

	<h2>Assets Regeneration and Growth Committee</h2> <h3>4 September 2017</h3>
<p style="text-align: right;"><b>Title</b></p>	<p><b>Brent Cross Cricklewood Update Report</b></p>
<p style="text-align: right;"><b>Report of</b></p>	<p>Deputy Chief Executive</p>
<p style="text-align: right;"><b>Wards</b></p>	<p>Childs Hill, Golders Green and West Hendon</p>
<p style="text-align: right;"><b>Status</b></p>	<p>Public</p>
<p style="text-align: right;"><b>Urgent</b></p>	<p>No</p>
<p style="text-align: right;"><b>Key</b></p>	<p>No</p>
<p style="text-align: right;"><b>Enclosures</b></p>	<p>None</p>
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### Summary

This report provides a progress update since the last Committee on 24 July 2017 on key areas of activity and progress across the Brent Cross Cricklewood programme.

### Recommendations

That the Committee notes the content of this report and progress made on the Brent Cross Cricklewood BXC planning, highways, CPO and design workstreams across the programme since the last Committee meeting.

## **1. WHY THIS REPORT IS NEEDED**

- 1.1 This report provides a progress update on the Brent Cross Cricklewood programme since the last Committee meeting on 24 July 2017.

### **Brent Cross North**

- 1.2 The Brent Cross North Partners reserved matters application for the detailed design of the shopping centre registered in May 2017 is anticipated to be considered by the Planning Committee on 28 September 2017. The BXN Partners have also submitted planning applications to undertake early enabling works, which are anticipated to start on site in November 2017. These applications are under consideration.
- 1.3 The Partners are continuing to progress the approval in principle infrastructure designs for approval by the Highways Authorities (LBB, TfL and Highways England) and negotiating the required Infrastructure Agreements to undertake the necessary works to the public highway and ensure the delivery of the significant road infrastructure improvements.
- 1.4 In respect of the relocation of the residents within the CPO1 area of the Whitefield Estate, the BXN Partners are continuing contractual negotiations with the preferred Registered Provider and anticipate that agreement will be concluded in September. Whilst this is taking longer than anticipated, this delay does not impact upon the programme to deliver the replacement units.
- 1.5 The BXN Partners are now in the final stages of concluding third party investment into the scheme. Consequently, as reported to the Committee in July, the BXN Partners are now restructuring the joint venture and putting the necessary legal arrangements in place. These agreements have now drafted and will be entered into shortly. As part of legal documentation, the parties have agreed to enter into an IPMO co-operation agreement to better manage areas of interface between BXN, BXS and Thameslink projects.
- 1.6 In relation to programme, the BXN Partners continue to anticipate undertaking early construction work in autumn 2017, with an anticipated main construction start date for the Phase 1a Infrastructure and Phase 1b Shopping Centre works in mid-2018, with a target completion date September 2022.

### **Brent Cross South**

- 1.7 Following the Committee's approval on 24 July 2017 to the BXS Business Plan and First Phase Proposal and receipt of the CBRE advice letter confirming to the Council as landowner that best consideration has been achieved to dispose of the Council's land assets within the First Phase Proposal to the Brent Cross Limited Partnership (BXSLP) under the Project Agreement in accordance with Section 233 of the Town and Country Planning Act (TCPA) 1990, the Chief Executive is in the process of determining that the best value consideration test has been met.

- 1.8 The Council's senior officers are now in discussions with Argent Related to explore potential options as detailed in the Exempt Assets, Regeneration and Growth Committee report 24 July 2017. Regular updates will be reported to the BXS Shareholder Working Group and it is anticipated that the recommended approach will be reported to the Assets, Regeneration and Growth Committee on 27 November for approval.

### **Thameslink Station**

- 1.9 The Council is continuing to work with the GLA, HM Treasury, DCLG, Network Rail and the Department for Transport to deliver the new Thameslink Station and associated infrastructure within the regeneration area.
- 1.10 The GRIP4 station and sidings design is progressing. As the Committee is aware, the work has been divided into three phases. Phase A and B works for the entire GRIP4 package was commissioned in March and June 2017. Phase C covers the Asset Protection design elements. This scope is currently under review by the respective project teams and is anticipated to be agreed by August 2017.
- 1.11 The new station design is progressing along the chosen option of 4 platforms, with a single bridge serving the purpose of a public right of way footbridge, as well as access to the new platforms. It is anticipated that the reserved matters application will be submitted in October 2017.
- 1.12 As the Committee is aware, public consultations and stakeholder sessions were carried out in April and July to support the Waste and Freight facility design development. The planning applications for these works will be submitted to the Council by the end of August 2017.
- 1.13 The first planning application has been submitted to support the Thameslink Works. A re-phasing application has been submitted to bring forward the Thameslink Station and critical infrastructure into Phase 2 of the BXC scheme.

### **Station Naming Process**

- 1.14 The selection process is underway as previously reported to the Committee. It is anticipated that a final decision on the name will be confirmed by October 2017 and reported to the November Committee for approval.

### **Procurement**

- 1.15 The Thameslink Works programme is divided into a number of different work packages. Following the Committee approval in respect of the Procurement Strategy on 24 July 2017, the Council is currently undertaking a detailed review of the proposed options and anticipate that recommendations will be made to the Chief Executive in December later this year. An update will be provided to the Committee for consideration on 27 November 2017.

### **BXC Assurance**

- 1.16 As noted at the last meeting, the Council, along with its public sector partners are commissioning a Gateway Audit led by HM Government Infrastructure & Projects Authority (IPA). Preparatory meetings have been arranged and the review is scheduled to take place in September. IPA reports are not public documents, but it is anticipated that the report will be shared with the Audit Committee as a confidential item.

## **BXC Land Assembly**

### **CPO1 AND CPO2**

- 1.17 In respect of CPO1 and CPO2, the Committee will recall that the CPO Inquiry formally closed in July 2016 and the Council is awaiting the Secretary of State decision. This continues to be anticipated in autumn this year.

### **CPO3**

- 1.18 The CPO3 Inquiry commences on 5 September 2017. The Council's Statements of Evidence were submitted to the Planning Inspectorate on 15 August 2017.
- 1.19 Objections have been received from those with a property interest in the area as well as from those within the local community. These include objections from North London Waste Authority (NLWA), Network Rail, DB Cargo, Bestway (Palmbest) alongside GB Railfreight. The Council and its advisor GL Hearn are continuing to address these objections and are seeking to negotiate by private treaty to acquire the land and interests required to deliver the Thameslink Station.
- 1.20 The Council entered into the Implementation Agreement on 11 August with DB Cargo to deliver the rail freight facility by 30 June 2018. The Council has retained step in rights should the facility not be delivered. DB Cargo have now removed their objection to the CPO.
- 1.21 The necessary legal agreements with Network Rail and NLWA are now well advanced and are anticipated to be entered into shortly.

## **2. REASONS FOR RECOMMENDATIONS**

- 2.1 The comprehensive regeneration of Brent Cross Cricklewood is a long-standing objective of the Council and a key regeneration priority of the Mayor of London. The details of the scheme are set out in previous update reports to this Committee, most recently the report to December meeting, which can be accessed on this link:

<http://barnet.moderngov.co.uk/documents/s36613/121216%20-%20Final%20Draft%20BXC%20Update%20ARG%20Report%20v3.pdf>

### **3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED**

3.1 Alternative options have been considered and these options are summarised in previous reports.

### **4. POST DECISION IMPLEMENTATION**

4.1 The council and its advisors will continue to progress all work streams to ensure delivery of the Brent Cross regeneration proposals as outlined in this report and approved by the Assets, Regeneration and Growth Committee.

### **5. IMPLICATIONS OF DECISION**

#### **5.1 Corporate Priorities and Performance**

5.2.1 Previous reports describe in detail the ways in which the regeneration of Brent Cross Cricklewood supports the council's Corporate Plan 2015-20 as updated.

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

##### **Approved Capital Budget – Land Acquisitions**

5.2.2 The Committee report dated 24 July 2017 sets out the latest position on resources. The CPO Indemnity Agreement for CPO3 as referred to in that report is now finalised and will be entered into by end of August 2017.

#### **5.3 Social Value**

5.3.1 As indicated in sections within this report and previous reports, the Brent Cross Cricklewood programme will secure wider social, economic and environmental benefits.

#### **5.4 Legal and Constitutional References**

5.4.1 The council has a range of powers to enter into the legal agreements envisaged by this report, including the general power of competence under Section 1 of Chapter 1 of the Localism Act 2011 to do anything that individuals can do subject to any specific restrictions contained in legislation and Section 111 of the Local Government Act 1972 which provides that a local authority has power to do anything which is calculated to facilitate, or is conducive or is incidental to, the discharge of its functions.

5.4.2 Additionally the council has the power to acquire and dispose of land in accordance with Sections 120 to 123(2A) of the Local Government Act 1972, and subject to obtaining all appropriate consents and approvals.

5.4.3 Where land is being and has been appropriated for planning purposes, any disposal of land appropriated for such purposes is effected in reliance on

Section 233 Town and Country Planning Act 1990. On any disposal of property the council is required to observe the requirements of s123(2) of the LGA 1972 and Section 233 Town and Country Planning Act 1990 to ensure that any disposal is not for a consideration less than the best that can reasonably be obtained. Any land held for the purposes of part 2 of the Housing Act 1985 can be disposed of under section 32 of that Act either in reliance on a general or express consent of the consent of the Secretary of State.

5.4.4 Procurement of public works and services contracts over the relevant value thresholds must observe the requirements of the Public Contracts Regulations 2015, to include the placing of OJEU notices where such contracts are not drawn down from a compliant framework. The Public Services (Social Value) Act 2012 requires the council to consider whether it can achieve an improvement to the economic, social and environmental well-being of an area as part of the procurement of these services. If so, the social value objectives identified must be written into the procurement process. All of this must be achieved with regard to value for money and in a way that is compliant with existing public procurement law. "Social value" objectives can include the creation of employment, apprenticeship and training opportunities for local people, trading opportunities for local businesses and the third sector; and the promotion of equality and diversity through contract delivery.

5.4.5 Under the Council's Constitution Responsibility for Functions (Annex A), the terms of reference of the Assets, Regeneration and Growth Committee contains the following responsibilities:

- Develop and oversee a Regeneration Strategy
- Develop strategies which maximise the financial opportunities of growth- e.g. New Homes Bonus, localisation of business rates
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- Asset Management – all matters relating to land and buildings owned, rented or proposed to be acquired or disposed of by the Council

## 5.5 Risk Management

5.2 The key risks and mitigations are summarised in the 11 July 2016 report which can be accessed on this link:

<http://barnet.moderngov.co.uk/documents/s33190/Brent%20Cross%20Cricklewood%20Compulsory%20Purchase%20Order%20No.%203%20and%20Project%20Update%20Report.pdf>

## 5.6 Equalities and Diversity

5.6.1 As reported in successive meetings, the Development Proposals support achievement of the council's Strategic Equalities Objective.

## 5.7 Consultation and Engagement

- 5.7.1 The Council continues to work closely with development partners from the north and the south side to develop and implement a coordinated communications strategy and stakeholder engagement approach across the whole programme.
- 5.7.2 A Resident Guide has been produced by L&Q and Argent in consultation with the Council for Whitefield Estate residents in Brent Cross South. This guide provides more detail on the relocation deal and it has also been reviewed by the Whitefield Steering Group for feedback. The final document is due to be distributed to residents by the end of August 2017. Once finalised it will be circulated to Committee members for information.
- 5.7.3 The Whitefield Steering Group is holding an Open Public meeting for estate residents on 7 September 2017. The attendees will include representatives from the Council/Re, Argent Related, L&Q, Hammerson/Standard Life Investments and Barnet Homes.

## **6 BACKGROUND PAPERS**

- 6.1 Assets, Regeneration and Growth Committee, 24 July 2017

<https://barnetintranet.moderngov.co.uk/documents/s41262/Brent%20Cross%20Cricklewood%20Update.pdf>