community and leisure facilities; car parking; infrastructure and highways works, public realm and environmental improvement works. This part of the scheme is to be delivered by Argent Related and LBB through a joint venture company.
- 1.12 Both CPOs 1 and 2 will facilitate the delivery of Phase 1 of the BXC scheme.
- 1.13 The CPO3 Development comprises two main components:

- 1) The “**Thameslink Station**”. This part of the scheme is to be delivered by the Council, and comprises:
 - a) The Thameslink Station - works to facilitate the new station development and the remediation of brownfield land needed to support the comprehensive regeneration of the area;
 - b) Thameslink Station entrance buildings (east and western entrances) and service points providing access to the new Thameslink Station which is essential to the Integrated Transport Strategy for the wider BXC development;
 - c) A new pedestrian overbridge in combination with a new station concourse over the Midland Mainline railway and linking the area to the west of the railway to the remainder of Brent Cross South (BXS);
 - d) The Midland Mainline Bridge (“MML Bridge”) – creating a new vehicular link from the A5 on the western side of the railway, to the Thameslink Station, and beyond to the remainder of BXS on the eastern side of the Midland Mainline;
 - e) Spine Road North – which, in accordance with the Integrated Transport Strategy, will link the proposed Midland Mainline Bridge with the proposed Transport Interchange T1, new Station and Station Square, and which will continue along High Street South into the expanded Brent Cross Shopping Centre;
 - f) A new pedestrian and cycle path - will provide a link from Brent Terrace to the new MML Bridge / Spine Road North.
 - g) A Rail Freight Facility – the relocation of an existing rail freight facility from the east to the west side of the railway which will release railway land for development. A modern freight facility will be provided which is better able to meet market demand, and provide a long term future for those facilities;
 - h) New Waste Handling Facility – the provision of a new road based waste transfer station to replace the existing rail based Hendon Waste Transfer Station, which will be relocated from the east to the west side of the railway, releasing land for the construction of the MML Bridge, the Spine Road and mixed use development. The new waste facility will provide a modern facility with road connections; and
 - i) Relocated Rail stabling and sidings – the location of the new Thameslink Station is currently occupied by the East Midland Train sidings and a dis-used rail freight building. The existing sidings will be relocated to the south east of the site adjacent to the newly commissioned Thameslink Sidings, enabling facilities to be combined.

- 2) The “**Station District**”. This part of the scheme is to be delivered by Argent Related and LBB through the joint venture company, and comprises:
- a) Station Quarter (West) – providing a significant amount of business and employment use together with a mix of residential, retail, leisure uses and public realm;
 - b) Station Square – a significant new public square that anchors the western end of the High Street South and connects the heart of Brent Cross South to the new Transport Interchange and a variety of other transport modes which will cluster around the Station;
 - c) Brent Terrace (North – Building Zone BT2) – which will provide in the region of 900 new homes together with retail, a crèche and other community facilities in a series of courtyard buildings around internal communal gardens; and
 - d) Brent Terrace Park – Neighbourhood Park 3 and associated Green Corridor 8 as defined in the s.73 Permission, the provision of which may be delivered in two phases with the northern section delivered with Spine Road North.

1.14 In order to facilitate the delivery of the CPO3 Development it is necessary for the Council to acquire the land interests and new rights within the Order Land as identified on the CPO Plans.

1.15 As explained below, discussions are now well under way with a view to acquiring the necessary land interests and rights to deliver the Thameslink station phase. Given the need to secure all land to ensure delivery of the scheme and the realisation of the public benefits, the Council is of the view that a CPO is required so as to provide the certainty of land assembly in the event that it is not possible to acquire the necessary interests by negotiation. The Council will continue in parallel with the CPO process to negotiate with owners and occupiers of land to secure property by agreement.

1.16 As with CPO1 and CPO2, the appropriate power is Section 226(1) (a) of the Town and Country Planning Act 1990. This enables authorities with planning powers to acquire land compulsorily if they think that to do so will facilitate the carrying out of development, redevelopment or improvement on, or in relation to, the land. The power in section 226(1)(a) is subject to subsection (1A) of section 226, which 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.

1.17 DCLG Guidance on Compulsory Purchase Process and the Crichel Down Rules (2015) (“the CPO Guidance”) sets out guidance for local authorities regarding the making of CPOs. The Guidance includes key policy tests which

[Type text]

need to be satisfied before a CPO can be confirmed. Before resolving to make 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.

- 1.18 As indicated in Section 3 below and set out in Draft Statement of Reasons, the Thameslink station will increase the attractiveness of Brent Cross Cricklewood area as a place to live, shop and work and by doing so promote a more rapid pace of development and delivery of wider economic and social benefits. It is an essential component of the Integrated Transport Strategy to ensure the comprehensive regeneration of BXC.
- 1.19 The CPO3 Development includes the relocation of the existing Strategic Rail freight facility and Hendon Waste transfer station from the east to west side of the railway lines as envisaged by the BXC s.73 Permission, providing a long term future for these facilities.
- 1.20 The CPO3 Development also includes the station quarter elements of Brent Cross South comprising residential, commercial, community, retail and leisure uses alongside public transport improvements. These transport improvements include the transport interchange adjacent to the station, and the spine road linking the Midland Mainline Bridge to the Station Square, along the southern high street and into the expanded Brent Cross Shopping centre in accordance with the integrated transport strategy approved by the s.73 Permission. The station quarter elements of the project will be taken forward and funded by Brent Cross South JVLP.
- 1.21 The delivery of the Thameslink Station itself is a key element in achieving the objective of creating a regional town centre that offers priority to sustainable transport modes including rail, bus, cycling and walking.
- 1.22 Accordingly, officers are of the view that a compelling case in the public interest for making and promoting a CPO is made out, that the use of the powers is both necessary and proportionate, and that the well-being benefits which will result from the proposed regeneration outweigh the interference with the rights of human rights of those affected.
- 1.23 The Guidance advises that an acquiring authority should be sure that the purposes for which it is making a compulsory purchase order 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).
- 1.24 Before deciding whether to authorise the making of CPO3, the Committee must therefore consider whether the exercise of compulsory powers, and the public benefit that this will bring, outweighs the interference with the human

rights of those affected by CPO3 that the exercise of the compulsory powers will necessitate.

2. PROJECT UPDATE

Brent Cross North

- 2.1 On 23rd July 2014, following the completion of the Section 106 agreement, the Section 73 planning permission for the comprehensive Brent Cross Cricklewood scheme was granted. Planning permission is therefore now in place for the scheme.
- 2.2 Since then the Brent Cross North Partners have focussed on discharging the relevant pre-reserved matters planning conditions and preparing the necessary reserved matters applications in respect of the critical infrastructure to be provided to support the shopping centre and comprehensive regeneration of the area.
- 2.3 The Committee will recall that on 17 March 2016, the Committee noted that the amendments to the Brent Cross Property Development Agreement and Co-operation Agreement as set out in the Exempt Report to the Committee report 30 November 2015, was being progressed. The documentation has now been agreed and is being completed in parallel with the Brent Cross South documentation.
- 2.4 The Brent Cross North Partners are also now progressing the detailed design of the shopping centre. Discussions on the detailed design are underway, and it is anticipated that a reserved matters application will be submitted in early 2017. This is running in parallel with highway and infrastructure workstreams. The Brent Cross North Partners are continuing to work with TFL and the Council's highways team to progress the transport modelling work to support the detailed design and to inform the required highway infrastructure agreements.
- 2.5 The anticipated construction start date is early 2018, with phased opening and a target completion date end of 2021.
- 2.6 As requested by the Assets, Regeneration and Growth Committee on 17 March 2016, the Brent Cross North Development Partners will be providing a presentation to members at the meeting outlining next steps.
- 2.7 The Committee is also advised that the Council and its partners are currently reviewing the project governance arrangements in place and any amendments will be reported to Committee in September 2016.
- 2.8 As aforementioned the CPO1 Inquiry will shortly close. In relation to land acquisitions, the Council has now agreed heads of terms with eight residential owners in the CPO1 area, and the council has completed three acquisitions.. It is anticipated that the Council will complete further acquisitions shortly.

- 2.9 Similarly, the Council has reached agreement with commercial owners and has completed on two acquisitions(Lewis Properties and Dixons land)

Brent Cross South

- 2.10 As the Committee is aware, on 3 March 2015 the Council approved the appointment of Argent and Related Companies PLC (Argent Related) as the Council's preferred development partner for the Brent Cross Cricklewood South Scheme through a staged OJEU procurement process.
- 2.11 On 17 March 2016, the Committee formally re-confirmed Argent Related as the Council's development partner and approved the business plan and legal documentation as detailed below so that the Joint Venture can be created to deliver the south side regeneration. The Committee also noted that the Council had agreed the terms of reference for the Shareholder Board for the Brent South Joint Venture and the composition and Membership of the Shareholder Board, as per paragraphs 2.13, 2.14 and 2.15 of the report to Full Council on 1 March 2016; Approved the establishment of LBBCo for Brent Cross South and approved the Best Consideration Mechanism as detailed in the Project Agreement and authorise the Section 151 Officer to determine Best Consideration in accordance with the Project Agreement.
- 2.12 The legal documentation, including the Project Agreement, Limited Partnership Agreement, Shareholder Agreement and associated documentation (including a Compulsory Purchase Indemnity Agreement) are now agreed and are in the process of being completed, upon which the JVLP will be formally created.
- 2.13 In February this year, the Argent Related commenced the procurement process to select a Registered Provider (RP) for the first phase. A Pre-Qualification Questionnaire was issued to a number of Registered Providers (RPs) to register their expression of interest to participate in this tender process. The CPO2 Development Partners received eight PQQ and have now shortlisted three potential RPs. An Invitation to Tender will be issued in August with a view to selecting the preferred RP by October 2016. As part of this process, residents will be consulted and will have the opportunity to participate in selection of the RP.
- 2.14 The JVLP will also be developing further the BXS Business Plan considered by the Committee at the 17 March 2016 meeting. It is anticipated that the updated Business Plan will be submitted to the LBB Shareholder Board for approval later this year.
- 2.15 In respect of land acquisitions, GL Hearn are currently negotiating head of terms with six residential owners within CPO2 and these acquisitions are due to be completed shortly. As the Committee is aware, the Council has already acquired commercial properties within the CPO2 area.

Thameslink Station Phase

- 2.16 The Committee is aware the Council has been working with the GLA, HM Treasury, DCLG and Department for Transport for the last two years to develop the Business Case and funding strategy to bring forward the station phase proposals.
- 2.17 The Outline Business Case was considered by the Finance Sub-Committee in February 2015. Following this, the Government announced in its March 2015 Budget Statement that the government will provide £97m grant funding and ring-fence 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.
- 2.18 This funding commitment was reaffirmed by the Chancellor in the November 2015 Spending Review.
- 2.19 The Council submitted the Full Regeneration Business Case to HM Government on 22 January 2016. The Business Case was reviewed by the Department of Communities and Local Government Finance Sub-Committee on 25 February 2016, following which the Chancellor again reconfirmed the funding commitment in the Budget Statement on 16 March 2016, which confirmed that *“The government has approved the full business case for a new Thameslink station at Brent Cross Cricklewood, unlocking 7,500 new homes. This follows the Government’s previous commitment to provide £97 million of grant funding and ringfence the local share of business rates”*.
- 2.20 Under the proposals, the Council will receive a grant of £97m from the Treasury, and will borrow the remaining funds required to build the station. This borrowing will be repaid by ring-fencing the local share (i.e. the 30% currently retained by the Council and the 20% currently retained by the Greater London Authority) of business rate growth delivered by the expansion of the shopping centre.
- 2.21 To support the business case and the delivery of the station phase, the Council entered into a Design Services Agreement with Network Rail in July 2015 to take forward a feasibility study on the options for the station design in accordance with Network Rail’s GRIP (Governance Railway Investments Projects) procedures to develop a single option selection (known as GRIP 3).
- 2.22 The main purpose of this exercise was to establish the required rail-side track works and location of the platforms to provide an updated cost estimate and design to support the Full Business Case as well as to progress to and inform the detailed design stage (known as GRIP 4) with full approval from Network Rail and the Department of Transport. The GRIP 3 (Single Option Selection) for the new Thameslink Station, which undertaken by Network Rail supported by Capita and Carillion, is now complete.
- 2.23 As reported to the Committee previously, the emerging design is based on two island platforms (four faces) long to accommodate 12 car Thameslink Class 700 trains with a stopping pattern of 8 trains per hour in the 3hr peak and 4 trains an hour off peak on the slow lines. This will require track re-

alignment works, overhead line, signalling and telecoms for the station area, sidings and the Midland Mainline Bridge.

2.24 As the Committee will recall, the Committee subsequently approved on 17 March 2016:

- the Station Single Option Design as shown at Appendix 5 of that report; and noted the funding and delivery strategies for the Brent Cross Cricklewood Thameslink Station project;
- the commencement of the detailed design of the station (known as GRIP 4) and associated work packages within the station phase of the Brent Cross South; and delegate to the Chief Operating officer permission to agree terms and enter into the Design Service Agreement with Network Rail to deliver the railway works elements of the GRIP 4 process.
- the revised spend in respect of Thameslink as detailed in the report and noted that Policy and Resources will be recommended to approve the budget.

2.25 The Council's Policy and Resources Committees on 17 May 2016 and 28 June 2016 authorised an increase in the Council's capital financing requirement to accommodate the borrowing required for the station and associated infrastructure works.

2.26 Work has commenced to develop the single option to and progress the approval in principle design work (GRIP 4), including the undertaking of environmental surveys. The ecology survey is underway and the topographical survey is scheduled for early October 2016. Design feasibility work has also concluded the positioning of the station bridge as shown on the plan attached at Appendix 4. The Design Services Agreement is currently being negotiated with Network Rail and will be concluded by the end of July 2016.

2.27 The Committee will recall that on 1 June 2015, the Committee confirmed, as a matter of principle, that the Council was 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 required to deliver the early delivery of the Thameslink Station.

2.28 The Committee also noted that negotiations to acquire the land and interests in the areas required to deliver the Thameslink Station by private treaty had commenced and approved entering into agreements and undertakings with the owners and/or occupiers of the land in the said areas so as to facilitate its acquisition as detailed above.

2.29 Network Rail own a significant proportion of the Order Land. The Committee will be aware that the Council, through the proposed acquisition of Cricklewood Regeneration Limited, will be able to exercise an option in respect of the land outside of the operational area required for the railway and

[Type text]

within Network Rail's ownership. The CPO is proposed to include this land to ensure that all interests in that land which could otherwise prevent the delivery of the development can be acquired.

- 2.30 In addition to Network Rail, the Council is consulting and negotiating with a number of other stakeholders in the area in order to bring forward the CPO3 Development.
- 2.31 In relation to the proposed 'open access' freight facility ('open access' being where all freight operating companies have equal access rights to any rail freight facility on the network, with the freight facility owner charging the same cost all freight operating companies for use of the facility and any additional needs, e.g. storage and handling, to be negotiated separately) which will replace the existing Rail Freight Facility, the Council has been actively pursuing negotiations with the current leaseholder of the existing facility, DB Cargo, since 2014. Negotiations with DB Cargo are continuing to provide DB Cargo the opportunity to take the lead on the design, delivery and management of the new open access facility. However, in the absence of having reached an agreement, and given the need to guarantee the delivery of the new freight facility, and for it to be brought forward in a co-ordinated manner alongside the remainder of the CPO3 Development, it has been necessary for the Council to include the existing freight facility in the CPO. Whilst discussions will continue with DB Cargo in parallel with the CPO process, the Council is developing its own detailed proposals for the new freight facility to ensure that its delivery is not frustrated or delayed.
- 2.32 The NLWA currently lease the Hendon Waste Transfer Station from Network Rail for the purposes of a waste handling facility. The Council has been in extensive discussions with NLWA regarding their proposed relocation and has sought to identify an alternative site. The Council is currently in discussions with NLWA regarding the proposed terms of relocating to the Selco site to the west of the railway and is also in discussion with Hammerson to agree terms to acquire the site. The Selco site (2 Geron Way) is currently owned by Hammerson (the Council's joint venture partner on BXN) and occupied by Selco on a lease that expires in December 2016. The Council have agreed terms with Hammerson for the purchase of the property with vacant possession.
- 2.33 GL Hearn are undertaking negotiations on behalf of the Council in relation to 106 Brent Terrace and Cemex, Brent Terrace and the land adjacent to Unit 7 Staples Corner Industrial Estate.
- Terms have been agreed with the freeholder of 106 Brent Terrace for the purchase of their interest and exchange of contracts will occur shortly, with completion in November 2016. 106 Brent Terrace is occupied by Clockwork Removals and the Council, through GL Hearn, is seeking to agree terms to acquire their interest.
 - Correspondence has been issued to Cemex in respect of the acquisition of their interest and discussions are being progressed

through their appointed representatives. The Council are continuing to try and engage with Cemex to purchase their interest by agreement and identify their relocation requirements.

- Discussions have been held with the freeholder of Unit 7 Staples Corner Retail Park as to the acquisition of his interest and will continue to be progressed in an effort to acquire the land by agreement. Cineworld, who have a right to use the car park, has been approached but there has been no response to date.

2.34 The land included in the proposed CPO3 has been amended since the 1 June 2015 and 17 March 2016 Committee meetings reflecting progress in the scheme design and delivery strategy. The main changes to the CPO3 boundary are as follows:

- The inclusion of land 2 Geron Way to facilitate the proposed relocation of the Hendon Waster Transfer Station as indicated above.
- The exclusion of land to the rear of Brent Terrace, which is owned by Network Rail but used as gardens by some of the residents on Brent Terrace. This land is no longer needed to facilitate the construction of the Midland Mainline Bridge and Spine Road linking the bridge to the new High Street.
- The inclusion of land to acquire new rights over the land which is shown shaded blue on the CPO Plan attached at Appendices 1 and 2. These rights can be summarised as follows:
 - Rights required for the MML Bridge – rights to enter onto the land for the purposes of the construction of the new MML Bridge, including crane oversailing rights, the rights to pass and repass over the MML Bridge once constructed, rights to run service media and rights of access for maintenance purposes.
 - Rights required for the Pedestrian Bridge - rights to enter onto the land for the purposes of the construction of the new pedestrian bridge over the Midland Mainline Railway, including crane oversailing rights, the rights to pass and repass over the pedestrian bridge once constructed, rights to run service media and rights of access for maintenance purposes.
 - Rights to enter and use land during construction – rights to enter and use land for the purposes of a temporary construction compound during the construction of the CPO3 Development.

2.35 The Council has continued negotiations to acquire the land and interests within the Order Land by private treaty, and whilst progress is being made with landowners, a compulsory purchase order is required to ensure that land assembly can be completed within a reasonable timeframe.

[Type text]

- 2.36 Running parallel to this, the Council and Network Rail are working jointly to obtain the necessary regulatory approvals from the Office of Rail and Road in respect of the proposed changes to the operational railway (which will constitute “Network Change” in regulatory terms) through a procedure called the Complex Project Procedure. Network Change is the regulatory process which must be adhered to when a proposed material change to the operation of the Rail Network or of trains operated on the rail network.
- 2.37 The Council and Network Rail are currently preparing the scoping document in accordance with the Complex Projects Procedure outlining the approach to be adopted to obtain the Network Change approval for publication by Network Rail as project sponsor by the end of July 2016.
- 2.38 The procurement strategy to deliver the station and associated work packages is under development. It is anticipated that this will be reported to the Committee later this year so that competitive tender documentation can be issued in early 2017 to enable a start on site in early 2018. The target opening date for the station remains late 2021.

3. REASONS FOR RECOMMENDATIONS

- 3.1 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 believes that the acquisition of the Order Land will facilitate the carrying out of development, both of the CPO3 Development and also the regeneration of the wider BXC area.
- 3.2 Section 226(1A)(a) of the Act provides that the Council may not exercise the power unless it thinks that the development, re-development or improvement is likely to contribute to the promotion or improvement of the economic, social or environmental well-being of its area. The Council does think that the development of the Order Land is likely so to contribute.
- 3.3 Section 226 (4) of the Act provides that it is immaterial that the development, re-development or improvement may be carried out by a third party.
- 3.4 Section 13 of the Local Government (Miscellaneous Provisions) Act 1976 enables the Council to compulsorily acquire such new rights over the land as are specified in a compulsory purchase order.
- 3.5 The Guidance on Compulsory Purchase Process and The Crichel Down Rules for the Disposal of Surplus Land Acquired by, or under the Threat of, Compulsory Acquisition (October 2015) (“CPO Guidance”) provides guidance on the use of these compulsory purchase powers. The Introduction to the CPO Guidance states that:

“Compulsory purchase powers are an important tool to use as a means of assembling the land needed to help deliver social, environmental and economic change. Used properly, they can contribute towards effective and

efficient urban and rural regeneration, essential infrastructure, the revitalisation of communities, and the promotion of business – leading to improvements in quality of life.”

- 3.6 The main body of the CPO Guidance provides general guidance on the use of compulsory purchase powers by acquiring authorities whilst Tier 2, Section 1 provides specific guidance for local authorities on the use of their powers under Section 226. Paragraph 65 provides that:

“This power is intended to provide a positive tool to help acquiring authorities with planning powers to assemble land where this is necessary to implement proposals in their Local Plan or where strong planning justifications for the use of the power exist. It is expressed in wide terms and can therefore be used to assemble land for regeneration and other schemes where the range of activities or purposes proposed mean that no other single specific compulsory purchase power would be appropriate.”

- 3.7 The Council’s purpose in seeking to acquire the land and new rights shown on the CPO Plans is to facilitate the development, re-development and improvement of the land by way of a mixed use scheme, comprising commercial, retail, residential, hotel, conference and leisure development; community facilities; car parking, infrastructure and highway works; new rail station, station buildings, railway sidings, rail stabling facilities and associated rail infrastructure; rail freight facilities; a waste transfer facility; public realm and environmental improvement works (“the CPO3 Development”). This forms what is known as the Thameslink station phase of the wider Brent Cross Cricklewood regeneration area), one of the largest regeneration opportunities in London, a long-standing objective of the Council and key regeneration priority of the London Mayor.
- 3.8 Projects of this scale and nature require co-ordination of substantial amounts of resource across large areas of land, involving many different types of tenure and discussions with key stakeholders. The lead-in process to develop a major infrastructure project such as the CPO3 Development is very lengthy as it involves site assembly, planning, design, funding, and extensive changes to the existing highways and infrastructure network, including the network change required for the changes to the operational railway land.
- 3.9 As explained above and in the Statement of Reasons, the Station Phase works are focused on two areas: (i) the delivery of the new Thameslink Station, Midland Mainline Bridge and Spine Road, which form an essential part of the ITS, and (ii) the integration of the station and the surrounding lands with the Station District and the wider BXC development. The earlier than planned delivery of the Thameslink Station will accelerate the delivery programme of both the residential and commercial accommodation within BXS, but for the station to make its maximum contribution to the BXC scheme its integration within the wider development is key. To achieve this, the relocation of the existing Hendon Waste Transfer Facility is required, thereby releasing the eastern landing site of the new station bridge for development as part of the Station Square. The acquisition of 106 Brent Terrace and the Cemex site will allow both the delivery of the Spine Road and the full

integration of the Station District development with the adjoining Brent Terrace and Market Square development areas.

- 3.10 The certainty of having control of the whole of the Order Land is therefore vital to the delivery of the Thameslink Station and to the regeneration of the Station District both of which contribute towards the regeneration of the remainder of BXS. The Thameslink proposals connect into the Station Quarter (West) at the western part of BXS, and the two developments are closely linked. It is essential that the two facets of the CPO3 Development are progressed in a manner that reflects and respects the connectivity between the two development areas. Furthermore, to ensure that BXS is delivered in a comprehensive manner, there is a need to integrate the Station Quarter (West) with adjoining development, notably that which will be facilitated by CPO2. In order to secure the delivery of the wide range of significant public benefits that the CPO3 Development (and the wider BXC proposals) will bring, it is essential for the proposals to come forward in a comprehensive and co-ordinated manner.
- 3.11 The complex works and logistical arrangements needed to deliver the Thameslink Station requires the acquisition of the Order Land for the purposes of decommissioning and remediating under-utilised operational rail land. It will be necessary to establish a large, safe construction compound, which is capable of being separated from operational rail land so as to not interfere with services. The construction period will last approximately 4 years. Thereafter, this “brownfield” land will be released for development as part of BXS. It is anticipated that land will be released in phases to ensure that the momentum of delivery is maintained.
- 3.12 Paragraph 76 of the CPO Guidance provides that, in deciding whether or not to confirm a CPO, the Secretary of State can be expected to consider factors including the following:
- whether the purpose for which the land is being acquired fits in with the adopted Local Plan for the area or, where no such up-to-date Plan exists, with the draft Local Plan and the National Planning Policy Framework;
 - the extent to which the proposed purpose will contribute to the achievement of the promotion or improvement of the economic, social or environmental wellbeing of the area;
 - whether the purpose for which the acquiring authority is proposing to acquire the land could be achieved by any other means. This may include considering the appropriateness of any alternative proposals put forward by the owners of the land, or any other persons, for its reuse. It may also involve examining the suitability of any alternative locations for the purpose for which the land is being acquired.
- 3.13 Members must consider these factors in deciding whether to make CPO3.

- 3.14 As to the first factor (planning policy), the planning permission for the regeneration of Brent Cross Cricklewood gives effect to the policy requirement found in the Core Strategy and saved policies of the UDP, and as reflected in the London Plan, for a comprehensive approach across the whole area so that its potential can be fully realised. The development of the CPO3 land, including remediation works to facilitate the new station development, is an essential phase of that regeneration and the integrated transport strategy needed to enable and accommodate development being brought forward across the wider BXC development. The CPO3 development has the benefit of the planning permission that has been granted for the comprehensive regeneration of the area.
- 3.15 The area is identified as an Opportunity Area in the London Plan, and as such is one of the Mayor's key regeneration areas for the City. Given its importance, it is vital that the area's regeneration benefits are maximised, and the use of the Council's CPO powers is key to ensuring that this happens.
- 3.16 As to the second factor (contribution to well-being), as explained above, the use of CPO powers to facilitate the redevelopment and regeneration of the land shown on Appendix Plan 1 of 2 and Plan 2 of 2 will contribute towards the Council's promotion of the economic, social and environmental well-being of the area, and to the achievement of the Council's regeneration and planning objectives, and will also result in substantial public benefits being realised, both within the land shown in the Appendices, and in the wider BXC area. The detail of the public benefits are set out later in this report and in Section 8 of the Draft Statement of Reasons.
- 3.17 As to the third factor (other means of achieving the Council's purpose in acquiring the land), the purposes for which the land is to be acquired could not be achieved by any alternative means including through development in other locations. All of the Order Land is required for the CPO3 Development. 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. This is given further consideration in section 4 below.
- 3.18 Paragraph 13 of the CPO Guidance advises that it will be difficult to show conclusively that the compulsory acquisition of land is justified in the public interest if the acquiring authority cannot show that all the necessary resources are likely to be available to achieve that end within a reasonable time-scale.
- 3.19 There is a clear strategy for the development of the Order Land, based on the s.73 Permission. It is likely that, if CPO3 is confirmed, the development, redevelopment and improvement for the purposes of which the Order has been made will be delivered.
- 3.20 As explained in section 9 of the Draft Statement of Reasons, the Council has secured funding for the delivery of the Thameslink Station. For the Station District, a development partner, BXS LP, has been appointed with access to the necessary resources, and a joint venture agreement to deliver the CPO3 proposals will shortly be entered into. Funding is available to deliver the CPO3

Development timeously (paragraph 14 of the CPO Guidance) and there are no likely impediments to the scheme (paragraph 15 of the CPO Guidance).

- 3.21 Paragraph 2 of the CPO Guidance refers to the taking of steps by an acquiring authority to acquire land by agreement where possible.
- 3.22 Whilst landowners have been contacted, and negotiations have taken place and are ongoing, (as explained in more detail in section 10 of the draft Statement of Reasons) it is clear that, unless the Order is confirmed, the Council and BXS LP would be unlikely to be able to assemble the land and interests needed for the key first phase of the regeneration of the area within a reasonable timescale. Therefore, unless CPO3 is confirmed, the disparate land ownership and the process of land assembly will inevitably delay the delivery and progression of the CPO3 Development, which is an essential stage of the wider BXC regeneration through a comprehensive scheme that includes CPO1 and CPO2 (Paragraphs 74 and 75 of the CPO Guidance).
- 3.23 Accordingly, the Council considers that the tests in section 226(1)(a) and section 226(1)(A) of the Town and Country Planning Act 1990 are met, the CPO Guidance is satisfied, and there is a compelling case in the public interest for the confirmation of the Order.

Benefits of the Brent Cross Cricklewood Scheme

- 3.24 The comprehensive regeneration of BXC 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 7,500 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.
- 3.25 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.
- 3.26 The BXC scheme will create a new town centre and residential quarter, uniting the areas north and south of the North Circular, 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 jobs, and an additional 4,000 permanent jobs over the next 5-7 years, and 27,000 overall. About 99,000 sqm of additional retail and commercial floorspace will be provided on the land proposed to be the subject of CPO1.
- 3.27 Substantial infrastructure needs to be provided in order to realise the area's potential. The comprehensive redevelopment and improvement of the Brent Cross Shopping Centre and other major development in the area provides the opportunity for the major infrastructure to be funded and delivered that will

[Type text]

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.

- 3.28 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, community and health facilities for the community, and improved open space and recreational facilities for the community to enjoy and use.
- 3.29 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 are proposed to 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.
- 3.30 The Thameslink phase of the development, as well as the delivery of a new passenger station 12 minutes from St Pancras handling 5 million passengers per annum, will include a new bridge over the Midland Mainline linking the A5 to the new road, public transport, pedestrian and cycle network connecting to Station Square transport interchange and serving the wider BXC development. The pedestrian and cycle network will be further improved by the provision of a new pedestrian bridge which will be combined with the new station concourse over the railway and linking the area to the west of the railway to the new BXC town centre.
- 3.31 The regeneration of BXC 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'.
- 3.32 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".

- 3.33 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.
- 3.34 The policy basis for the regeneration of BXC is therefore clear, and attention must now focus on delivery and the key issue of land assembly.
- 3.35 Regeneration is to be realised on a phased basis. The early phases comprise the regeneration of the shopping centre and its environs; and the delivery of Critical Infrastructure, and regeneration of land to the south of the North Circular.
- 3.36 In order to achieve a comprehensive approach, the planning permission and Property Development and Co-operation Agreements completed with Hammerson and Standard Life in March 2015, contain provisions relating to the delivery of the Critical Infrastructure. The lack of such infrastructure has prevented the area being redeveloped in the past, and the scheme now being advanced secures the investment needed to deliver the infrastructure required to deliver the rest of the development.

Public Benefits of CPO3

- 3.37 The report asks the Committee to recommend the making of the London Borough of Barnet (Brent Cross Cricklewood) Compulsory Purchase Order (No 3) 2016.
- 3.38 The CPO3 Development will make a very significant contribution to the economic, social and environmental well-being of the area and will also be an important catalyst to the development of the wider BXS area.
- 3.39 The Thameslink Station will facilitate the delivery of important and wide ranging public benefits including a new station for 5 million passengers per annum, 12 minutes from St Pancras station, as part of the Integrated Transport Strategy to enable and accommodate the entire BXC development.
- 3.40 It will, through development of a bridge over the Midland Mainline, create a new link from the A5 to the new Spine Road to be delivered as part of BXC, which, together with the new pedestrian bridge over the Midland Mainline will significantly improve the public transport, pedestrian and cycle network, including connecting the Thameslink Station transport interchange with the wider BXC development. The Midland Mainline Bridge will also connect the CPO3 Development with the existing Edgware Road area, establishing a relationship between the two areas promoting permeability and connectivity

throughout. These improvements will provide enhanced connectivity for the community and will break down the dominance of infrastructure across the BXC area.

- 3.41 The new rail freight facility will provide an improved “open access” development providing two 450m freight sidings connecting to the existing mainline railway. The facility will operate as an aggregate import and storage terminal serving up to four different operators. The existing facility is rarely used for its intended rail-based purpose with only one operator, North London Waste Authority, using it at present, principally by road.
- 3.42 The new Waste Handling Facility to be located on the Western side of the development will provide a modern waste facility capable of handling up to 175,000 tonnes of municipal waste per annum. The facility also provides for easier and segregated transport routes to and from the facility. In comparison to the current facility, the new facility will create an improved environment for the local population due to the modern air filtration systems and waste disposal technology that will be utilised at the new site.
- 3.43 The significantly improved public transport accessibility as a result of the development of the Thameslink Station will provide a platform for delivering sustainable, high quality and high density development across the remainder of BXS. The Thameslink Station and the Station District are very closely linked, and the development of the entirety of the Order Land by way of the CPO3 Development represents a real opportunity to secure the comprehensive regeneration of the entire BXS.
- 3.44 By accelerating the delivery of the Thameslink Station, including the provision of the Midland Mainline Bridge, which will connect into the Brent Terrace Spine Road North, and the proposed Thameslink Station Bridge, which will connect on the east side into the proposed transport hub at Station Square; this provides the opportunity for land to be released for development at an earlier stage for the regeneration of BXS, acting as a catalyst for regeneration. The material improvements in the accessibility of the area by the delivery of the Thameslink Station will therefore help realise the regeneration of the area to its full potential.
- 3.45 The Thameslink Station will increase the attractiveness of Brent Cross Cricklewood area as a place to live, shop and work and by doing so promote a more rapid pace of development across the remainder of BXS and the delivery of wider economic and social benefits. It is an essential component of the Integrated Transport Strategy to ensure the comprehensive regeneration of the Brent Cross Cricklewood area and will provide a catalyst for earlier investment in order to secure the anticipated regeneration.
- 3.46 The Station District will deliver new residential accommodation (including affordable housing), contributing significantly to the achievement of the Mayor’s Housing Strategy for London and that of the Council.
- 3.47 It will deliver much needed commercial and business development, which will provide opportunities for jobs; the range of employment generating floorspace will improve not only the quantum of jobs but also the diversity of employment opportunities available and accessible to local people. The improved

[Type text]

accessibility of the site as a result of the transport improvements will also increase employment opportunities in the wider area.

- 3.48 There will be a demonstrable improvement of visual appearance and environment of the Order Land. Parts of the area are dominated by fragmented and industrial land uses, and have a low visual quality. The delivery of the Station District, and the links over the Midland Mainline, will integrate the area with the remainder of BXS, and will deliver a significantly improved urban environment. The proposed new public realm around the station and new transport interchange, with surrounding retail and leisure uses, will contribute to a vibrant, bustling environment, where people can work, live and play.
- 3.49 The delivery of the new neighbourhood park NH3 (referred to as Brent Terrace Park within the s73 Permission) will be part of the additional quantum of new open space provided within BXC. Brent Terrace Park is proposed to be a linear park providing an attractive outlook for existing properties on Brent Terrace and high quality green open space for both existing and new residents. The park will also form part of the proposed green corridor (GC8).
- 3.50 The development of the Order Land will also contribute to the remediation of contaminated land. Some of the current and previous uses have resulted in contamination of the land. In order to create a high quality and safe environment, soil remediation to satisfactory levels will be necessary.
- 3.51 The development of the Order Land will also play a vital role in the wider regeneration of the BXC area including the provision of the integrated town centre with its range of services and facilities.
- 3.52 These benefits, and those described in section 8 of the draft Statement of Reasons, clearly demonstrate that there is a compelling case in the public interest for the Order. Moreover, without the Order it is most unlikely that the land and interests needed for the CPO3 Development could be assembled within any reasonable timeframe.

4. ALTERNATIVE OPTIONS

- 4.1 If the CPO is not made, then the only way of acquiring the land and interests needed to deliver the Thameslink station phase of development would be by agreement. It is clear however, that unless CPO3 is made and confirmed, the Council would be unlikely to be able to assemble the land and interests needed within a reasonable timescale to support the wider BXC regeneration area development. In these circumstances, there is a significant risk that regeneration of key areas to the south of the North Circular and to complete the Integrated Transport Strategy would not come forward at all, or at best would be delayed by many years.
- 4.2 Careful consideration has been given to the extent of the land and rights included in CPO 3 and whether it is necessary to include all of these.
- 4.3 All of the land shown on the plan at Appendix Plan 1 of 2 and Plan 2 of 2 is needed in order to ensure that the CPO3 Development can be delivered.
- 4.4 The Thameslink station and the Midland Mainline Bridge are essential to the delivery of the ITS to enable and accommodate the development being brought forward across the wider BXC regeneration areas.
- 4.5 The relocation of the Waste Facility west of the railway is a key component of the S73 planning permission to facilitate the comprehensive regeneration of BXC and will also ensure a facility is provided that meets the requirements of NLWA and the Council.
- 4.6 The development of railway and other land will also allow completion of a key route running from Market Square along High Street South to Station Square and connecting to the A5 on the western side of the Midland Main Line to enabling comprehensive development
- 4.7 The Council does not consider that there are any alternative means which would achieve its purposes in seeking to deliver the Thameslink Station, Station District, and/or the remainder of the comprehensive BXC scheme. No alternative proposals have been put forward by the owners of the land, or any other persons, for its re-use. Nor are there any alternative locations which are suitable for the purpose for which the land is being acquired. The location of the Thameslink Station is within the parameters set by the section 73 Permission and has been subject to a detailed design process involving Network Rail. The station is appropriately located to deliver the wider comprehensive development requirements as defined in Development Plan policies, to best serve the wider Brent Cross Cricklewood development and help to deliver the required modal shift in transport use.

5. POST-DECISION IMPLEMENTATION

- 5.1 It is proposed that, if authorised, the CPO will be made (executed) as soon as reasonably practical after the date the Council approves the CPO. The CPO is anticipated to be made by the end of July and an inquiry could be held before the end of the year.
- 5.2 A specialist land referencing company (TerraQuest) has already been engaged to identify all parties with interests in the area covered by the CPO so that they will all be served with the appropriate notices and be involved in the process if they so wish. Parties with interests in the land are required to be identified in a detailed schedule which, together with the order map, forms the CPO.
- 5.3 After the CPO is made, statutory notice of the making of the CPO will be served on all affected parties, advertised in the local press, and posted up on the site. The notices served on those affected will be accompanied by the statement of reasons, which sets out the background to and justification for using its CPO powers. Service and advertisement of the statutory notices will take place very shortly after the CPO is made.
- 5.4 Following service of the notices described above, those affected and members of the public will be given a period of 28 days within which to make representations including, if they see fit, object to the CPO. (The period required by law is a minimum of 21 days, but officers wish to provide the community and those affected with ample opportunity to make representations).
- 5.5 If there are no objections, or if all objections made are withdrawn, then the Council may be authorised by the Secretary of State for Communities and Local Government to confirm CPO3 itself. If there are objections and these are not withdrawn then the Secretary of State will arrange for a public inquiry to be held and will appoint an inspector to hold it. It is likely that a public inquiry would be held towards the end of 2016. Those affected and the public may attend and if they so wish, present their objections and cross-examine the Council's witnesses regarding the case for the CPO, and be cross-examined themselves on their objections.
- 5.6 Following the inquiry, the Inspector will prepare a report in which a recommendation will be made to the Secretary of State as to whether the CPO 3 should be confirmed. The Secretary of State will then make his decision. This is to be expected by Summer 2017.
- 5.7 Following the confirmation of the CPO, the Council will have 3 years within which to exercise the powers and acquire the land and interests needed for the development.

6. IMPLICATIONS OF DECISION

Corporate Priorities and Performance

[Type text]

- 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 BXC regeneration proposals will play a major role in delivering this objective, 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. BXC 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 BXC 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 Thameslink station phase will increase the attractiveness of Brent Cross Cricklewood area as a place to live, shop and work and by doing so promote a more rapid pace of development and delivery of wider economic and social benefits. It is an essential component of the Integrated Transport Strategy to ensure the comprehensive regeneration of the Brent Cross Cricklewood regeneration.

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

- 6.4 There are two main elements of costs associated with the CPO process: the costs of preparing and pursuing the CPO itself, and the compensation and consideration to be paid to those whose land and interests are acquired.

- 6.5 The Project Agreement and corporate documentation between Argent Related and the Council, which deals with the delivery of the redevelopment and regeneration of the land to the south of the North Circular is now agreed and currently being completed.
- 6.6 A CPO Indemnity Agreement, under which the Argent Related provide the Council with an indemnity in respect of the costs of promoting the CPO and the compensation payable to third parties in respect of whose land and interests are acquired pursuant to the CPO to deliver the station quarter elements of BXS is anticipated to be completed prior to making the CPO.
- 6.7 The delivery of the Station, Midland Mainline Bridge and waste and freight facilities, including land acquisitions, will be funded by public sector initially from the existing Council capital budgets (as approved by the Assets, Regeneration and Growth Committee on 17 March 2016 and Policy and Resources Committees on 17 May 2016 and 28 June 2016) and also HM Government grant funding and public sector borrowing.
- 6.8 As detailed above, HM Government in March 2015 announced £97 million of funding and ring fencing of the local 50% share of business rate growth to support the London Borough of Barnet and the Greater London Authority's (GLA) plans for the regeneration of Brent Cross. This was re-confirmed by the Chancellor in the November Spending Review 2015, and again in the March Budget Statement. The Grant Agreement now being progressed and will be issued prior to the Council making the CPO.
- 6.9 The GLA issued the Mayoral Direction on 17 March 2016 confirming the funding package for the proposed new Thameslink Station. This includes creation of a designated area by the Secretary of State which will allow the Council to retain 50% of the growth in business rate income locally for a period up to 15 years overall.
- 6.10 In terms of the costs of pursuing the CPO, this will require input from internal and external resource covering various disciplines, including senior officers, legal input, surveying and valuation expertise, planning input, input from the preferred developer when selected, technical input from engineers and consultants, and the cost of witnesses at the public inquiry. There will also be costs associated with the organisation and holding of the public inquiry. This is being met by the existing Thameslink Station and land acquisitions budget as approved by the Committee on 17 March 2016 and Policy and Resources Committee on 28 June 2016. The current budget for the Thameslink project, as approved on 28th June, is £16.650m. In addition, Policy & Resources Committee agreed, on 17th May 2016, an increase to the capital financing requirement, to enable borrowing to provide initial finance for Brent Cross Cricklewood. Ultimately, the CPO3 acquisition costs will be financed from either Argent Related, if appropriate, or the £97m grant referred to above.

Legal and Constitutional References

- 6.11 The CPO process is governed by law, principally the Acquisition of Land Act 1981. There is a public and lawful process which must be followed by the Council in order to secure the confirmation of CPO powers.
- 6.12 Under section 226(1)(a) of the Town and Country Planning Act 1990 (as amended) the Council, if authorised by the Secretary of State for Communities and Local Government, has the power to acquire land compulsorily where it thinks that the acquisition will facilitate the development, redevelopment or improvement of land. Section 226(1A) provides that the Council may only use this power if it thinks that doing so will contribute to the achievement of the economic, social and environmental well-being of the area. Members must therefore address these questions when deciding whether to authorise the use of the CPO powers.
- 6.13 Also, under section 13 of the Local Government (Miscellaneous Provisions) Act 1976 the Council is able to acquire new rights over land. Members will see that there are areas of land shaded blue on the CPO Plans at Appendix 1 and 2, which identifies land over which new rights are required for construction and for the delivery of the MML and pedestrian bridges.
- 6.14 The Secretary of State will only confirm CPO3 if he is satisfied that there is a compelling case in the public interest to do so.
- 6.15 The Council has been in discussions and negotiations with those whose land and interests are required, and are seeking to acquire the land and interests by agreement. These efforts to acquire the land and interests by agreement will continue, but it is clear that without the use of CPO powers it will not be possible to acquire all of the required land and interests within a reasonable timeframe.
- 6.16 Those who wish to object to the CPO may do so and are entitled to be heard at a public inquiry held to consider the case for, and the objections to, the CPO. Those whose land and interests are acquired will be entitled to compensation calculated on the basis of legislation and related case law known as the “Compensation Code”.
- 6.17 Consideration must also be given to the interference with rights protected by the Human Rights Act 1998, including Article 8 (respect for private and family life and home), and Article 1 (the right to peaceful enjoyment of possessions) of the European Convention on Human Rights. A decision to make a CPO must strike a fair balance between the public interest associated with the regeneration of the land and the interference with private rights. With the implementation of relocation strategies; the attempts to acquire by agreement; the fact that parties will receive fair compensation under the “Compensation Code”, and the fact that there is a compelling case in the public interest for the exercise of the Council’s CPO powers, it is considered that the interference with the private rights of those affected that would be the inevitable result of the exercise of compulsory purchase powers conferred by CPO3 would be lawful, justified and proportionate.

- 6.18 Council Constitution - Management of Asset, Property and Land Rules provide the governance structure within which the Council may acquire, lease, act as landlord, licence, develop appropriate change of use of, or dispose of assets within its Asset portfolio
- 6.19 Council Constitution, Responsibility for Functions paragraph 6.1 states that “Any Committee may decide to report on any matter to Council. In such cases the decision is reached by the usual process, such as a majority vote. The report may make recommendations or seek instructions
- 6.20 Council Constitution - Management of Asset, Property and Land Rules provide the governance structure within which the Council may acquire, lease, act as landlord, licence, develop appropriate change of use of, or dispose of assets within its Asset portfolio
- 6.21 Council Constitution, Responsibility for Functions, Annex A – sets out the terms of reference of the Assets, Regeneration and Growth Committee which includes to:
- “Oversee major regeneration schemes – including those of key housing estates”; and
 - “Asset Management – all matters relating to land and buildings owned, rented or proposed to be acquired or disposed of by the Council.”

Risk Management

- 6.22 The key project risks are explained in the report to the Committee on 17 March 2016. In relation to the CPO, the key risks can be summarised as follows:
- 6.23 Affected parties failing to be identified in the CPO – a specialist land referencing firm, TerraQuest, have been appointed to undertake the land referencing exercise to mitigate against this risk. The discussions being held by the Council with those affected when seeking to acquire their land and interests also help to identify the parties with interests in the area.
- 6.24 The preparation of a CPO and related documents is a technical and complex area, carrying a risk of challenge. However, the Council has retained experienced and expert external legal advice and the documents will be reviewed by leading counsel.
- 6.25 There is a risk that owners and occupiers will seek sums in excess of the Council’s estimates for the costs of land acquisitions. This risk has been mitigated through the receipt of professional valuation advice and the setting of appropriate budgets.

Equalities and Diversity

- 6.26 The public sector equality duty under section 149 of the Equality Act 2010 (“PSED”) requires the Council to have due regard to: (i) the need to eliminate discrimination, harassment, victimisation and any other conduct that is

[Type text]

prohibited by or under the Equality Act 2010; and (ii) the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it. 'Protected characteristics' are: gender, race and disability, sexual orientation, age, religion or belief, pregnancy and maternity and gender reassignment.

- 6.27 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.
- 6.28 The development proposals for the BXC 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.
- 6.29 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.
- 6.30 BXC 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.
- 6.31 Importantly, the requirements highlight that BXC will be a 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

- 6.32 Extensive consultation has and will continue to be undertaken with key stakeholders and the community to ensure that the BXC 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.
- 6.33 There has also been consultation and engagement with local stakeholders and the community during the planning process, and the CPO process is designed to allow parties an opportunity to make representations and, if desired, attend a public inquiry and state their cases. An update is provided at Appendix 5.

- 6.34 Consultation with the rail industry stakeholders has been undertaken, and continues, via a regular Station Project Board Meeting, membership includes, TfL, DfT, Train operating Companies (GTR & EMT) Network Rail and designers.
- 6.35 Further rail industry meetings have taken place with DfT in support of the Transport Business Case and have included GTR for acceptance of the time table modelling.

Communication and Consultation update

- 6.36 The Council and its Development Partners have carried out widespread consultation and engagement with residents within BXC and in the surrounding area in relation to the scheme proposals. This has included sending out consultation letters to more than 20,000 local residents and businesses, including the parts of Brent and Camden adjacent to the planning application boundary, in relation to the planning applications.
- 6.37 The proposals have been subject to full consultation through the planning process, and contact has also been made with all known residents, owners and occupiers of residential and non-residential properties and discussions are ongoing regarding the acquisition of the interests and the relocation options for those affected. The Council, and its Development Partners and their advisors, have engaged with residents directly as well as through the Whitefield Estate Steering Group and Open Meetings, Resident Surgeries and through other organised meetings including the Cricklewood Community Forum.

CPO1

- 6.38 The Whitefield Estate residents within the CPO1 Order Land have been consulted on designs of the replacement homes in Plots 53 and 54 of the RMA, through a series of workshops organised by the CPO1 Developer which included training on understanding plans and design workshops. This was followed briefing sheet sent to residents which included information about the design and layout of the replacement homes. Residents were also involved in the selection of the Catalyst Housing Group, a leading Registered Provider, to deliver and manage the replacement homes.
- 6.39 The Council and its Development Partners met with the CPO1 Whitefield Estate Sub Steering Group on the 12 May 2016, to provide a progress update.
- 6.40 The Council has also agreed terms with eight residential homeowners and have acquired properties in Claremont Way and Whitefield Avenue.

CPO2

- 6.41 Following the formation of BXS LP, a series of meetings and events is planned to step up engagement between the Residents Steering Group and BXS LP. This includes a recruitment effort to increase participation in the Whitefield Residents Steering Group, as well as general information meetings

[Type text]

to which all residents will be invited. It is envisaged that this group will be the forum for future consultation on the design, timing and delivery of the new replacement homes. Concurrently, the Council with GL Hearn and PEP (Resident Independent Advisor) continue to run a programme of resident surgeries and workshops for Council tenants and leaseholders.

- 6.42 Argent Related and Barnet Council have appointed Soundings to lead an early community consultation around the Brent Cross South regeneration scheme. Soundings is organising a number of consultation events in July 2016 with the CPO2 Whitefield Residents and with residents and community groups in the Brent Cross South wider area.

CPO3

- 6.43 Over the last few months the Council and Argent Related have consulted with residents in Brent Terrace and will be continuing their discussions with all affected land owners in this area.

Additional Activities

- 6.44 Over the last 4 months, PEP the Resident Independent Advisor has held resident surgeries on the following dates Wednesday 16th March 2016, Wednesday 16th March 2016, Saturday 19th March, Wednesday 20th April 2016, Saturday 30th April 2016, Tuesday 3rd May 2016, Thursday 12th May 2016 and Tuesday 17th May.
- 6.45 The Council has held special CPO Surgeries on Saturday 30th April 2016, Tuesday 3rd May 2016 and Thursday 12th May 2016, in the lead up to the CPO Inquiry which commenced on Tuesday 17th May 2016.

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?CommitteId=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 & Growth Committee, 8 September 2014 (Decision Item 10) – approved the appropriate Chief Officers be authorised to negotiate and enter into agreements to acquire by private treaty the land and interests 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.
<http://barnet.moderngov.co.uk/documents/s17302/Brent%20Cross%20Cricklewood%20-%20Report.pdf>
- 7.11 7.11 Assets, Regeneration & Growth Committee, 8 September 2014 (Decision Item 10) – approved the appropriate Chief Officers be authorised to negotiate and enter into agreements to acquire by private treaty the land and interests 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.
<http://barnet.moderngov.co.uk/documents/s17302/Brent%20Cross%20Cricklewood%20-%20Report.pdf>
- 7.12 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>
- 7.13 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>
- 7.14 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>
- 7.15 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>

- 7.16 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#AI11444>

- 7.17 Assets, Regeneration and Growth Committee dated 1 June 2015 noted progress on the Brent Cross Cricklewood project; A) approved the terms for the draft Collaboration Agreement between the Council and Argent and Related Companies as set out in the Exempt Report; B) authorised the Chief Executive in consultation with the Leader of the Council to agree the detail of the Collaboration Agreement; Confirmed 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; noted 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; and that 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.

<http://barnet.moderngov.co.uk/documents/s23463/Brent%20Cross%20Cricklewood%20Station%20Project%20Update%20-%20REPORT.pdf>

- 7.18 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>

- 7.19 Council 1 March 2016 noted the report of Assets, Regeneration and Growth Committee on 30 November 2015 as attached at Appendix 1 which approved the Joint Venture Structure and authorised the establishment of a Shadow Shareholder Board for the Brent Cross South Joint Venture, and that its terms of reference and membership to be drawn up for Council approval; noted the Brent Cross South Joint Venture Structure at Appendix 3 attached to the report of the Assets, Regeneration and Growth Committee on 30 November 2015; approved by the Committee on 30 November 2015; agreed the terms of reference for the Shadow Shareholder Board for the Brent South Joint Venture as outlined in paragraph 2.15; agreed that the composition and Membership of the Shadow Shareholder Board be agreed, as per paragraphs 2.13 and 2.14 of the report; noted the decisions outlined in Appendix 2 which will be required by the Shadow Shareholder Board as detailed in the Project Agreement and Shareholder and associated documentation necessary to form the Brent Cross South Joint Venture; and noted that the Project Agreement, Shareholder Agreement and associated documentation will be reported to Assets, Regeneration and Growth Committee on 17 March 2016 for approval and that that report will recommend that the Chief Executive be authorised in consultation with the Leader to finalise the documentation.

<http://barnet.moderngov.co.uk/documents/s29974/Report%20to%20Council%20Report%20of%20Assets%20Regeneration%20and%20Growth%20Committee%20-%20Brent%20Cross%20Cricklewood.pdf>

7.20 Assets, Regeneration and Growth Committee 17 March 2016 (Decision Item 14) 1).Noted that the amendments to the Brent Cross Property Development Agreement and Co-operation Agreement as set out in the Exempt Report to the Committee report 30 November 2015, which 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 required subsequent changes in the associated commercial documentation are being progressed and will be completed in parallel with the Brent Cross South documentation.2) Noted that Council agreed the terms of reference for the Shareholder Board for the Brent South Joint Venture and the composition and Membership of the Shareholder Board, as per paragraphs 2.13, 2.14 and 2.15 of the report to Council on 1 March 2016. 3.Re-confirmed Argent Related as the joint venture development partner in accordance with the OJEU procurement process as approved by the Committee on 22 July 2014. 4).Approved the detailed terms of the Project Agreement, Limited Partnership Agreement, Shareholder Agreement and associated documentation (including Compulsory Purchase Indemnity Agreements) as set out in this report and the Exempt Report to the Committee; Authorise the Chief Executive in consultation with the Leader to finalise and complete the documentation associated with the JVLP and enter into contract with JVLP. 5) Approved the establishment of LBBCo for Brent Cross South. 6.) Approved the Best Consideration Mechanism as detailed in the Project Agreement and authorise the Section 151 Officer to determine Best Consideration in accordance with the Project Agreement. 7.Approved the Brent Cross South Business Plan as attached to the Exempt report.; 8.Noted progress on land acquisitions within the CPO red line boundary and preparation for the CPO Inquiry for Brent Cross Cricklewood CPO (CPO1) and Brent Cross Cricklewood CPO (CPO 2) scheduled for 17 May - 17 June 2016. 9). Approved the Station Single Option Design as shown at Appendix 5; and note the funding and delivery strategies for the Brent Cross Cricklewood Thameslink Station project; 10) Approved the commencement of the detailed design of the station (known as GRIP 4) and associated work packages within the station phase of the Brent Cross South; and delegate to the Chief Operating officer permission to agree terms and enter into the Design Service Agreement with Network Rail to deliver the railway works elements of the GRIP 4 process; 11) Approved the revised spend in respect of Thameslink as detailed in the report and note that Policy and Resources will be recommended to approve the budget. 12.) Noted progress on the land acquisition strategy to deliver the station phase and that a separate report is being considered by this Committee to resolve to make a CPO to deliver this element of the Brent Cross Cricklewood regeneration project.
<http://barnet.moderngov.co.uk/documents/s30516/Brent%20Cross%20Cricklewood.pdf>

7.21 Assets, Regeneration and Growth Committee 17 March 2016 (Decision Item 13) 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 of 2 Plan and 2 of 2 Plan; that the appropriate Chief Officers be authorised to settle the final form and content of the CPO and associated documentation, including the Statement of Reasons, and take all action

[Type text]

needed to pursue the CPO and secure its confirmation and 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.

<http://barnet.moderngov.co.uk/documents/s30532/Brent%20Cross%20Cricklewood%20Compulsory%20Purchase%20Order%20No.%203.pdf>

- 7.22 Policy and Resources Committee Committee: 17 May 2016 approved the addition of the GRIP 4 detailed design costs to the capital programme as per para 1.4.8; the increase to the capital financing requirement and required changes to the Treasury Management Strategy to accommodate borrowing requirement in relation to Brent Cross Cricklewood programme, as set out in para 1.6.6; noted the total funding requirement as detailed in para 1.6.6 and notes that it will be requested to consider and to approve this in subsequent relevant budget setting cycles (as detailed in para 1.6.5); approved engagement with the council's treasury advisors to find more preferential rates than Public Works Loan Board (PWLB) to secure funding; and authorised officers to continue to work with DCLG and GLA to ring fence the growth in business rates from Brent Cross North in order to pay back the borrowing requirement.