

**LOCATION:** Cricklewood Railway Yard, Land to the rear of 400 Edgware Road, London NW2 6NH

**REFERENCE:** 17/5761/EIA

**Received:** 08/09/2017

**Validated:** 15/09/2017

**WARD:** Childs Hill

**Expiry:** 05/01/2018

**Final Revisions:** 15/12/2017

**APPLICANT:** London Borough of Barnet and DB Cargo (UK) Limited

**PROPOSAL:** Use of railway land for the transportation of aggregates and non-putrescible waste (construction) by rail including dismantling and removal of lighting tower; levelling of site and provision of landscape bund; 2no. open stockpile areas each containing 10 storage bins and 2no. partially enclosed stockpile areas each containing 9 storage bins (with detachable panels); acoustic and perimeter fencing; CCTV, security hut, 4no. welfare hut, 4no. weighbridges and associated control cabins, 2 no. wheel wash facilities, dust suppression system, drainage, parking for HGVs and cars, traverser road, replacement rail track sidings, continued use of existing building for staff and welfare facilities; and other infrastructure and ancillary works including alterations to the existing access to Edgware Road and provision of new landscaping. (Part Retrospective).

## **1. RECOMMENDATION(S)**

### **Recommendation 1**

The application being one of strategic importance to London it must be referred to the Mayor of London. Any resolution by the committee will be subject to no direction to call in or refuse the application being received from the Mayor of London.

### **Recommendation 2**

Subject to Recommendation 1 and the LPA receiving no direction to call in or refuse the application from the Mayor of London, the Head of Development Management shall **APPROVE** planning application 17/5761/EIA under delegated powers subject to the conditions listed in Appendix A of this report and any changes to their wording and or deleting and or adding conditions and their attached reasons as considered necessary by the Head of Development Management.

## **2. APPLICATION SUMMARY**

### **Brent Cross Cricklewood Regeneration**

- 2.1 The comprehensive redevelopment of the Brent Cross Cricklewood ('BXC') area is a long-standing objective of the Council and has been embedded in planning policy at both the regional and local levels for over 15 years. The BXC scheme is one of the most important and significant regeneration opportunities in London. It will deliver strategic objectives and public benefits including a significant amount of new housing, new employment floorspace and jobs, a new train station, improved bus station, new town centre facilities, enhanced parks and open spaces.
- 2.2 Outline planning consent has been approved in 2010 and 2014 for the BXC Development. A core requirement of the long standing planning policies that support the regeneration of BXC is that the development must come forward in a comprehensive and co-ordinated manner in order to secure the delivery of the wide range of significant public benefits.
- 2.3 In order for comprehensive development of BXC to be achieved it needs to be supported by substantial new infrastructure. This includes the construction of a new train station on the Thameslink train line that runs along the western boundary of the regeneration area which will be supported by a new transport interchange. The delivery of the new Thameslink train station will significantly enhance the accessibility and the attractiveness of the wider BXC scheme and enable the realisation of important regeneration benefits.
- 2.4 The Council has secured £97m of DCLG grant along with a funding agreement with the GLA to the ring-fencing of business rates to deliver the new train station sooner than originally envisaged under the s.73 Permission. The Council is working alongside Network Rail to deliver the new station by 2022. This will enable it to be delivered alongside the early phases of BXC, ensuring that it forms an integral part of the new development from the outset. Its early delivery will also act as a catalyst for the continued delivery of both the residential and commercial development within Brent Cross South.
- 2.5 There are a number of associated infrastructure components that need to be delivered in order to enable the new Thameslink Station to be constructed. These include the relocation of existing rail sidings, the re-provision of the Hendon Waste Transfer Station and the delivery of the Rail Freight Facility. This will enable the new station platforms and tracks to be constructed and will release land on the east side of the railway for the delivery of the eastern station entrance and transport interchange. It will also facilitate the commercial and residential development around Station Square to be delivered which will ensure that the new station is integrated with the wider BXC development. Together these components make up the Thameslink phase of the BXC development.
- 2.6 All of these components are required to be delivered in order to achieve the comprehensive development of BXC.

### **Proposed Rail Freight Facility**

- 2.7 The planning application is submitted by GL Hearn on behalf of joint applicants DB Cargo (UK) Limited and the London Borough of Barnet.
- 2.8 The proposed development is for the construction, operation and use of the land as an aggregate and construction (inert, non-putrescible) waste transfer facility to enable the transfer of the aforementioned materials between road and rail. The application site would be divided into four operational Plots, with Plot 3 containing the proposed construction waste transfer operation. The remaining three Plots would facilitate the operation of aggregate transfer facilities.

### **Why is a Rail Freight Facility needed?**

- 2.9 Along with replacement train stabling facilities, a replacement waste handling facility, and a new road bridge over the midland mainline, a replacement rail freight facility is required as part of the wider Brent Cross Cricklewood regeneration in order to facilitate the delivery of the new Thameslink Station. The new Rail Freight Facility will replace the existing Strategic Rail Freight Site (as designated by Network Rail) currently occupied by the Hendon Waste Transfer Station on the east side of the railway which will make way for the new Thameslink Train Station and associated development as part of the regeneration.

### **Why is a facility that receives aggregate now being proposed instead of one that handles goods on pallets and metal containers?**

- 2.10 Market demand studies commissioned by Network Rail in 2015 and 2016 following the 2014 Section 73 Planning Permission for the BXC Development have demonstrated that the demand for an intermodal rail freight facility is no longer viable and that there is now a strong local demand in North London for a facility to import aggregates and export construction waste via rail.
- 2.11 The outcome of these market demand studies along with recommendations made by Network Rail and Freight Operating Companies have informed the Council's strategy for the delivery of the Rail Freight Facility as part of the wider Thameslink Station project within the Brent Cross Cricklewood regeneration scheme.

### **What other Rail Freight Facility options were considered?**

- 2.12 Through the Network Rail Freight Study alternative options for the provision of a rail freight facility were looked at. These considered i) location; and ii) type of freight as follows:
- i. A geographic review was carried out to identify whether there are any alternative suitable local locations for a rail freight facility. No suitable locations were identified.
  - ii. Whether there was local market demand for movement of other types of material by rail. This assessment reviewed not only the demand for aggregate

and intermodal but also other materials such as scrap steel, oil/petroleum and materials for rail infrastructure renewal/enhancement.

#### **Why has a drop-in planning application been submitted?**

- 2.13 The site at the application site already has outline planning permission for an intermodal rail freight facility (the 'Rail Freight Facility') as part of the Section 73 Planning Permission granted for the Brent Cross Cricklewood regeneration. However, because the proposed facility will handle a different type of freight (aggregate instead of containerised goods), requires less land and therefore occupies a smaller site (allowing the Lidl, Timeguard and Access Storage businesses to remain), and does not include the construction of a large building to enclose the whole facility (the proposal is open air but includes structures covering parts of the site), the proposals are not able to be brought forward under reserved matters pursuant to the S73 Permission. As a result a stand-alone planning application known as a 'drop-in' application is required which drops the new proposal into the masterplan for Brent Cross.

#### **Who will own and run the site?**

- 2.14 The Cricklewood Railway Yard site is in the ownership of Network Rail and is held by DB Cargo on a 125 year lease which commenced in 1994. In order to facilitate the Brent Cross Regeneration, the site is included within Compulsory Purchase Order number 3 (CPO3). DB Cargo are an experienced freight operating company and own and operate similar facilities around London and the country. DB Cargo have entered into an Implementation Agreement with the Council to deliver the rail freight facility at their own cost which they would then operate.

#### **What type of material will the site handle?**

- 2.15 The site will handle MOT Type 1, 2 or 3 is a certified stone product, graded granular sub base material used for construction of hardstanding or areas for compact build up, the main product used is type 2 for general purpose consisting of 5-40mm sized clean aggregates.
- 2.16 In this instance reference to Construction Spoil for transshipment on the site Road-Rail, is the general term for excavated material certified and tested to be a non hazardous inert product.
- 2.17 A planning condition is proposed to limit the maximum throughput of aggregate to 1,000,000 tonnes per annum and to limit the throughput of inert construction waste to 510,000 tonnes per annum.

#### **How many HGV trips will be generated by the development?**

- 2.18 Based on the tonnage that can be delivered to the site, the development will be limited through planning conditions to a maximum of 452 HGV movements per day

(226 in and 226 out).

**How many trains will arrive at the site per day?**

- 2.19 Up to 3 trains per day (24 hour period) will arrive at the site (Monday – Saturday). This is comprised of 2 trains per day delivering aggregate, and 1 train per day taking inert construction waste away. A train may arrive at the site and park overnight before being unloaded during the operational hours.

**How will the development affect the A5 Edgware Road?**

- 2.20 Traffic surveys at the site when it was occupied by EuroStorage showed 24-hour flow from the site as 1,596 vehicle movements. The proposed development has agreed to limit the HGV movements to a daily cap of 452. This is a considerable reduction in overall traffic demand on a daily basis.
- 2.21 Capacity analysis has been undertaken in a robust manner, with sensitivity tests of even 20% of the daily demand from the RFF using the site in one hour showing that there is no detrimental queuing issues on the A5. Wider strategic highway analysis considers the impact of all the Thameslink and Brent Cross Cricklewood proposals, and the analysis shows that the impacts of the wider development is mitigated.
- 2.22 Furthermore, the RFF will act as a strategic facility that will reduce long distance lorry movements to and from aggregate/construction waste sites across Greater London. For each train that will use the new facility, 75 HGVs are removed from the wider network.

**How has air quality impact been considered?**

- 2.23 Yes. A modelling assessment has been undertaken to assess the impact of traffic generated by the scheme on local air quality. The findings indicate that in comparison with the previous occupiers and use of the site, the scheme will have a negligible impact and potential to have a beneficial impact. This is as a result of the reduction in traffic generated by the site, and the use of EURO VI compliant Heavy Goods Vehicles for the proposed RFF, which have much lower emissions than older vehicles.
- 2.24 In line with Policy 7.14 of the London Plan, an assessment of the air quality neutrality of the site was also undertaken. This found that the scheme achieves air quality neutrality (i.e. it has lower emissions than the calculated benchmarks for a site of this size).

**What measures are proposed to mitigate noise and dust?**

- 2.25 A landscape bund (5.0m high) topped with a 5.1m acoustic fence will protect the

Railway Terraces from noise impacts. This bund will be landscaped on the side facing the Railway Terraces. In addition to the fence at the southern end of the site, Brent Terrace will be protected by the 5.1m high acoustic fence on the eastern boundary adjoining the mainline railway. At the north-west corner Fellows Square is protected by an acoustic fence. These units have been designed with mechanical ventilation and suitable glazing and construction standards to address existing noise from the railway.

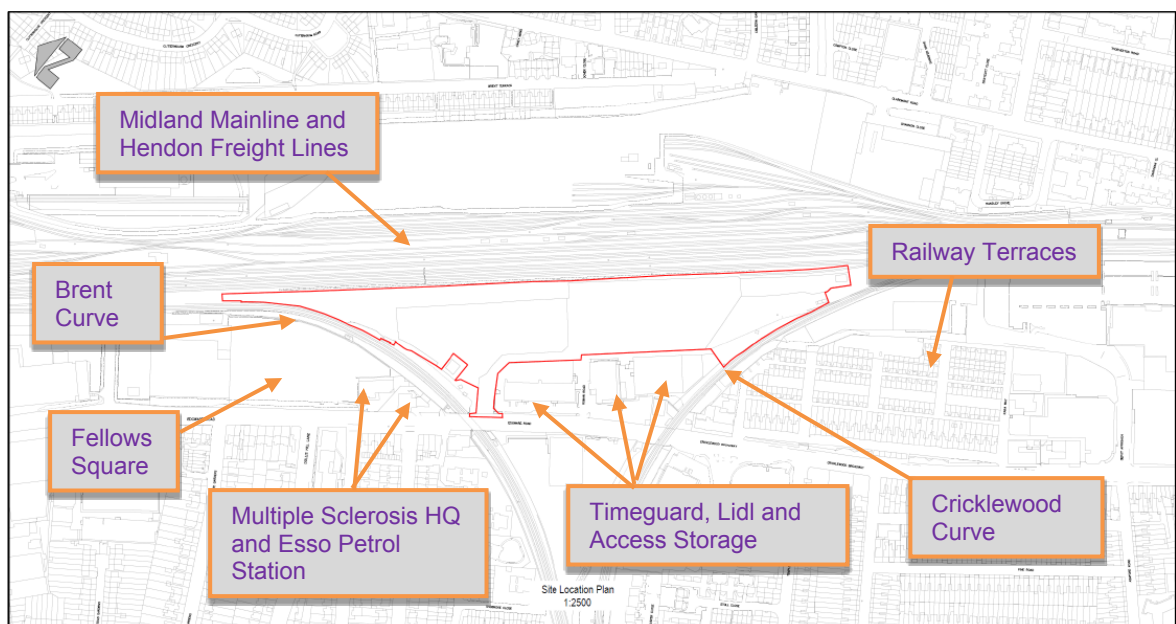
- 2.26 The site will have complete coverage by 'rainguns' which spray water to ensure that all particulate is contained within the site. This will operate automatically and with manual override controlled under best practice set out in the management plan.
- 2.27 Structures are proposed on the northern and southern most plots to assist in controlling noise emissions and provide a visual screen to the operations closest to the residential areas.

**What controls are there to ensure the operators of the site act responsibly?**

- 2.28 DBC Has prepared a draft management plan that sets out the management processes and best practice in operations and the control of dust and air-quality matters. A condition is imposed to require the final plan to be submitted and approved by the LPA and to ensure that the approved plan is then implemented and adhered to by DBC and any site tenants.
- 2.29 DBC has committed to a real time monitoring scheme with a website so that residents are able to view air-quality and noise data. The management plan will identify the Site supervisor to enable community contact and ongoing engagement. In addition to best management practice, air-quality will be controlled through rain guns to dampen any particulates and HGVs will be of the highest environmental control under Euro VI. HGV reversing sounds will be white noise which is standard practice in a location near to residential properties. The operating hours will be 7am – 7pm Monday to Fridays, 7am – 2pm on Saturday and no working on Sundays. This will be controlled by condition.
- 2.30 Other conditions will set noise standards, air quality standards, and will ensure ensuring vehicles are washed and cleaned appropriately prior to leaving the site.
- 2.31 In addition to the Planning Application process, the site requires an Environmental Permit for the Environment Agency to operate. This will include regular inspections to ensure compliance with the terms of the Permit.

### 3. DESCRIPTION OF THE SITE AND SURROUNDINGS

- 3.1 The application site, known as Cricklewood Railway Yard, is located between Brent Cross and Staples Corner (to the north) and Cricklewood (to the south) in northwest London. The application site falls within the red line boundary of the Brent Cross Cricklewood regeneration area. Access to the site is off the A5 Edgware Road via an existing vehicular junction. The application site covers an area of 4.58 hectares which, as illustrated in Figure 1 below, is bounded immediately to the northeast, east and southeast by the Hendon freight railway lines and the Midland Mainline railway; to the west and northwest by the Brent Curve railway line, with residential development known as Fellows Square (i.e. the former Parcel Force site), Esso petrol filling station and the Multiple Sclerosis Society headquarters building beyond that; and to the south by the Cricklewood Curve railway, with residential properties collectively known as the 'Railway Terraces' beyond the raised railway embankment.
- 3.2 To the southwest of the application site, lie a number of buildings fronting onto Edgware Road, including those occupied by Timeguard, Lidl supermarket and Access Storage. These are situated directly to the west and southwest of the application site and therefore outside of this planning application boundary.



**Figure 1:** Location of the application site and adjoining land uses (adapted from drawing number BXT-CAP-0000-D-DR-C-0020 Rev. P01).

- 3.3 The application site is in the ownership of Network Rail and is currently leased to DB Cargo (UK) Limited, a licenced freight operating company. The application site is operational railway land adjacent to the Midland Mainline and Hendon freight lines and was historically used for operational railway purposes. In more recent years, the site was sub-let by DB Cargo (UK) Limited to a company called Eurostorage who allowed the occupation of the land by a number of tenants and variety of uses, including car breakers, scaffold storage, metalwork, body shop and car repair merchants. From late 2016, DB Cargo (UK) Limited commenced the eviction of these uses from the land in preparation for the development proposed

within this planning application. This process was completed in April 2017. As a result of this, the site is now a predominantly vacant yard with the exception of some preparatory works within the northern part of the application site. This includes the replacement of railway tracks, siting of 3no. portacabins and installation of a weighbridge and wheel washing facility.

- 3.4 As identified within the Council's development plan Proposals Map, the site is designated as 'Rail related employment land'. The effect of this policy designation is to safeguard existing employment sites that meet the needs of modern business requirements associated with the use of the railway.
- 3.5 Other designations within the vicinity of the application site include the Railway Terraces Cricklewood Conservation Area, which is approximately 25 metres to the south of the site (separated by the Cricklewood Curve embankment); and six listed buildings to the south (Grade II Milestone at Gratton Terrace), southwest (Grade II Church of St Michael), south-southwest (Grade II The Crown Public House and hotel and associated Grade II lamp standards), west-southwest (Grade II Dollis Hill Synagogue and forecourt railings) and northwest (Grade II\* The Old Oxgate) – these are all over 500 metres from the site and embedded within the wider urban grain of the area. The Welsh Harp Local Nature Reserve, which is also designated as a Site of Special Scientific Interest (SSSI), is also located over 1 kilometre away to the north-northwest of the application site.

#### **4. BRENT CROSS CRICKLEWOOD REGENERATION SCHEME**

- 4.1 The application site lies entirely within the Brent Cross Cricklewood regeneration area and Cricklewood/ Brent Cross Opportunity Area identified by the Council's *Cricklewood, Brent Cross and West Hendon Regeneration Area Development Framework* (2005) and the *London Plan* (2016) respectively. Outline planning permission for the comprehensive redevelopment of Brent Cross Cricklewood (as described below) was originally granted in 2010 and subsequently varied through a Section 73 application in July 2014. The description of the approved development is:

*Comprehensive mixed use redevelopment of the Brent Cross Cricklewood Regeneration Area comprising residential uses (Use Class C2, C3 and student/special needs/sheltered housing), a full range of town centre uses including Use Classes A1 - A5, offices, industrial and other business uses within Use Classes B1 - B8, leisure uses, rail based freight facilities, waste handling facility and treatment technology, petrol filling station, hotel and conference facilities, community, health and education facilities, private hospital, open space and public realm, landscaping and recreation facilities, new rail and bus stations, vehicular and pedestrian bridges, underground and multi-storey parking, works to the River Brent and Clitterhouse Stream and associated infrastructure, demolition and alterations of existing building structures, CHP/CCHP, relocated electricity substation, free standing or building mounted wind turbines, alterations to existing railway including Cricklewood railway track and station and Brent Cross London Underground station, creation of new strategic accesses and internal road layout, at grade or underground conveyor from waste handling facility to CHP/CCHP, infrastructure and associated facilities together with any required temporary works or structures and*



*associated utilities/services required by the Development (Outline Application).*

*The application is accompanied by an Environmental Statement.'*

- 4.2 The permitted regeneration scheme identifies the application site as forming part of 'Plot 60' within the Railway Lands Development Zone which has planning consent for the delivery of an intermodal rail freight facility. The new rail freight facility is identified as being required as part of the BXC regeneration scheme to replace Network Rail's existing designated Strategic Rail Freight Site on the east side of the Midland Mainline. The replacement of the existing strategic rail freight site is required in order to deliver the new Thameslink train station as part of the wider BXC regeneration. The approved rail freight facility falls within the newly created Phase 2 (South) (Thameslink Station) sub-phase which also includes the new train station, replacement waste handling facility, railway sidings and stabling facility and the vehicular bridge over the Midland Mainline.
- 4.3 Paragraph 5.78 and Appendix 15 of the Revised Development Specification ('RDSF') along with Parameter Plans 018 (Waste and Freight Facilities) and 025 (Indicative Zonal Layout Plan\_The Railway Lands) submitted in support of the s.73 Planning Application provided detail on the approved principles and parameters for the rail freight facility. The rail freight facility ('RFF') envisaged at the time of the s.73 Planning Application, and as granted by the outline planning consent, was for a 24-hour intermodal facility for conventional freight (i.e. goods transported by container, pallets or roll cages). The RFF was anticipated to include the following:
- 4.3.1 Construction of a building with a maximum floorspace of 29,300m<sup>2</sup>, including a mezzanine;
  - 4.3.2 Building height to be a minimum of 12 metres and maximum of 16 metres with the exception of the southern elevation adjacent to the Railway Terraces Cricklewood Conservation Area where the height would be restricted to 12 metres (at the eaves);
  - 4.3.3 A 7.5 metre wide landscaped buffer along the edge of the railway line and embankment to the southwest of the site, incorporating a substantial noise screen as part of a package of noise mitigation measures to minimise disturbance in the Conservation Area;
  - 4.3.4 The building would be set back at least 15 metres from the railway line and embankment to the southwest of the site;
  - 4.3.5 A landscape buffer zone to the northwest of the site may also be incorporated to minimise noise impacts;
  - 4.3.6 Vehicular access would be directly from the A5, with a separate new entrance and exit;
  - 4.3.7 The rail connection would consist of three sidings adjacent to the Midland Mainline, with one being inside the building;
  - 4.3.8 Operational parking provided on site for 120 cars and 40 HGVs; and

4.3.9 Operations would be enclosed or shielded from adjacent residential properties to minimise noise impacts.

4.3.10 A maximum of 400 HGV movements per 24-hour period (200 in, 200 out); and

4.3.11 A shift pattern of 06:00-14:00, 14:00-22:00 and 22:00-06:00.

4.4 The above described RFF has the benefit of outline planning consent by virtue of the s.73 Permission dated 23<sup>rd</sup> July 2014, which also granted full planning permission for nine 'gateway' junctions that support the wider development. The new junction off the A5 to serve the RFF was included as one of these junctions and therefore benefits from full planning permission. The permitted junction design includes the construction of a separate entrance and exit point to facilitate vehicular access into and out of the facility.

4.5 The s.73 Permission is supported by a Revised Design and Access Statement, Revised Design Guide and a number of other technical assessments relating to, inter alia, traffic and transport, noise and vibration, air quality and design. The s.73 Permission and the preceding 2010 Outline permission were also accompanied by Environmental Statements. In respect of the RFF, the Revised Design and Access Statement recognises that development within the Railway Lands Development Zone would be industrial in nature to fulfil utilitarian functions.

## **5. PROPOSED DEVELOPMENT**

5.1 The proposed development is for the construction, operation and use of the land as an aggregate and inert construction waste transfer facility whereby materials would be transferred between rail and road. The site would be divided into four operational Plots all of which would be located parallel to the northeast boundary of the site alongside a traverser road. Three of these Plots (Plots 1, 2 and 4) would be used to facilitate the transfer of aggregate from rail to road; and Plot 3 would be used to facilitate the transfer of construction waste from road to rail. The proposed development is described further below in relation to the construction phase and operational phase:

### **Construction Phase**

#### Site Levelling and Landscape Bund:

5.2 The application site would require levelling to create a flat surface upon which to develop the proposed RFF. Each Plot would be finished with a concrete surface and incorporate surface and foul water drainage infrastructure, including attenuation tanks with oil interceptors.

5.3 A landscaped bund is proposed to be constructed to a maximum height of 6.5 metres, width of 27 metres, and length of 120 metres along part of the southern and south-western boundary of the site adjacent to the Cricklewood Curve embankment and to screen the site from the Railway Terraces Cricklewood

Conservation Area to the south. An acoustic attenuation fence (noise barrier) would be erected on top of this bund to mitigate the impact of noise from the proposed development. This fence would vary in height along the length of the bund to ensure that a combined barrier height (i.e. the bund plus the fence) of 11.6 metres above ground level would be achieved along its length.

- 5.4 The landscaped bund would require the importation of 3,500 tonnes of inert materials to complete the construction. This additional material would be imported by rail and equates to two trains with an average payload of 1,700 tonnes per train.

Acoustic and Perimeter Fencing:

- 5.5 Acoustic fencing would also be erected along part of the northwest boundary of the site, adjacent to the Brent Curve railway line, extending 180 metres in length adjacent to the Fellows Square development site; and along part of the western boundary of the application site to the rear of the Access Storage building. Both acoustic fences would stand at a height of 5.1 metres above ground level.
- 5.6 A 450 metre long, 5.1 metre high acoustic fence has already been erected along part of the eastern boundary of the site adjacent to the Midland Mainline railway. This is proposed to be extended a further 50 metres to the north to provide further noise mitigation to the residents to the east of the railway in Brent Terrace. The site would otherwise be secured by a 3 metre high metal palisade fence.

Replacement Sidings and Traverser Road:

- 5.7 A new railway siding has been installed along the northeast boundary of the application site, which comprises two rail tracks that connect to the main freight (Hendon) line to the north and south of the site via the existing rail connections. In order to facilitate the loading and unloading of construction waste and aggregate, respectively, the proposed development includes the construction of a traverser road adjacent to these new sidings. The traverser road would be 442 metres long, 10 metres wide and raised 1.5 metre above the operational site areas across the site (i.e. Plots 1-4). This would be constructed from compacted crushed concrete to enable plant and machinery to move along it.

Stockpile Covers:

- 5.8 Within Plots 1 and 4, 10no. storage bays would be constructed to store aggregate; and within Plots 2 and 3, 9no. storage bays would be provided to facilitate the storage of aggregate and construction waste, respectively. However, the subdividing walls between the stockpile bays would not be fixed and therefore capable of being relocated in order to adjust the size of the storage bays depending upon type and volume of material to be stored.
- 5.9 As a result of pre-application discussion between the applicants and the Local Planning Authority and the applicants' own public consultation events, the proposed development includes the construction of covers over the stockpile areas of Plot 1 and Plot 4. These covers are proposed to assist in mitigating any adverse impacts of the proposed development, including noise and dust, which might arise from the transfer of aggregate and construction waste between HGVs, stockpiles and trains. The stockpile cover structures would be 100 metres long, 20 metres

wide and 13 metres in height on the west elevations (i.e. on the HGV/road side) reducing to 8.5 metres high on the rail side of the structures (east elevation). The structures would comprise a galvanized finish steel structure with a single skin profiled sheeting roof. Both gable ends of the proposed structures would be enclosed, leaving the eastern and western elevations open. The entire structures would be finished in Goosewing Grey.

Site Access:

- 5.10 As a result of the change in the type of RFF to be delivered on this site (compared to that set out within the outline planning applications), the existing site access off the A5 Edgware Road would be improved to create a single priority junction. This junction design, with two approach lanes, would allow a minimum of 5no. HGVs to queue between the A5 and security gates without causing disruption to the flow of traffic on the public highway. An Automatic Number Plate Recognition (ANPR) system would be installed at the gatehouse so that the barrier would automatically lift for authorised vehicles. The proposed junction design achieves a 4.5 X 90 metre visibility splay with realignment to the southern splay adjacent to the existing Timeguard building. Uncontrolled pedestrian crossing facilities would also be provided near the junction mouth with dropped kerbs and pedestrian refuge area in the centre.

**Operational Phase**

- 5.11 The proposed development is for the construction, operation and use of the land as an aggregate and construction waste (inert, non-putrescible) transfer facility to enable the transfer of materials between road and rail. Specifically, the two processing operations would comprise (A) the transfer of aggregate material from rail to road; and (B) the transfer of inert construction waste from road to rail. The site would be subdivided into four operational Plots, with each Plot measuring around 5,000m<sup>2</sup>. Operation (A) would take place within Plots 1, 2 and 4; and operation (B) would take place on Plot 3. These operations are described further below.
- 5.12 The proposed development would be operated between 07:00 to 19:00 Mondays to Fridays and 07:00 to 14:00 Saturdays. There would be no operations on Sundays or Public Holidays. The only exception to this would be the arrival of trains during any 24-hour period as freight train movements are dependent upon the availability of the network which is governed by Network Rail and therefore out of the applicants' control and cannot be controlled by the planning process.
- 5.13 Adjacent to the site entrance barrier and security hut, the proposed development includes the provision of a car park providing 11no. vehicle parking spaces (including 4 electric vehicle charging points) and 1no. disabled space. An area is also provided for bin storage. Any HGV parking would take place within each Plot. Within Plot 1, the proposed development also includes the provision of 8no. covered Sheffield cycle stands adjacent to the staff welfare portacabin.

(A) Aggregate Transfer Facility:

- 5.14 The proposed development would involve aggregate being delivered to the site by

train that would pull into the sidings adjacent to the traverser road. The aggregate would then be unloaded from each wagon by the use of a 'grabber' machine that would run along the length of the train on the traverser road. This unloading operation is expected to take between 2-3 hours per train. The aggregate would then be placed either into the storage bins (covered in Plots 1 and 4; uncovered in Plot 2) or directly into HGVs. The imported aggregate would then be transferred off site by HGV for onward delivery to customers. HGVs would typically travel in a northerly direction on the A5 Edgware Road when exiting the site.

- 5.15 The proposed annual throughput of aggregate would be up to 1,000,000 tonnes per annum which equates to 12 trains deliveries per week, each with a maximum payload of 1,700 tonnes, based on a 6-day working week (reduced hours on Saturday). This element of the proposed operation would therefore generate up to 262 HGV movements per day (131 in, 131 out). The typical HGVs used to export aggregate would be 26 tonne, 3 axle vehicles.

**(B) Construction Waste Transfer Facility:**

- 5.16 The second element of the proposed development is for the importation of construction waste by either HGV tipper truck (18 tonne payload) or articulated lorries (26 tonne payload). This waste would be spoil arising from 'dig out' developments – i.e. construction and excavation wastes such as brick, rubble and soils – and subject to sorting at source prior to it being delivered to the site. The construction waste would then be tipped into the (uncovered) storage bins in Plot 3 before being loaded onto a train by a scoop loader. The construction waste would then be exported by rail to licensed facilities for further processing or treatment or to aid the restoration of a landfill.
- 5.17 The proposed annual throughput of construction waste would be up to 510,000 tonnes per annum. This equates to 6 trains per week based on a 6-day week (with reduced hours on Saturday) over a 50-week year and each train having a maximum payload of 1,700 tonnes . This element of the proposed development would therefore generate up 190 HGV movements per day (95 in, 95 out). In combination with the aggregate transfer operation, the total maximum number of HGV movements associated with the site would be 452 movements (226 in, 226 out).
- 5.18 All HGVs associated with both the aggregate and construction waste transfer operations would be Euro 6, which is the lowest emission HGV available at this time, and when loaded all HGVs would be covered.

**Associated and Ancillary Development**

- 5.19 Internally, the proposed development includes the construction of an access road to facilitate access to all four of the individual Plots. It would also connect to the existing Network Rail access point at the southernmost part of the site; and the National Grid compound toward the northern end of the site to enable these statutory undertakers to access their assets.
- 5.20 The proposed development also includes the erection of a number of portacabin buildings to provide staff welfare facilities within each Plot and a security hut at the

site entrance. The portacabins proposed within each Plot would be 'GreenSpace 9.6m Eco Range' buildings. The security hut would be a 'Glasdon Consul' portacabin and sited adjacent to the proposed vehicle barrier.

- 5.21 The proposed development also includes the installation of 15no. lighting columns standing at a height of 12 metres (some of these columns have already been installed or existed prior to the submission of this planning application). All lighting columns would house LED floodlight fittings.
- 5.22 A dust suppression system would be installed to mitigate the impacts of dust arising from the proposed transfer of aggregate and construction waste. This system would include the erection of several sprinkler 'rain guns' within the operational areas of the site, including in the vicinity of the roadways, stockpiles, and rail tracks, placed at 30 metre intervals. The system would be operated during the loading and unloading of construction waste and aggregate, respectively; and also utilised during adverse weather conditions outside of the normal operational hours. The applicants have submitted a Management Plan (dated 22<sup>nd</sup> November 2017) in support of the planning application which sets out the procedures for the management and mitigation of dust (and noise).
- 5.23 To also assist in the mitigation of dust and to prevent any mud being tracked onto the public highway, the proposed development includes the provision of 2no. wheel washes – one would be situated within Plot 1 and the second would be located on the outbound lane of the internal access road (to the rear of the Timeguard building). The proposed development would also include the provision of 4no. weighbridges and 2no. associated control cabins to measure the quantum of materials being imported and exported from the site. Both an inbound and outbound weighbridge would be located within Plot 1 and a further inbound and outbound weighbridge would be sited on the internal access road (in the same location of the aforementioned wheel wash).
- 5.24 The application site contains an existing, vacant single storey brick construction building at the southernmost end of the yard. This was previously utilised, and is owned by, Network Rail. The proposed development would utilise this existing building to provide additional staff accommodation and mess room facilities for DB Cargo (UK) Limited.

## **6 COMPATIBILITY OF THE PROPOSED DEVELOPMENT TO THE BRENT CROSS CRICKLEWOOD S.73 PERMISSION**

- 6.1 As stated above, the s.73 Permission for the Brent Cross Cricklewood ('BXC') regeneration scheme grants outline planning consent for the construction of a rail freight facility on the same land as that included within this planning application. Therefore, the principle of the development has already been established in planning terms.
- 6.2 Ordinarily, approval for the detailed design of the BXC rail freight facility would be sought through a Reserved Matters Application that builds upon the principles and parameters of the development established at the outline planning stage.

However, as set out within the Council's case for The London Borough of Barnet (Brent Cross Cricklewood) Compulsory Purchase Order (No. 3) 2016<sup>1</sup> and described within the applicants' Planning Statement and supporting evidence (namely the Strategic Freight Study completed for Network Rail, dated March 2016), the requirements for a rail freight facility have evolved since the s.73 Permission was granted.

- 6.3 As stated within the Strategic Freight Study (March, 2016), a domestic intermodal freight facility (like the one envisaged at the time of the BXC outline applications) is now unlikely to be economically viable in the short term due to the relative pricing of road and rail transportation and the lack of large scale demand; the site would be subject to competition by a recently approved intermodal freight facility in Radlett, Hertfordshire (12 miles to the north of the site) which will service the London and northern Home Counties market if built; and the site is not entirely ideal for facilitating the 'cross-docking' process (i.e. transporting containers from rail to road), which requires a wide area<sup>2</sup>. The Strategic Freight Study also considers the future demand for other types of freight and concludes that there is an existing demand for the removal of construction spoil with good prospects for greater volumes in the future; and there is a strong demand for an aggregates terminal in the locality of the application site in the short and medium term.
- 6.4 The proposed RFF which is the subject of this planning application is therefore a response to the current freight market and is consequently a different type of RFF to that permitted by the s.73 Permission for the BXC regeneration scheme. The principle of delivering a RFF on Plot 60 (or part thereof) remains unchanged. The differences between the type of RFF envisaged in the s.73 Permission and proposed RFF which is the subject of this planning application are set out below:
- 6.4.1 Change in the type of goods to be moved by rail (aggregate and construction waste instead of containerised and palletised domestic goods);
  - 6.4.2 A mostly open-air facility rather than being enclosed within a single large warehouse type building, which would enclose the majority of the site; and
  - 6.4.3 A reduction in the extent of land required to facilitate the revised operations with existing buildings and businesses being retained along the A5 Edgware Road (namely Timeguard, Lidl supermarket and Access Self Storage),
- 6.5 As a result of these differences, the proposed RFF does not accord with all of the parameters and controls established by the s.73 Permission in respect of developing Plot 60 of the BXC regeneration scheme. Therefore, detailed approval cannot be sought through an RMA. Instead, approval for the proposed RFF on this

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<sup>1</sup> A public inquiry was held in September 2017 into The London Borough of Barnet (Brent Cross Cricklewood) Compulsory Purchase Order (No. 3) 2016. The Order is yet to be confirmed by the Secretary of State for Communities and Local Government. A decision is expected imminently.

<sup>2</sup> Information obtained from pages 10 & 11 of the 'Midland Mainline Between the A406 North Circular and Cricklewood Station – A Strategic Freight Study' (Railfreight Consulting, March 2016, version 2.3).

site is being sought through a 'drop-in application'.

- 6.6 The use of 'drop-in applications' in the context of outline planning consents, particularly for large regeneration projects delivered over a number of years, is not an uncommon planning approach<sup>3</sup>. The purpose of utilising such an approach is so that alternative development on land that benefits from outline planning permission can be achieved. However, in the case of BXC, the use of 'drop-in applications' would only be considered acceptable to the Local Planning Authority providing that (1) the proposed development is compatible with the s.73 Permission; (2) it does not undermine or prejudice the overall delivery of the wider masterplan (i.e. comprehensive redevelopment of the BXC area); and (3) would not give rise to any significant environmental impacts when considered against the Environmental Impact Assessment carried out at the outline planning stage, and as updated accordingly through subsequent applications.
- 6.7 In the event that planning permission is granted for the proposed development, or any other 'drop-in application', two planning permissions would effectively coexist for development of the same land. In this instance, the Pilkington Principle would apply whereby implementation of any planning permission for the proposed development (if granted) would render the respective part of the s.73 Permission (i.e. Plot 60) un-implementable. However, provided that the alternative proposals within the 'drop-in application' and any subsequent permission granted pursuant to them does not prejudice the delivery of any other part of the approved BXC regeneration scheme, the proposed development can be delivered in the context of the s.73 Permission. The Local Planning Authority is satisfied with this planning approach subject to the aforementioned caveats ((1) to (3) in paragraph 6.6).

## **7. MATERIAL CONSIDERATIONS**

- 7.1 The following provides an overview of the matters that constitute material considerations in the determination of this planning application.

### **Key Relevant Planning Policy**

- 7.2 Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires that development proposals shall be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, the development plan is The London Plan (published March 2016) and the development plan documents in the Barnet Local Plan (namely the Core Strategy DPD and Development Management DPD both adopted September 2012).
- 7.3 Chapter 12 of Barnet's Unitary Development Plan (2006) also remains extant and the policies contained within it are also material considerations given the location of the application site within the Brent Cross Cricklewood regeneration area. Taken together, these statutory development plans are therefore the main policy basis for the consideration of this planning application.

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<sup>3</sup> The planning processes connected to the delivery of the Olympic Park by the London Legacy Development Corporation can be quoted as a preceding example for the use of 'drop-in' or 'slot-in' applications.



- 7.4 More detail on the policy framework relevant to the determination of this planning application and an appraisal of the proposed development against those relevant development plan policies is set out in subsequent sections of this report dealing with specific policy and topic areas. Table 1 below summarises The London Plan and the Barnet Local Plan policies relevant to the determination of this planning application:

**Table 1:** Summary of the development plan policies most relevant to the determination of planning application 17/5761/EIA

| <b>The London Plan (March 2016)</b>         |   |
|---|---|
| <b>London's Places</b>                      |   |
| Policy 2.13                                 | Opportunity Areas and Intensification Areas   |
| Policy 2.18                                 | Green Infrastructure: The Multi-functional Network of Green and Open Spaces   |
| <b>London's Economy</b>                     |   |
| Policy 4.4                                  | Managing Industrial Land and Premises   |
| <b>London's Response to Climate Change</b>  |   |
| Policy 5.3                                  | Sustainable Design and Construction   |
| Policy 5.10                                 | Urban Greening  |
| Policy 5.11                                 | Green Roofs and Development Site Environs   |
| Policy 5.12                                 | Flood Risk Management   |
| Policy 5.13                                 | Sustainable Drainage  |
| Policy 5.14                                 | Water Quality and Wastewater Infrastructure   |
| Policy 5.15                                 | Water Use and Supplies  |
| Policy 5.16                                 | Waste Net Self-sufficiency  |
| Policy 5.17                                 | Waste Capacity  |
| Policy 5.18                                 | Construction, Excavation and Demolition Waste   |
| Policy 5.20                                 | Aggregates  |
| Policy 5.21                                 | Contaminated Land   |
| <b>London's Transport</b>                   |   |
| Policy 6.1                                  | Strategic Approach  |
| Policy 6.3                                  | Assessing Effects of Development on Transport Capacity  |
| Policy 6.9                                  | Cycling   |
| Policy 6.11                                 | Smoothing Traffic Flow and Tackling Congestion  |
| Policy 6.13                                 | Parking   |
| Policy 6.14                                 | Freight   |
| Policy 6.15                                 | Strategic Rail Freight Interchanges   |
| <b>London's Living Spaces and Places</b>    |   |
| Policy 7.4                                  | Local Character   |
| Policy 7.8                                  | Heritage Assets and Archaeology   |
| Policy 7.14                                 | Improving Air Quality   |
| Policy 7.15                                 | Reducing and Managing Noise, Improving and Enhancing the Acoustic Environment and Promoting Appropriate Soundscapes |
| Policy 7.19                                 | Biodiversity and Access to Nature   |
| Policy 7.21                                 | Trees and Woodlands   |
| <b>Implementation and Monitoring Review</b> |   |
| Policy 8.2                                  | Planning Obligations  |

| <b>Barnet Local Plan – Core Strategy DPD (September 2012)</b>   |   |
|---|---|
| Policy CS NPPF  | National Planning Policy Framework – Presumption in favour of sustainable development |
| Policy CS2  | Brent Cross – Cricklewood   |
| Policy CS5  | Protecting and enhancing Barnet's character to create high quality places             |
| Policy CS7  | Enhancing and protecting Barnet's open spaces   |
| Policy CS8  | Promoting a strong and prosperous Barnet  |
| Policy CS9  | Providing safe, effective and efficient travel  |
| Policy CS13   | Ensuring the efficient use of natural resources                                       |
| <b>Barnet Local Plan – Development Management DPD (September 2012)</b>  |   |
| Policy DM01   | Protecting Barnet's character and amenity   |
| Policy DM04   | Environmental considerations for development  |
| Policy DM06   | Barnet's heritage and conservation  |
| Policy DM14   | New and existing employment space   |
| Policy DM16   | Biodiversity  |
| Policy DM17   | Travel impact and parking standards   |
| <b>Unitary Development Plan (2006) – Chapter 12: Cricklewood, Brent Cross and West Hendon Regeneration Area</b> |   |
| Policy GCrick   | Cricklewood, Brent Cross, West Hendon Regeneration Area                               |
| Policy C1   | Comprehensive Development   |
| Policy C2   | Urban Design – High Quality   |
| Policy C3   | Urban Design – Amenity  |
| Policy C7   | Transport Improvements  |
| Policy C10  | Employment  |

7.5 A number of other documents, including supplementary planning documents, design guidance and national planning practice guidance, are also material to the determination of the application. This includes:

- Cricklewood, Brent Cross and West Hendon Development Framework (2005);
- National Planning Policy Framework (March 2016);
- Planning Practice Guidance;
- Noise Policy Statement for England (DEFRA, 2010);
- LB Barnet Planning Obligations SPD (2013);
- LB Barnet Sustainable Design and Construction SPD (2016);
- LB Barnet Green Infrastructure SPD (2017);
- The Mayor's Sustainable Design and Construction SPG (2014); and
- The Mayor's The Control of Dust and Emissions during Construction & Demolition SPG (2014).

7.6 The Local Planning Authority should also be aware of other relevant topic specific frameworks that may be material to the consideration of this planning application. This includes:

- Draft Mayor's Transport Strategy (June 2017)\*
- Draft London Environment Strategy (August 2017)\*

- London Local Air Quality Management – Policy Guidance (2016);
- LB Barnet's Air Quality Action Plan 2017-2022;
- Draft Air Quality Plan (DEFRA, May 2017); and
- Mayor's response to Draft Air Quality Plan (June 2017).

7.7 In December 2017 the Mayor published a draft New London Plan for consultation. The consultation period runs until 2<sup>nd</sup> March 2018. Given status of this New London Plan limited, if any, weight should be attached to the draft policies contained within it when considering this planning application.

### **Other Relevant Council Decisions**

- 7.8 Council decisions in relation to the regeneration of BXC date back to 2004. In relation to the delivery of the new Thameslink Station, relevant decisions have been made by the Cabinet Resources Committee and more recently by the Council's Assets, Regeneration and Growth Committee and Policy and Resources Committee. The following is a summary of relevant decisions.
- 7.9 The delivery of the Thameslink Station, and associated infrastructure 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 from DCLG grant funding and public sector borrowing.
- 7.10 Cabinet Resources Committee, 16 January 2014 (Decision Item 6) – approved in relation to Thameslink, 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.
- 7.11 Assets, Regeneration and Growth Committee 17 March 2016 (Decision Item 14) 1) in relation to Thameslink approved the Station Single Option Design and noted 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 delegated 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.
- 7.12 On the 11<sup>th</sup> July 2016 and again on the 5<sup>th</sup> September 2016 the Council's Assets, Regeneration and Growth Committee approved the making of the London Borough of Barnet (Brent Cross Cricklewood) Compulsory Purchase Order (No. 3) 2016 (known as CPO3) to assemble the land required to develop the Thameslink Station and associated infrastructure work packages. CPO3 includes the land at the Cricklewood Railway Yard needed to deliver the Rail Freight Facility. The Order

was subsequently made on 7 September 2016. A public inquiry into CPO3 was held by an independent Planning Inspector appointed by the Secretary of State in September 2017 and a decision is expected in the early Spring 2018.

- 7.13 In July 2017 the Council approved, through a Delegated Powers Report of the Council's Chief Executive, entering into a legal agreement with DB Cargo (UK) Limited following Heads of Terms that were approved in February 2017. Under the terms of the agreement DB Cargo will deliver the Rail Freight Facility and operate it at its own cost subject to progressing and submitting a joint planning application. If the RFF is delivered in the form approved by the Council and in accordance with the agreed programme, the Council will not need to implement compulsory purchase powers pursuant to CPO3 to acquire DB Cargo's land. Conversely if the terms are not met, providing the CPO is confirmed, the Council will have the ability to acquire DB Cargo's interest in the land and step in to deliver the RFF. The Development Agreement was signed by DB Cargo on 4<sup>th</sup> August 2017.

### **Relevant Planning History**

- 7.14 There are no previous planning decisions relating to the application site (i.e. land to the rear of 400 Edgware Road).
- 7.15 A planning application for the temporary use of part of the site is currently pending consideration. This planning application (ref. 17/1254/FUL) was submitted by DB Cargo (UK) Limited on 28<sup>th</sup> February 2017 and proposed the use of part of this application site (the area that corresponds with the proposed 'Plot 1') as an aggregate transfer facility for a temporary period of 18 months. The planning application was reported to the Council's Planning Committee on 19<sup>th</sup> September 2017 with a recommendation for approval; however, Members resolved to defer any decision to allow the applicant to consider the inclusion of additional conditions and to review the conclusions of a noise assessment prepared by local residents. This planning application remains undetermined however the applicant, DB Cargo has advised officers and residents that it is not actively pursuing this application and has instead concentrated on engagement with residents on the permanent proposals the subject of this report.
- 7.16 There are also a number of planning, advertisement and building control records in relation to the buildings fronting onto 400 Edgware Road, however, these are considered to be of little relevance to the proposed development.
- 7.17 As referred to in paragraph 3.3 above, until April 2017 the site was occupied by a number units including scaffold storage, car breakers, car repair merchants who sub-let the site from Eurostorage. Prior to this, the site has historically formed part of Network Rail's operational railway land.
- 7.18 DB Cargo (UK) Limited cleared the land of the abovementioned uses and tenants in 2017. They had also begun to carry out preparatory works associated with the rail connections, and acoustic screens on the site. This activity gave rise to two enforcement complaints. Following investigation, the Enforcement Officer advised that activity relating to that proposed within this planning application should cease until the planning application has been determined (case reference

ENF/00555/17). The case has now been closed on the basis that no further activity has been carried out at the site following this initial advice. Therefore, it was considered that it was not expedient to pursue enforcement action at this stage (July 2017) and to await the outcome of this planning application. No further action has been taken by the Council since July 2017.

## Pre-Application Public Consultation

- 7.19 The Council's Regeneration Service carried out a number of community consultation events as part of the preparation of the application for the RFF. The consultation that has been undertaken not only responds to the advice laid out in the National Planning Policy Framework (NPPF), but also to published guidance from Barnet Council itself. Section 4.1.2 of the Council's Statement of Pre-Application Consultation (2015) states *'The aim of pre-application consultation is to encourage discussion before a formal application is made, enabling communities to have an influence on a planning proposal before it is finalised. The process can help to identify improvements and overcome objections at a later stage. Such pre-application consultations can take the form of exhibitions, presentations, workshops or simply a letter or mail shot'*.
- 7.20 The applicant has submitted a Consultation Statement with the application prepared by GL Hearn (Dated August 2017) which sets out the programme of public consultation that has been carried out in support of the proposals for the Brent Cross Thameslink project. A newsletter announcing the new proposals and associated round of public events was posted out to approximately 36,000 residents and local businesses in March 2017.
- 7.21 The first round of public engagement included:

|   |                             |
|---|-----------------------------|
| <b>Stakeholder Planning forum (meeting 1):</b><br><i>Holiday Inn, Brent Cross</i> | 25 <sup>th</sup> April 2017 |
| <b>Public Engagement workshop 1:</b><br><i>Maurice and Vivienne Wohl Campus</i>   | 19 <sup>th</sup> April 2017 |
| <b>Public Engagement workshop 2:</b><br><i>Crest Academy, Crest Road</i>          | 20 <sup>th</sup> April 2017 |
| <b>Public Engagement workshop 3:</b><br><i>Whitefield School, Claremont Road</i>  | 26 <sup>th</sup> April 2017 |
| <b>Stakeholder Planning forum (meeting 2):</b><br><i>Holiday Inn, Brent Cross</i> | 8 <sup>th</sup> May 2017    |

### Attendees

- 131 members of the public attended the three public engagement workshop events.
- 25 registered stakeholder groups attended the stakeholder planning forums.

A Feedback form with general questions to the proposal was developed to correlate additional comments from the public. This was available to be filled out by the public online between April and May 2017.

7.22 The second round of public exhibitions took place between 3<sup>rd</sup> July 2017 and 17<sup>th</sup> July 2017. This round of engagement and the outcomes were subsequently incorporated into the proposals which were submitted for Planning. A newsletter announcing the second round of additional information regarding the Rail Freight Facility and the upcoming public events was posted out to residents and local businesses in July 2017. Posters identifying the second round of public consultation regarding the Rail Freight Facility and additional consultation on the Brent Cross Thameslink - Station, Bridge and updated proposals, was posted out two weeks prior to the first public engagement working on 1<sup>st</sup> July 2017.

7.23 The following events took place:

|   |                            |
|---|----------------------------|
| <b>Stakeholder Planning forum (meeting 1):</b><br><i>Holiday Inn, Brent Cross</i> | 28 <sup>th</sup> June 2017 |
|---|----------------------------|

|  |                           |
|--|---------------------------|
| <b>Public Engagement workshop 1:</b><br><i>Crest Academy, Crest Road</i> | 1 <sup>st</sup> July 2017 |
|--|---------------------------|

|   |                           |
|---|---------------------------|
| <b>Stakeholder Planning forum (meeting 2):</b><br><i>Holiday Inn, Brent Cross</i> | 3 <sup>rd</sup> July 2017 |
|---|---------------------------|

|  |                           |
|--|---------------------------|
| <b>Public Engagement workshop 2:</b><br><i>Whitefield School, Claremont Road</i> | 4 <sup>th</sup> July 2017 |
|--|---------------------------|

|   |                           |
|---|---------------------------|
| <b>Public Engagement workshop 3:</b><br><i>Maurice and Vivienne Wohl Campus</i> | 5 <sup>th</sup> July 2017 |
|---|---------------------------|

#### Attendees

- 88 members of the public attended the three public engagement workshop events.
- 7 registered stakeholder groups attended the stakeholder planning forums.

### **Statutory and Other Technical Consultation Responses**

7.24 In accordance with the relevant Regulations (Town and Country Planning (Development Management Procedure) Order 2010 (as amended) and Town and Country Planning (Mayor of London) Order 2008), the Local Planning Authority ('LPA') conducted a number of consultations with both statutory and non-statutory bodies relevant to the development proposed within this planning application. The consultation responses received following this first consultation are summarised below with an Officer responses provided where necessary for the purpose of clarification:

7.25 The **Greater London Authority** considers that the proposed development does not comply with the London Plan but states that the resolution of the identified reasons could lead to the application becoming compliant with the London Plan. The GLA's comments are summarised as follows:

- Principle – the use of the site for a construction waste and aggregate rail transfer station is supported in principle, subject to clarification of throughput assumptions and wider waste capacity discussions;
- Urban design – further information required on the pedestrian route

across the site entrance on Edgware Road;

- Air quality – further information required, including: location of receptors for measuring impact on air quality; impact of dust emissions; traffic estimates and number of vehicle trips; and justification for open air storage.
- Flood risk – the proposed geocellular attenuation tanks are acceptable and it is acceptable to retain drainage from hard landscaping as per the existing scenario.
- Transport – air quality details are required in the supplementary environmental report; a road safety audit is required; and details on how proposals link to wider pedestrian and cycling infrastructure improvements must be provided.

7.26 **Brent Council** objects to the proposed development on the following grounds:

- The impacts the works would have upon the road network:

*The application has failed to robustly demonstrate that the amount of heavy goods vehicle traffic generated by the proposal would have an acceptable environmental impact on the highway network in terms of traffic flow, with consequent harm to the road network and amenity of residents in the area; and*

- Assessing the environmental impact of the proposed works:

*The application has failed to robustly demonstrate that the proposed works would not cause environmental harm.*

7.27 **Transport for London** ('TfL') is supportive of the proposal as it would enable early delivery of the Thameslink train station and safeguard rail freight in accordance with the London Plan Policy 6.14, which is important to the future growth of London. TfL also welcomes the provision of a facility to support the construction logistics of the wider Brent Cross Regeneration area and other developments in London by removing lorry movements from the wider network. The A5 Edgware Road forms part of the Strategic Highway Network, which TfL has responsibility for, and is designated as a Bus Low Emission Zone. The A5 Edgware Road has also been identified as a corridor for increased potential cycling and notes it currently has a Cycle Level Service of 37 out of 100 with the proposed access. TfL finds the methodology to assess the impact of the proposed development acceptable, however, they have requested the submission of further information pertaining to:

- A Road Safety Audit;
- Updates to the Supplementary Environmental Statement and Transport Report to reflect publication of the Mayor's draft Transport Strategy and Environment Strategy and the policies contained within these documents including information on how this

development would help reduce emissions;

- Confirmation of how the proposed development contributes to improving pedestrian and cycle facilities along the A5 and to/from this facility for pedestrians and cyclists.

7.28 **Network Rail** has no objections to the proposed development but has requested the inclusion of a number of informatives on any planning permission granted relating to: future maintenance, drainage, plant and materials, scaffolding, piling, fencing, lighting, noise and vibration, and vehicle incursion.

7.29 The **Environment Agency** has informed that LPA that do not wish to make any comments on the planning application.

7.30 **National Grid** has no objections to the proposed development, which is nonetheless noted as being in close proximity to a high voltage transmission underground cable.

7.31 **Affinity Water** did not provide any comments in response to the LPAs consultation.

7.32 **Thames Water** did not provide any comments in response to the LPAs consultation.

7.33 The Council's **Environmental Health Officer** provided comments in relation to air quality, noise and contaminated land impacts and concluded that further information was required to assess the impact of the proposed development. The comments are summarised below:

- Air quality – clarification is required for the proposed operational traffic and speed of vehicles on and off site that have been utilised in the emissions modelling; consideration of other operational dust impacts should be included in the assessment; completion of sensitivity analysis is required; identification of more appropriate sensitive receptors is necessary to ensure the conclusions of the assessment are not diluted; and the Management Plan prepared by DB Cargo omits a number of best practice measures and requires more detail relating to the monitoring of dust emissions.
- Noise – concern was raised about the thoroughness of the noise assessment submitted in support of the planning application, in particular relating to (but not exclusively) the background readings at the nearest sensitive receptors that were consequently used within the assessment. It was also noted that the current assessment demonstrates the proposed development does not comply with the noise limits imposed by the BXC s.73 Permission; and, therefore, that insufficient noise mitigation is proposed to reduce noise impacts to within the s.73 noise limit. A further background noise survey and review of the noise assessment was therefore requested.
- Contaminated land – it was noted that contamination is not a major



concern at the application site. A number of points of clarification were, however, requested including those relating to a report following further intrusive assessment (as recommended by the applicant); details of the proposed water well and recycled water tank design; the design and capacity of refilling stations and petrol tanks to be located on site; liaison with the Environment Agency including the submission of any correspondence; identification of, and assessment relating to, sensitive receptors to the north of the site and allotments to the south of the site; and an assessment of the potential contamination risk arising from the storage of construction spoil on site.

7.34 The Council's **Transport and Regeneration Team** identified a number of issues with the 'Phase 2 (South) (Thameslink Station) Drop In Transport Report: Rail Freight Facility' (Revision P03, September 2017) and requested that further information and clarification be provided. These issues broadly related to:

- The baseline for the application site;
- A Road Safety Audit;
- Clarification regarding the use of 'Plot 5' and any associated vehicle movements (including vehicle tracking);
- Additional and revised swept Path Analyses for the largest vehicles entering each Plot and using the site access without crossing over lanes;
- Revised junction layout plan;
- Clarification regarding pedestrian access to the site;
- Clarification regarding staffing levels;
- Examples of the use of a ANPR system to facilitate entrance of HGVs;
- Improved cycle parking and associated provisions (covered facility);
- Clarification regarding the provision of parking spaces;
- Provision of the further assessment of vehicle movements associated with the proposed rail freight facility, as referred to within the submitted 'Phase 2 (South) (Thameslink Station) Drop In Transport Report: Rail Freight Facility';
- Justification for the proposed mode split;
- Further information relating to the compatibility of the A400/Horn Lane rail freight facility as a comparison site;
- Clarification regarding the assumptions around maximum forecasts,

Saturday peak hour, and source of construction industry requirements relating to 'pre-morning peak first journeys'

- Completion of a Person Trip Generation assessment and breakdown of Passenger Car Unit (PCU) calculations;
- Submission of a Construction Traffic Management Plan;
- Updated Travel Plan; and
- Information pertaining to discussions with TfL around the truncated bus lane on the A5 Edgware Road.

7.35 The **Lead Local Flood Authority** identified the need for further information to be provided to consider the proposed surface and foul water drainage for the site. The requested information included:

Surface Water

- The need to calculate attenuation storage for a 1/100 year storm event plus a 30% allowance for climate change;
- The Micro Drainage surface water model had not been modelled correctly. This should include a model for the two separate systems discharging into two different sewers (surface and foul drainage); and
- Omission of drawing no. 60514840-BM-EM-DRG-105 showing Exceedance Flow Paths;

Foul Water

- Clarification regarding the proposed foul drainage and calculated design foul flow for all four operational plots.

7.36 The Council's **Development Travel Plans Team** – no comments.

7.37 The Council's **Arboricultural Consultant** raises no objection subject to the inclusion of a condition requiring a landscape and ecological maintenance plan that would ensure that the landscaping proposed will establish and give long term visual tree amenity.

7.38 The Council's **Ecology Adviser** – no comments.

7.39 The Council's **Urban Design and Heritage Team** did not respond to the LPAs initial consultation – *see comments subsequently provided as a result of the re-consultation exercise.*

7.40 All **Ward Councillors** for **Childs Hill** and **Golders Green** were notified of the planning application but have not provided any written comments in respect of the proposed development.

7.41 **Railway Terraces Residents Community Association** have raised objection to

the proposed development and consider that an aggregate and construction waste transfer facility is inappropriate at this site. The grounds upon which objections have been raised align with objections raised by many members of the public in response to the consultation exercise and are summarised below:

- The proposed operating hours are too long;
- Dust, airborne pollutants and traffic fumes will make the poor air quality on the Edgware Road and Cricklewood Lane worse. These roads are currently designated by Barnet as a focus area for air quality improvement;
- Increase in traffic, particularly HGVs, will create gridlock on the Edgware Road and lead to even more potholes and damage to the carriageway;
- Noise from the site will affect our quality of life – our homes were built in the 19<sup>th</sup> century without double glazing;
- The railway line appears to have been raised by 1.5 to 2 metres recently but we were not told. We believe this could increase noise penetration into the Terraces;
- Construction waste entering the site as part of the ‘muckaway’ operation may contain dangerous materials;
- Vibration from heavy freight trains could damage our houses, which have shallow Victorian foundations and were not built to modern British standards;
- The use of an underground spring for the site’s water supply could affect the water table and cause our homes to subside; and
- DB Cargo plan to lease parts of the site to up to four tenants. These tenants will be noisy and dirty and likely to be cement or tarmac manufacturers.

*Officer Response: For the purposes of clarification in response to point (e), DB Cargo (UK) Limited (joint applicant) have carried out works to the existing sidings adjacent to the Midland Mainline and the application site to replace tracks that were already in-situ. Whilst this would’ve required an appropriate track bed to be laid, the railway tracks have not been raised. In response to point (i), the planning application seeks permission for the use of the entire site as an aggregate and construction waste transfer facility. This is proposed to be arranged whereby a construction waste transfer operation would take place within Plot 3 and aggregate transfer operations would take place in the remaining three Plots (1, 2 and 4). Therefore, there are no cement or tarmac manufacturing processes proposed within the planning application.*

7.42 Based on the Council’s current database, a number of other residents’

associations and community forums were also consulted on the planning application but have not provided any comments. This included: **Cricklewood Community Forum, Cricklewood Neighbourhood Association, Cricklewood Residents Association, Brent Terrace Residents Association and Brent Cross Consultative Access Forum.**

- 7.43 As the planning application was accompanied by an Environmental Statement, the Department for Communities and Local Government's National Planning Casework Unit were also notified on validation in accordance with Regulation 19 (3) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

### **Public Consultation Responses**

- 7.44 Upon validation of the planning application, the LPA also notified a number of residential properties within the vicinity of the application site. The total number of public representations received in response to this planning application, plus other representations received outside of the consultation area, was **775**. Of those, **772 raised objections, 2 supported** the proposal and **1 other** neither objected nor supported the application. to the proposed development by email, letter and the Public Access website. Of those 772 objections, **38 objectors** have requested to speak at the Planning Committee. The objections raised relate to the following issues and are summarised in Appendix B to this report:

- Principle of the development;
- Location of the proposed development;
- Amenity impacts, including air quality, noise, vibration and lighting, and appropriate design parameters to address these impacts;
- Environmental impacts including impact on groundwater, contamination and green infrastructure;
- Traffic and Highway Impacts;
- Monitoring and enforcement;
- Lack of consultation;
- Variance of development from the BXC s.73 Permission; and
- Impact on heritage assets.

- 7.45 Representations were also received from five other organisations who wished to comment on the proposed development. These are summarised below:

- 7.46 **Brent Cyclists** (the Brent group of the London Cycling Campaign) have raised objection to the proposed development and consider that the proposal would be harmful and dangerous to cyclists and other vulnerable road users. The grounds for their objection relates to:

- The anticipated increase in heavy goods vehicles in this area, both near to the proposed yard, and in narrow roads adjacent, is likely to lead to more accidents, some of which will very likely be fatalities; and

- The proposed development will increase air pollution in one of the most polluted parts of the UK, especially as many of the vehicles used will be run on diesel. Barnet Council should be doing all it can to promote sustainable transport and to minimise the effect of carbon emissions and diesel fuel on the environment.

7.47 **Fordwych Residents Association** object to the proposed development on the following grounds:

- Efforts to move freight transport from road to rail are welcomed, however, the proposal would result in a vast increase in vehicle movements;
- Increased vehicle movements will lead to an increase in air pollution – particularly from Nitrogen Dioxide and particles associated with diesel engines used by HGVs;
- The area already suffers from excessive and dangerous levels of air pollution and the application fails to be both 'air quality neutral' and provide sufficient mitigation measures;
- The additional traffic generated by the proposal will cause congestion on already busy roads, including the A5 and local routes;
- Increased number of vehicle movements will endanger pedestrian and cyclist movements in the area and make pedestrian crossing in the area more dangerous. The junctions of the A5 with Cricklewood Lane, Temple Road and Dollis Hill are of particular concern; and
- Overall the application will result in a reduced quality of life for local residents who will suffer from increased air pollution, dust annoyance and lack of any benefit to the local community.
- Fordwych Residents Association added in a subsequent representation that there had been no consultation with local residents and only received notification of the second consultation exercise (see Section 8 below) following submission of additional information.

*Officer Response: In response to point (g), as outlined in paragraph 7.33 above and 8.2 below, the LPA has conducted consultation with local residents in respect of this planning application. The first consultation was completed on registration of the planning application, which included a number of properties in the vicinity of the application site; and the second consultation was conducted following the submission of additional information. This latter consultation resulted in notifications being issued to all who had previously commented on the planning application, including Fordwych Residents Association.*

- 7.48 **Railway Terraces Allotment Society** object to the proposed development stating that the siting of the proposed development is inappropriate and would create noise, light and air pollution with a minimum of mitigation proposed. The allotments are of considerable value in terms of recreation and the promotion of health and well-being, which will be considerably blighted by the proposed development. In particular, concern is raised about the volume of dust and other airborne pollutants that could contaminate the soil and the produce grown in it. The allotment site has significant value in terms of a habitat for wildlife which would be fundamentally damaged. The allotment site has not been recognised as being of particular sensitivity within the application.
- 7.49 The **Rail Freight Group** support the planning application. The Rail Freight Group is the representative body for rail freight in the UK with around 120 member companies active in all sectors of rail freight. They consider that the facility Cricklewood is essential to increase the volumes of construction and waste materials transported to and from London by rail, offering a safer, cleaner, low carbon solution which reduces road congestion significantly. The site in this planning application is designated as operational railway land and have been safeguarded for rail freight purposes for many years due to its good rail and road connections. The fact that there are very few suitable alternative sites where aggregate can be brought into London for use in construction projects must be taken into account. If this terminal is not built, the construction materials will be transport by HGV with much greater air pollution, CO<sub>2</sub>, road congestion and potential collisions. They also state that the strategic location is essential to the Brent Cross Cricklewood regeneration scheme where between 7000-8000 new homes would be built. The Mineral Products Association estimate that each train can convey enough aggregates to construct the equivalent of 30 new homes; therefore, the scale of opportunity is significant. It is also stated that the use of the site for rail freight is in line with Government policy as expressed in the Department for Transport's rail freight strategy, the NPPF, draft Mayor's Transport Strategy and draft London Plan (December 2017).
- 7.50 **Campaign for Better Transport** support the planning application on the following grounds. The representation was received from Freight on Rail which is a partnership of the rail freight industry, transport trade unions and Campaign for Better Transport:
- Rail offers safer, cleaner low carbon solution to transporting aggregate into London and for the removing of waste which reduces road congestion significantly. Broadly each train saves around 85 HGV trips.
  - The site is designated operational railway land which have been safeguarded for rail freight purposes for many years (paragraph 12.3.24 of the Barnet Unitary Development Plan is quoted).
  - There are very few suitable alternative sites for the type of operation proposed. (As stated by the Rail Freight Group above), if this terminal is not built, the materials would be transported by HGV which would have a greater impact in terms of air, CO<sub>2</sub> pollution as

well as road congestion and potential collisions.

- The wider socio-economic benefits to London, the South-east and the country as a whole needs to be factored into the decision as stated in the NPPF.
- The strategic location is essential to the Brent Cross Cricklewood regeneration scheme.
- There would be three trains in and out of the proposed site and each aggregates freight train can remove up to 85 HGVs from the road as 1,700 tonnes will be carried in each train.
- The hours of operation would be limited where there are no operational time limitations at present for the site.
- Rail freight is tried and tested in London with demand for more rail services. Almost 50% of London's aggregates are now moved by rail.
- The proposed development is in line with Government policy: DfT's Rail Freight Strategy (2016), NPPF (2012), and draft London Plan (2017).
- The proposed development would create 24 full time jobs at the terminal with additional driver jobs and further indirect employment locally.
- Road freight is a big CO<sub>2</sub> emitter and there is a significant opportunity to reduce transport emissions by shifting freight from road to rail. Rail freight can be part of the solution to reduce air pollution.
- Rail freight is also far safer than HGVs.
- Rail freight reduces the road infrastructure costs for local, devolved and central Government as the standard 44 tonne 6 axle, 16.5m HGV are 138,000 more times damaging than a Ford Focus.

7.51 A further public consultation was carried out following the receipt of additional information (described in Section 8 below). Those who had previously made representations in response to this planning application were notified of the submission of this additional information and afforded the opportunity to make further comments. In response to this second public consultation, a total of **187 additional representations** were received. Of these additional representations, **185 objected** to the proposed development and **2 supported** the application.

## **8 SUBMISSION OF ADDITIONAL INFORMATION**

8.1 As a consequence of the LPA's consultation exercise following registration of the

planning application and the consultation responses received (summarised above), the applicant submitted additional and revised information for the purposes of addressing the issues identified by the consultees. This information was submitted to the LPA on 15<sup>th</sup> December 2017 and included the following documents:

- Revised Application Form (with amended description);
- Revised Planning Statement (December 2017);
- Revised Design and Access Statement (December 2017);
- Revised Supplementary Environmental Statement;
- RFF Drop-in Transport Report Addendum (December 2017);
- Revised Travel Plan (Rev. P03, December 2017);
- Revised Drainage Strategy – Surface and Foul Water Drainage Technical Note (dated 17 November 2017);
- Revised Management Plan (dated 22 November 2017);
- Service and Delivery Strategy (November 2017);
- Construction, Environment and Transport Management Plan (November 2017);
- Four new drawings for approval:
  - 60514840-SHT-10-PH02-C-0017 Drainage Strategy Layout Sheet 1;
  - 60514840-SHT-10-PH02-C-0017 Drainage Strategy Layout Sheet 2;
  - 60514840-SHT-10-PH02-C-0018 Permeable/Impermeable Areas Sheet 1;
  - 60514840-SHT-10-PH02-C-0018 Permeable/Impermeable Areas Sheet 2;
- Four new drawings for information purposes:
  - BXT-CAP-D-DR-C-0040 Access Road Swept Path Analysis for Articulated Vehicles (Rev. P01);
  - BXT-CAP-D-DR-C-0041 Access Road Swept Path Analysis for Rigid Vehicles (Rev. P01);
  - BXT-CAP-D-DR-C-0042 Operational Plot Swept Path Analysis for Articulated Vehicles (Rev. P01);
  - BXT-CAP-D-DR-C-0043 Operational Plot Swept Path Analysis for Rigid Vehicles (Rev. P01);
  - Illustration of aggregate and construction waste market area;
- The following revised drawings:
  - BXT-CAP-D-DR-C-0022 General Site Layout (Rev. P06);
  - BXT-CAP-D-DR-C-0024 Lighting Locations (Rev. P03);
  - BXT-CAP-D-DR-C-0025 Earth Bund Plan/Long Section (Rev. P03);
  - BXT-CAP-D-DR-C-0026 Earth Bund Cross Sections (Rev. P02);
  - BXT-CAP-D-DR-C-0027 Cross Section North (Rev. P03);
  - BXT-CAP-D-DR-C-0028 Cross Section South
  - BXT-CAP-D-DR-C-0029 Access Road Design (Rev. P03);
  - BXT-CAP-D-DR-C-0031 Stockpile Enclosure Typical Gable End Elevation and Section (Rev. P03);
  - BXT-CAP-D-DR-C-0034 Typical Porta Cabin Details (Rev. P03);
  - BXT-CAP-D-DR-C-0036 Landscape Design Sheet 1 of 2 (Rev.



- P03);
- BXT-CAP-D-DR-C-0037 Landscape Design Sheet 2 of 2 (Rev. P03); and
- BXT-CAP-D-DR-C-0038 Existing and Proposed Ground Levels (Rev. P03).

8.2 Upon receipt of this information, the LPA conducted a further consultation exercise notifying all those who had made representations in response to the initial public consultation exercise and re-consulting all non-statutory and statutory organisations previously consulted. As a result of this subsequent consultation exercise, further responses were received from some of the abovementioned statutory and non-statutory consultees. The following paragraphs summarise their responses.

8.3 In addition to comments previously provided (see Section 7 above), the Council's **Arboricultural Consultant** has further advised that the proposed internal landscaping provides for native trees and shrubs to screen areas of the site, which are considered acceptable. The consultant also notes that a number of objections have been received in regard to the impact of the proposed development on air quality and traffic noise and indicates that trees and greenery can provide significant amelioration to these problems. He therefore states that tree planting along the A5 and surrounding streets will provide help to reduce the impact of poor air quality but there would need to be considerable investment in amenity tree planting in the local area in the region of 100 trees in order to have a discernible benefit.

*Officers Response: The proposed development has been assessed in regard to its impact on local air quality in accordance with the relevant development plan policies and has been found to be acceptable insofar as the proposed development, with the implementation of mitigation measures, would result in a negligible to substantial beneficial impact in terms of NO<sub>2</sub> and PM10 emissions. Furthermore, the Council are reviewing the wider strategy for the A5 corridor in conjunction with TfL and this will provide an opportunity for the provision of green infrastructure which will further improve local air quality.*

8.4 The Council's **Environmental Health Officer** has provided further comments in respect of noise, air quality and contaminated land in response to the additional information submitted:

- Noise – the proposed development is acceptable in accordance with the standards set out in BS4142:2014, and not likely to cause complaint; and acceptable in planning terms based on the guidance contained within the Noise Policy Statement for England (2010) and the national Planning Practice Guidance. Also, on implementation of the proposed mitigation, the proposed development complies with the BS8233:2014. Consequently noise levels at the Railway Terraces properties to the south of the site are expected to be 'not noticeable' or 'noticeable but not intrusive'; and at the properties within the Fellows Square development to the northwest of the site, noise is expected to be between 'noticeable and not intrusive' and 'noticeable and intrusive', particularly at the higher floors. In both

cases, however, noise is expected to be around or below the 'lowest observed adverse effect level (LOAEL)'. Given the provision of measures to mitigate the impact of noise, the proposed development is considered acceptable in planning amenity terms subject to the imposition of a relevant noise condition.

- Air quality – Despite efforts to install good mitigation measures and the commitment to secure a site management plan, the application lacks information to enable an adequate assessment of site's acceptability in air quality terms to be made. Further modelling is required to assess the impact of the proposed development on the nearest sensitive receptors.

*Officer's Response: Further to these comments, the applicant has provided supplemental information to the air quality assessment contained within Chapter 13 of the Revised Environmental Statement to clarify the conclusions of the air quality modelling. The contents of this supplemental note and its conclusions are summarised below in the 'Air Quality' section of the 'Planning Considerations' section of this report.*

- Contaminated Land – the Environmental Health Officer agrees with the conclusions reached within the 'Cricklewood Aggregates Terminal: Surface and Foul Water Drainage Technical Note' (dated November 2017) and Chapter 14 of the Supplementary Environmental Statement including Appendices 14.1 and 14.2 (dated December 2017). Therefore, subject to the imposition of an appropriate contaminated land condition requiring further intrusive investigation, identification of a suitable remediation strategy and verification of any remedial works, no objections are raised in respect of contaminated land.

8.5 The Council's **Urban Design and Heritage Team** raises no objection subject to the inclusion of a condition requiring the submission of details pertaining to the proposed colour of the acoustic fencing to be erected on the landscape bund at the southern boundary of the site. This is to ensure that the proposed acoustic fencing is appropriate in terms of views from the adjacent Railway Terraces Cricklewood Conservation Area.

8.6 The Council's **Transport and Regeneration Team** have been in continued dialogue with the applicant following their initial consultation response to assist in resolving the issues identified in paragraph 7.23 above. As a result of the additional information submitted in December 2017 and this subsequent dialogue, it has been demonstrated through the submission of a Road Safety Audit (Stage 1) and relevant swept path analysis that the revised proposed junction design could operate safely taking into account the proposed level of traffic associated with the aggregate and construction waste transfer facility. However, this junction will be subject to detailed design and further development under a s.278 Agreement (s.278 of the Highways Act 1990 (as amended)), which is outside of the planning process.

- 8.7 **National Grid** raises no objection to the proposed development which is in close proximity to a high voltage transmission underground cable.
- 8.8 **Camden Borough Council** have also submitted representations. Whilst they support the proposed development in principle, objections are raised on amenity grounds.
- 8.9 **Brent Council** maintain their objection on highways and environmental impact grounds but do not that the additional information submitted does clarify a number of matters previously identified.
- 8.10 The **Environment Agency** have no further comments to make.
- 8.11 Following receipt of clarification regarding the existing brick building at the southern end of the site – which would remain unchanged as a result of the proposed development – the **Lead Local Flood Authority** consider that the proposed drainage strategy is acceptable.
- 8.12 Further technical notes were submitted to the LPA in January 2018 to support conclusions contained within the Revised Supplementary Environmental Statement. This included supplemental notes in relation to air quality, contaminated land and transport, including a Stage 1 Road Safety Audit to support the proposed junction design. These have been reviewed by the Council's relevant technical advisers and are discussed further below under the relevant headings of the 'Planning Considerations' section.

## 9 PLANNING CONSIDERATIONS

The following matters are material considerations in the determination of this planning application and the proposed development has therefore been assessed against the relevant development plan policies to inform the Officer's conclusions and recommendations.

### Principle of the Proposed Use

#### Rail Related Employment Land:

- 9.1 The application site is identified as Rail Related Employment Land within the Proposals Map associated with the Council's Unitary Development Plan ('UDP') (2006). The Proposals Map that formed part of the adopted UDP (2006) remains as the Proposals Map for the subsequent adopted Local Plan (i.e. the Core Strategy and Development Management Policies DPDs), which has been safeguarded in cognisance of Policy 4.4 of the London Plan (i.e. taking account of the need for strategic and local provision for...transport facilities (including intermodal freight interchanges)). Consequently, saved Policy C10 of Chapter 12 of the UDP (2006), which refers directly to this designation, is material to the consideration of this application and states that: *'Within the area defined on the Proposals Map as rail-related employment land and mixed used land, the council will require the provision of...A rail freight transfer facility with associated uses'*. Also pertinent to this planning application is Policy CS8 of the Core Strategy DPD and Policy DM14 of the Development Management Policies DPD, both of which seek to support businesses by safeguarding employment sites that meet the needs of modern business; and to resist the loss of B Class use on existing employment spaces.
- 9.2 The proposed development seeks consent to deliver a rail freight facility on land designated as Rail Related Employment Land, as part of the BXC regeneration scheme. Whilst the proposed type of freight to be imported to and exported from the site is different to that envisaged at the outline planning stage, the proposed use of the site continues to be for the purposes of facilitating the transport of freight by rail for which consent for this use was granted through the s.73 Planning Permission. The proposal therefore complies with the requirements of saved Policy C10 of the UDP by delivering a rail freight facility at this site. The proposed development would not therefore result in the loss of any safeguarded rail-related employment land as the site would continue to be used for rail related uses resulting in the creation of 24 full-time equivalent jobs. Furthermore, where the previous use of the application site was for various B-Class uses (see paragraphs 3.3 and 7.12 above), the proposed use of the site as an aggregate and construction waste transfer facility aligns with the B8 Use Class set out in the Town and Country Planning (Use Classes) Order 1987 (as amended) insofar as it would be used for storage and distribution purposes. Taking the former use of the land into account, the proposed development would ensure that no existing B Class Use would be lost. Therefore, it is considered that the proposed development complies with the requirements of policies CS8 of the Core Strategy DPD and DM14 of the Development Management Policies DPD.

#### Operational Railway Land:

- 9.3 The application site has a relationship with the adjacent, existing sidings and Midland Mainline railway. This is attributed to the fact that a number of existing tracks run parallel to the site, some of which have been and would be replaced and utilised as part of the proposed development. Whilst more recently the site has been occupied by uses which are arguably not ancillary to the use of the land in connection with an operational railway, correspondence with Network Rail in connection with a previous planning application at this site (planning reference 17/1254/FUL) resulted in confirmation that the application site is deemed to be operational railway land. The proposed development would involve the use of the railway for the transfer of aggregate and construction waste and it is therefore considered an appropriate use on operational railway land insofar as it is development required in connection with the movement of traffic by rail.

Brent Cross Cricklewood Regeneration Scheme:

- 9.4 The site also falls within the Brent Cross Cricklewood ('BXC') Regeneration Area as identified by the 'Cricklewood, Brent Cross and West Hendon Regeneration Area Framework (2005)' and defined on the Proposals Map. This is also the subject of saved Policy GCrick within the UDP (2006). Outline planning permission for the comprehensive redevelopment of this regeneration area was originally granted by the Council in 2010 and subsequently varied through the mechanism provided in Section 73 of the Town and Country Planning Act 1990 (as amended). The Section 73 planning permission ('s.73 Permission') was granted on 23<sup>rd</sup> July 2014 (planning reference F/04687/13), which is the permission currently being implemented.
- 9.5 Under the Section 73 planning permission, the application site plus land occupied by other buildings fronting onto the Edgware Road (Lidl, Timeguard and Access Storage) is identified to deliver a rail freight facility to replace an existing facility on the eastern side of the Midland Mainline railway. This site is identified as 'Plot 60' and illustrated on Parameter Plan 029 – Indicative Phasing Plan (Rev. P5) as forming part of the Phase 2 (South) (Thameslink Station) sub-phase. The relationship between the proposed development and Brent Cross Cricklewood regeneration scheme is discussed further below. However, in terms of the principle of the proposed development, the site benefits from outline planning consent for the use as a rail freight facility and the proposed development seeks to deliver the same. Therefore, the principle of the proposed development in this respect is considered to be acceptable.

The London Plan:

- 9.6 The London Plan (2016) contains a number of strategic policies which supports sustainable growth and development of Outer London. This includes a need to ensure an adequate supply of aggregates to support construction in London and its importation by sustainable transport modes (Policy 5.20A (3)); facilitating the efficient distribution of freight through improved rail freight terminals to serve London (Policy 6.1A (f) and Table 6.1); improving and promoting rail freight distribution to relieve congestion (Policy 6.14); and provision of freight interchanges in locations well-related to rail and road corridors and their proposed market (Policy 6.15). In terms of waste management, there is a drive for London to become self-sufficient in regard to its waste management requirements (Policy

5.16); to identify opportunities for introducing new waste capacity based on particular criteria (i.e. locational suitability and proximity to waste streams) (Policy 5.17); and to ensure that waste is removed from construction sites, and material brought to the site, by water or rail transport wherever that is practicable (Policy 5.18B).

- 9.7 These objectives have been transposed into the new Draft London Plan (December 2017) which continue to support the importation of aggregates by sustainable transport modes (draft Policy SI10); and supports the use of rail to transport waste in order to minimise the environmental impact of vehicle movements (draft Policy SI8D).
- 9.8 The BXC Regeneration Area is also identified as an Opportunity Area within the London Plan. Policy 2.13B identifies that development proposals within opportunity areas should support the strategic policy directions for those areas. The strategic policy direction for the BXC opportunity area is reflected in Policy CS2 of the Core Strategy DPD (2012), which references the delivery of key rail facilities as part of the comprehensive redevelopment to support the area's strategic location.

Summary:

- 9.9 Taking the above into account, the principle of using the application site as an aggregate and construction waste transfer facility, including the associated use of the land for the storage of aggregate and construction waste plus ancillary facilities as proposed, is considered to be acceptable. This conclusion is on the basis that: the land is designated for such uses in the development plan; it forms part of operational railway land whereby such uses are generally considered ancillary; the site benefits from outline planning permission for the delivery of a rail freight facility as part of the BXC regeneration scheme; and a number of development plan policies generally supports the provision of new or improved rail facilities to support sustainable development, including the movement of materials in and out of London by rail. This position is supported by the Greater London Authority who have expressed their support for the principle of the proposed development in accordance with the relevant adopted London Plan policies.

**Brent Cross Cricklewood (BXC) Regeneration Scheme**

- 9.10 As aforementioned, the application site falls within the boundary of the BXC regeneration scheme which benefits from outline (s.73) planning permission. Under this planning permission, the application site plus the land occupied by buildings fronting onto the Edgware Road – Lidl, Timeguard and Access Storage – is identified to deliver a rail freight facility to replace an existing facility on the eastern side of the Midland Mainline railway. The site is also included within the The London Borough of Barnet (Brent Cross Cricklewood) Compulsory Purchase Order (No. 3) 2016 to ensure that the appropriate land is secured and acquired to facilitate delivery this development and that associated with the wider Thameslink Project.
- 9.11 Saved Policies GCrick and C1 of the UDP (2006) and Policy CS2 of the Core Strategy (2012) sets out the Council's strategy for the comprehensive development of the BXC regeneration area. In particular, saved Policy C1 identifies that: *'The*

*Council will seek the comprehensive development of Cricklewood, Brent Cross and West Hendon Regeneration Area...* and *'Development proposals will be supported if they are consistent with the policies of the UDP and their more detailed elaboration within the development framework'*. Policy CS2 of the Core Strategy similarly states that the Council *'...will seek comprehensive redevelopment of Brent Cross – Cricklewood in accordance with the London Plan, the saved UDP policies (Chapter 12) and the adopted Development Framework.'* As aforementioned, Brent Cross Cricklewood is identified as an Opportunity Area within the adopted London Plan (2016) where Policy 2.13 sets out the Mayor's support for implementing planning frameworks to realise the area's growth potential. This is replicated in the draft New London Plan (2017), within draft Policy SD1 (Opportunity Areas), where Brent Cross Cricklewood is identified as an ongoing Opportunity Area.

- 9.12 The rail freight facility envisaged within the s.73 Permission was for an intermodal transfer point for conventional freight, typically delivered on roll cages or pallets, operated 24-hours a day/7days a week. This was required to replace the current designated 'strategic rail freight site' which is currently occupied by the Hendon Waste Transfer Station. Details of the principles and parameters established by the s.73 Permission are set out within the approved Revised Development Specification Framework ('RDSF') and Appendix 15 to the RDSF in particular. These principles and parameters are described in paragraph 4.3 above. The proposed development seeks to utilise part of the site identified by the s.73 Permission as an aggregate and construction waste rail transfer facility, which is different to that originally envisaged as part of the BXC regeneration scheme (the variances between the two schemes are described in paragraph 6.4). This is the reason why the proposed development is being sought through a 'drop-in application' as opposed to an RMA that would ordinarily follow an outline planning consent (see explanation provided in paragraphs 6.3-6.7 above).
- 9.13 The applicant has submitted evidence to explain why permission for an alternative type of rail freight facility is being sought and this includes the report titled *'Midland Mainline between the A406 North Circular and Cricklewood Station: A Strategic Rail Freight Study'* which was commissioned by Network Rail and carried out by consultants Railfreight Consulting Limited in January 2015. This study was subsequently updated in March 2016 to test the validity of its conclusions and to reflect any change in the marketplace. As stated earlier in paragraph 6.3, both studies conclude that there is no longer sufficient demand for the type of rail freight facility identified in the s.73 Permission and that there is demand for an aggregates terminal and to facilitate the removal of construction spoil by rail.
- 9.14 The Council acknowledges that regeneration schemes of this scale and nature are typically carried out over a number of years from its initial conception, through detailed design stages, multi-stage planning consenting process, and thereafter implementation of the approved development. The permitted Brent Cross Cricklewood regeneration scheme is projected to be completed by 2031 having been initially set out in the Cricklewood, Brent Cross and West Hendon Development Framework in 2005. Therefore, it is reasonable to expect market conditions to evolve throughout the duration of the planning process and, consequently, it is likely that amendments to the scheme permitted at the outline

stage may be required.

- 9.15 Therefore, whilst any drop-in application will need to be assessed on its own merits against relevant policies and standards, as is addressed later in this report, a key consideration relevant to the determination of this planning application is (1) the compatibility of the proposed rail freight facility with the s.73 Permission and (2) whether it would impinge upon or prejudice delivery of the wider BXC regeneration scheme. This relates to the objectives contained within saved Policies CGrick and C1 of the UDP and Policy CS2 of the Core Strategy DPD.

1) Compatibility of the Proposed Development with the s.73 Permission:

- 9.16 In regard to the first consideration, the s.73 Permission for the BXC regeneration scheme establishes the use of this land as a rail freight facility and therefore the principle of the proposed development is considered to be acceptable. Albeit developing less land than previously required, the application site is located within the same parcel of land identified in the s.73 Permission ('Plot 60') for the delivery of a rail freight facility. The s.73 Permission also establishes a number of parameters in connection with the intermodal rail freight facility, this includes: site access; building limitations; requirement for a landscaped buffer to the southwest and northwest of the site; hours of operation; parking requirements; and the enclosure or shielding of operations. Taking into account the different type of rail freight facility now considered necessary to meet market demand, the proposed development is considered to be broadly in line with the following s.73 Permission parameters: access to the site would continue to be off the existing A5 Edgware Road junction; a landscaped buffer zone as mitigation and the set-back between the facility and adjacent Conservation Area would be provided; provision of rail sidings to permit rail access to the site; and provision of on-site operational parking for cars and HGVs (albeit proportionate to the operation now proposed).
- 9.17 The s.73 Permission parameters relating to the provision of a building to shield or enclose the operations, hours of operation, and provision of a landscaped buffer zone to the northwest would not be necessarily be adhered to as envisaged in the s.73 Permission. The proposed development includes the partial enclosure of approximately half the site (covers over parts of Plots 1 and 4) to provide mitigation commensurate to the impacts of the proposed operation – the acceptability of this and other mitigation is considered further below. However, the structures proposed would accord with the dimensional parameters established in the s.73 Permission (i.e. the enclosures would not exceed 16 metres in height, would be set back more than 15 metres from the southwest boundary, and would not exceed 29,300m<sup>2</sup> in floorspace). The hours of operation would be limited to 07:00-19:00 Mondays to Fridays and 07:00-14:00 on Saturdays whereas the intermodal rail freight facility envisaged in the s.73 Permission was for a 24-hour/7-days a week operation. A landscape buffer to the northwest of the application site is not proposed. However, as part of a package of mitigation, the applicant has proposed the erection of an acoustic fence to mitigate the impacts of the proposed development – again, the acceptability of this is discussed further below.

2) Comprehensive Redevelopment of the BXC Regeneration Area:

- 9.18 In respect of the second consideration (2), 'Plot 60' of the BXC development, and



therefore the application site, is located at the western extent of the regeneration area sandwiched between the Midland Mainline railway and the A5 Edgware Road within the Railway Lands Development Zone. It is therefore a discrete component of the regeneration scheme that is capable of being delivered without reliance upon the delivery of other parts of the regeneration scheme. Furthermore, the proposed development seeks to utilise less land than that envisaged in the s.73 Permission and does not therefore impact on any other element of the BXC development or any other adjoining uses outside of the s.73 Permission. As such, it is considered that the proposed development would not prejudice the delivery of the wider BXC regeneration scheme and therefore not undermine the comprehensive redevelopment of the regeneration area in accordance with the abovementioned development plan policies (saved Policy C1 of the UDP and Policy CS2 of the Core Strategy DPD).

- 9.19 Furthermore, the delivery of a replacement rail freight facility is necessary to ensure that land can be made available for the development of the new Thameslink train station, which is an integral element of the BXC regeneration scheme. As set out in the Council's case for its Compulsory Purchase Order No.3, the comprehensive regeneration of BXC is reliant upon delivery of an Integrated Transport Strategy ('ITS') which is crucial to achieving a modal shift from private to public, sustainable modes of transport and improving connectivity between, and beyond, parts of the regeneration area separated by the Midland Mainline railway. The provision of a new train station is therefore a key element of this ITS which will also catalyse delivery of the remainder of the regeneration scheme, particularly that south of the A406 North Circular.

Reconciliation between the Proposed Development and s.73 Permission:

- 9.20 If Members were minded to grant planning consent for the proposed development, two planning permissions would effectively co-exist for a similar development on the same land. As explained in paragraph 6.7 above, the implementation of any drop-in planning permission would have the effect of rendering the respective parts of the s.73 outline permission un-implementable (the 'Pilkington Principle'). However, provided the implementation of any such drop-in permission does not prejudice the delivery of the wider BXC development, this planning approach is considered acceptable in respect of the extant outline planning permission and planning policy support for the comprehensive redevelopment of the BXC regeneration area.
- 9.21 In the event of a drop-in permission being granted, it would be necessary for the applicant to seek approval for minor amendments to the s.73 Permission to reconcile the two planning permissions. Specifically, there are conditions within the s.73 Permission relating to the delivery of the rail freight facility that would need to be amended – particularly Conditions 42.1 and 42.2 – along with any necessary changes to terms defined within the s.73 Permission Glossary. However, this can be achieved through the mechanism provided for by Section 96A of the Town and Country Planning Act 1990 (as amended) which should be submitted to the Local Planning Authority for approval.

## Protecting Barnet's Character and Amenity

- 9.22 The proposed development consists of two operational processes: the transfer of aggregate from rail to road; and the transfer of construction waste from road to rail. In respect of aggregate transfer, the proposed development would involve the importation of aggregate by train, unloading of train wagons using plant (i.e. a grabber), deposit of aggregate into storage bins (covered on Plots 1 and 4 and uncovered on Plot 2) and then the loading of aggregate into HGVs using excavator plant prior to it being transported off site. The operation proposed within Plot 3 is for the transfer of construction waste which would be imported to the site by road, tipped into the storage bins (uncovered) and then loaded onto train wagons using a front shovel-loader that accesses the traverser road by constructed ramps. The construction waste would then be exported off site by rail. The proposed development described by the applicant is therefore likely to be a source of both noise and dust emissions that have the potential to impact upon the amenity of nearby sensitive receptors (i.e. local residents). The proposed development includes the erection of additional external lighting which also has the potential to impact upon the amenity of local residents. Furthermore, the proposed development includes the construction of a number of built elements and a landscaped bund that should also be considered in respect of the visual amenity, wider landscape and impact on the local character. Each of these considerations are discussed in turn below.

### Local Character, Landscape and Visual Impact:

- 9.23 Policy CS5 of the Core Strategy DPD and Policy DM01 of the Development Management Policies DPD refers to the Council's aspiration for development to respect local context and distinctive local character incorporating high quality design principles including character, continuity and enclosure, quality of public realm, ease of movement, legibility, accessibility, adaptability and diversity<sup>4</sup>. On a more strategic level, Policy 7.4 of the London Plan states that development should have regard to (inter alia) form, function, scale, mass and orientation. Saved Policy C2 of the UDP also expresses the Council's objective to seek to achieve the highest standard of urban design in the BXC regeneration area; adding that proposals will need to be consistent with the strategic principles set down in the *Cricklewood, Brent Cross and West Hendon Development Framework (SPG)*. Chapter 6 of this SPG identifies the BXC freight and waste handling facilities as falling within their own character area within the BXC regeneration area. For the freight facility, it is specifically noted that this should be of high quality due to the relationship of the land identified for freight use to its neighbours, as well as the Council's wider regeneration objectives. The SPG also recognises that freight buildings (albeit referring to the facility that was envisaged at the outline stage) are by their nature of a large scale and bulky in character to serve the function for freight distribution.
- 9.24 The proposed development seeks to deliver an aggregate and construction waste rail transfer facility on land that has historically been associated with the operation of the railway and, more recently, a number of B2, B8 and sui generis uses. These latter uses resulted in the site being occupied by numerous temporary structures

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<sup>4</sup> Paragraph 10.5.5 of the Core Strategy DPD (2012).

constructed using scaffolding, corrugated iron and temporary portacabins. As such the site had an established character as an industrial/storage yard with little (if any) design merit, which is located in the wider context of, and in between, significant rail and road infrastructure. By virtue of the nature of the proposed development, which is utilitarian as a result of its requirement to function as a rail freight facility, it is considered to be compatible with this established character and use of the land to serve the railway. By comparison to the collection of uses, structures and activities that existed on the site prior to this planning application, the proposal would result in an improvement to the character of the site and would be a properly managed and operated facility.

- 9.25 Nevertheless, the applicant has had regard to the local context and characteristics of the site's surroundings, which includes a Conservation Area<sup>5</sup> to the south, residential developments to the south and northwest, and commercial uses fronting onto Edgware Road. The proposed development has been designed in cognisance of its proposed function and therefore its form is largely dictated by operational requirements. This has resulted in the proposed construction of a traverser road to facilitate the loading and unloading of trains, storage bins, provision of necessary infrastructure to support the functioning of the site as an aggregate and construction waste transfer facility (i.e. weighbridges, wheel washing facilities and portacabin staff welfare facilities), and the construction of an internal haul road. Following consultation with local residents, the LPA and the Council's Environmental Health Officer, further design changes were made. This has resulted in the provision of covers over the stockpile bins in two of the four operational Plots, construction of landscaped bund with planting along the southern boundary of the site, erection of acoustic fencing, and erection of wooden palisade fencing on the western extent of Plot 2 (where there would be views into the site from the public highway and site access).
- 9.26 Having regard to the achievement of the design objectives referred to in the abovementioned development plan policies, it is considered that the proposed development is appropriate to the local character of the area (as explained in paragraph 9.24); provides suitable enclosure relative to the proposed use of the land; and, in recognition of views into the site from the public realm, provides appropriate visual screening to restrict views of the proposed operations and incorporates improvements to the site access on the A5 Edgware Road including some landscape planting. In terms of scale and mass, the proposed development is at a scale and mass appropriate to the proposed operation and necessary to respond to the need to mitigate impacts on the amenity of nearby sensitive receptors (i.e. the erection of covers over stockpile bins on the Plots nearest the neighbouring residential properties). The orientation of the site is dictated by its relationship with the adjacent Midland Mainline railway and location of the existing sidings necessary to facilitate the use of the site as a rail freight facility. By comparison, the rail freight facility envisaged in the s.73 Permission included the construction of a large warehouse building with a maximum height of 16 metres, length of 450 metres and width of 94 metres. The most prominent structures within the application site would be the proposed structures to cover the stockpile bins in Plots 1 and 4, however, the scale of these do not exceed these s.73 Permission parameters and, arguably, has less visual impact than that permitted at the outline

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<sup>5</sup> The impact of the proposed development on heritage assets is considered separately below.

stage. Overall, the proposed development is therefore considered to be acceptable in local character, design and visual impact terms.

Air Quality:

- 9.27 The application site is located within an Air Quality Management Area (AQMA), as is the whole of the London Borough of Barnet. Policy 7.14 of the London Plan requires planning decisions to minimise increased exposure to existing poor air quality and make provision to address local problems of air quality, particularly within AQMAs; be at least 'air quality neutral' and not lead to further deterioration of existing poor air quality; and ensure that where provision needs to be made to reduce emissions from a development, this is usually provided on-site. Reference to minimising pollution (including air) is also made within Policy 5.3 of the London Plan.
- 9.28 Saved Policy C3 of the UDP requires that development within the BXC regeneration area should generally protect and, wherever possible, improve the amenities of existing and new residents. As relevant to the consideration of air quality, Policies DM01 and DM04 of the Development Management Policies DPD states that all development should demonstrate high levels of environmental awareness and contribution to climate change mitigation; be based on an understanding of local characteristics; and ensure that development is not contributing to poor air quality and provide air quality assessments where appropriate. The provision of air quality assessments is also referred to in Policy CS13 of the Core Strategy.
- 9.29 As part of the Revised Supplementary Environmental Statement (December 2017) submitted alongside the planning application, the applicant has provided an assessment of air quality which considers the impact of the proposed aggregate and construction waste rail transfer facility and the need for mitigation to minimise any such impacts. This was supplemented by a further technical note in January 2018 to the clarify conclusions of the assessment on the request of the Council's Environmental Health Officer. The contents of this assessment can be broadly divided into two strands: (1) air quality impacts arising from traffic associated with the proposed development, including consideration of NO<sub>2</sub> and PM10 emissions; and (2) air quality impacts arising from the movement of aggregate and construction waste between rail and road transportation.
- 9.30 This assessment takes into account all relevant legislation and policy relating to air quality in the UK. Appendix 13.1 in particular, explains that National Air Quality Objectives ('NAQOs') are derived from the Air Quality Strategy (2007) and where these NAQOs are unlikely to be met, Local Authorities are required to designate 'Air Quality Management Areas' ('AQMA') and compile an Air Quality Action Plan ('AQAP'). This AQAP sets out the measures to be introduced in pursuit of air quality objectives. As stated above, the whole of the London Borough of Barnet is designated as an AQMA. Consideration therefore needs to be given to the Mayor's Air Quality Strategy (2010) and the Council's Air Quality Action Plan 2017-2022; in addition to the Council's Sustainable Design and Construction SPD (2016), the Mayor's Sustainable Design and Construction SPG (2014) and the Mayor's The Control of Dust and Emissions during Construction & Demolition SPG (2014).

## (1) Traffic Impacts on Air Quality

- 9.31 As a starting point, the baseline air quality conditions established by the applicant indicated that the NAQO's for NO<sub>2</sub> and PM10s were not likely to be achieved across the application site prior to any development taking place. The proposed development would result in a maximum of 452 HGV movements per day with the addition of some other vehicle movements associated with the arrival and departure of staff. The proposed operation would also involve three train arrival and departures per day plus the use of plant to unload and load the trains (e.g. front shovel loaders and excavators). These are all considered to be sources of emissions that could impact local air quality and have been factored into the applicants' air quality modelling assessment within the Revised Supplementary Environmental Statement, including the subsequent technical note provided in January 2018. The assessment considers three scenarios: 'Do Nothing + Eurostorage (2018)' taking into account the last use of the site; 'Do Nothing with the proposed development (2018 completion); and 'Do Something (2021) taking into account the broader Phase 2 (South) (Thameslink Station) development. These scenarios were discussed with, and agreed by, the Council's Environmental Health Officer. It also identifies a number of sensitive receptors within 500 metres of the application site against which to assess the impact of the proposed development based on the abovementioned scenarios.
- 9.32 By comparing the baseline scenario (Do Nothing + Eurstorage) with the impacts of the proposed development (Do Nothing with the proposed development), the results of this assessment concludes that predicted annual mean NO<sub>2</sub> concentrations meet or exceed the NAQO at 18 of the 35 modelled receptors; however, the maximum exceedance identified at 3 of these receptors is predicted to be limited to 0.1 microgram/m<sup>3</sup> – these receptors are all located within the Fellows Square development to the northwest of the application site. Given this small exceedance, the impact of the proposed development is considered to be negligible in these cases. Otherwise, all other receptors are predicted to experience a slight, moderate or substantial beneficial impact as a result of the proposed development. These results were subjected to a sensitivity test which also concludes that the impact of the proposed development is anticipated to range from negligible to substantial beneficial, with any exceedance of the NAQO being no more than 0.1 microgram/m<sup>3</sup> at only 2 of the 35 receptors.
- 9.33 Further considering the air quality assessment results in relation to NO<sub>2</sub> emissions for the 2021 scenario, the significance of the impact as a result of the abovementioned exceedances are considered to be negligible to moderately beneficial at 60 of the 74 receptors. The remaining 14 receptors would experience slightly adverse to substantially adverse impacts (6 slightly adverse, 6 moderately adverse, and 2 substantially adverse). However, when the annual mean NO<sub>2</sub> concentration is aggregated out over the year in accordance with the NAQO, it is predicted that the 1-hour NO<sub>2</sub> NAQO would be achieved at all receptors and thus, all modelled impacts are considered to be negligible.
- 9.34 However, the conclusions of this assessment are based on traffic data alone and does not, therefore, take into account the proposed mitigation measures set out within the planning application. The mitigation measures proposed by the applicant are set out within the Planning Statement and the applicant's Management Plan

and include the use of Euro VI HGVs only (currently the lowest emission standard), a restriction on vehicles idling (trains and HGVs) and a cap on the number of daily HGV movements. These mitigation measures are anticipated to further improve the modelled air quality impacts described above insofar as the traffic data incorporates HGVs of Euro V standard, which have higher NO<sub>x</sub> emission rates. It is also noted that the modelling does not take into account the potential extension to the Ultra-Low Emission Zone or the Bus Low Emission Zone designation along the A5 Edgware Road. These additional factors would lower total annual mean NO<sub>2</sub> concentrations within the vicinity of the application site and therefore reduce the significance of any impacts from the proposed development further. However, following consultation with the Environmental Health Officer, it is evident that this Management Plan will need to be further revised to incorporate objectives contained within the Council's Air Quality Action Plan (2017-2022) and provide an appropriate monitoring regime in regard to air quality. This can be included within an appropriately worded condition requiring submission and approval (and thereafter implementation) of the Management Plan prior to operations commencing on site.

- 9.35 Considering the context of the proposed development within the wider BXC regeneration area and the rail freight facility envisaged at the outline planning stage, there are some broader factors to be considered when reaching any conclusions about the significance of any impact of the proposed development on air quality. Each train importing aggregate or exporting construction waste would have the effect of removing an equivalent 75 HGVs off the highway network. The proposed aggregate and construction waste transfer facility would aid the wider regeneration of the BXC area by assisting in the delivery and removal of construction materials and waste by rail, which is a more sustainable mode of transport. If permission is not granted for the proposed development, construction materials and any consequential waste arisings would nonetheless be required to facilitate construction of the BXC scheme and this would be transported to the site by road given the lack of other available rail terminals within the site. Consequently, it is considered that the proposed development would have wider positive benefits in reducing the total number of traffic movements associated with the BXC regeneration scheme and utilising the use of the rail network for freight movements which is in line with strategic policies.

- 9.36 The air quality assessment also considers the impact of the proposed development on ecological receptors including Welsh Harp Brent Reservoir SSSI and the Dudding Hill Loop between Cricklewood and Harlesden SINC. The impact on the former was scoped out of the assessment due to the site being located approximately 1km from the application site with significant intervening road infrastructure (A406 North Circular and Junction 1 of the M1). In terms of the SINC, this comprises scrub habitat which is considered to be at little risk from dust pollution. Although the Council's consultant Ecologist has not provided any comments in respect of the planning application, the applicants' conclusion is considered reasonable given that the proposed development is not likely to give rise to any significantly adverse impacts on these ecologically sensitive receptors.

## (2) Operational Impacts on Air Quality

- 9.37 The nature of the proposed development also has the potential to generate dust

through the loading and unloading of both aggregate, and less so, construction waste from train to lorry (and vice versa). Within the applicant's air quality assessment, consideration has been given to this both during the construction and operational phases in regard to potential PM10 emissions.

- 9.38 For the construction phase, the applicant has provided a Construction Environment and Transport Management Plan which sets out the extent of works to be carried before the site can operate. This includes the construction of the four Plots, including the concrete pad and stockpile bins and covers, construction of the internal access road, and installation of drainage, services, lighting, CCTV and fencing. The landscaped bund at the southern end of the site would also be constructed during this phase. These works would result in up to 15 HGVs entering and exiting the site each day to deliver materials, including concrete, welfare huts, fencing and stockpile bin covers to be constructed on site. The material required to construct the bund would be delivered to the site by train (a total of 3,500 tonnes is stated as being required which amounts to approximately two train loads).
- 9.39 In terms of air quality monitoring and mitigation, the applicant has proposed to install air quality (and noise) monitoring equipment within and outwith the site during the construction phase, which will be linked to a central recording system. This would be utilised during the operational phase also (and should be contained within the applicant's site Management Plan). Furthermore, the CETMP reaffirms that all HGVs would conform with the Euro VI standard. However, the submitted CETMP does not provide sufficient detail in respect of mitigating the impacts of the proposed development during the construction phase, particularly the construction of the landscaped bund adjacent to the southwest boundary of the site which is likely to give rise to dust during its construction. This is alluded to within the applicant's Revised Supplementary Environmental Statement which recommends that the construction of the proposed development should follow all mitigation measures suggested by the GLA, particularly at times where there are adverse meteorological conditions. However, provided the proposed development is otherwise found to be acceptable, it is reasonable to require the submission and approval (and thereafter implementation) of a revised CETMP, which sets out the requisite details, prior to the commencement of the development should permission be granted. This should accord with the principles and guidance contained within the Mayor's 'The Control of Dust and Emissions During Construction and Demolition' SPG (2014).
- 9.40 Turning to the operational phase of the proposed development and consideration as to whether it is acceptable, the proposed development would comprise two operations: the transfer of aggregate from rail to road; and the transfer of construction waste from road to rail. The construction waste operation would involve inert, non-hazardous demolition and excavation wastes only (typically dry bricks and rubble and wet soils) and, as a waste management operation, would also require an Environmental Permit from the Environment Agency. The potential for dust emissions from both operations is attributed to the handling of aggregate and construction waste; on-site transportation; stockpiles and exposed surfaces; and off-site transportation. In considering the extent of any such impact on sensitive receptors within 250 metres of the application site, the applicant's assessment takes into account wind directions and the nature of the constructed

site (i.e. hardstanding surface, paved internal haul road, short-term stockpiling and wheel washing facilities). In the absence of any mitigation measures, the conclusion of that assessment is that the proposed development is likely to have a medium to slight adverse effect on high sensitivity receptors (i.e. residential properties and schools) to the north and east of the site, whereas the effects to the south and west are more likely to be slight adverse to negligible.

9.41 The applicant's assessment also takes into account guidance contained within the IAQM Guidance on the Assessment of Mineral Dust Impacts for Planning as the most relevant to the nature of the proposed development. The IAQM guidance states that mineral sites are unlikely to generate increases in annual mean PM10 concentrations of greater than 15 microgram/m<sup>3</sup>. This value is based on activities with high PM10 emission rates, including excavation works and material processing. However, comparatively, the proposed development does not include any excavation or material processing and is for the transfer of aggregate and construction waste only. Therefore, it is reasonable to conclude that emissions from the proposed development would have a lesser impact on annual mean PM10 concentrations. Nevertheless, assuming the worst-case scenario that the proposed development would give rise to 15 microgram/m<sup>3</sup> of PM10 emissions over the year, the impact on the receptor with highest anticipated annual mean PM10 concentration (22.3 micrograms/m<sup>3</sup>) would remain below the annual mean PM10 NAQO (40 micrograms/m<sup>3</sup>).

9.42 In order to ameliorate these impacts, the assessment then identifies the need to implement a number of mitigation measures in relation to material handling to ameliorate these identified impacts. The assessment therefore states that the following measures should be implemented in addition to a number of other good practice measures:

- A fully automated dust suppression system consisting of strategically located sprinklers (as illustrated on drawing no. BXT-CAP-0000-D-DR-C-0023 Rev. P01);
- To ensure all vehicles utilise the wheel wash facilities prior to exiting the site;
- All HGVs will have covers fitted which shall be utilised when loaded;
- Installation of dust monitoring equipment so that dust is monitored in real time; and
- Implementation of corrective actions in the event of any exceedances.

9.43 As explained above, the air quality assessment demonstrates that the worst-case impact arising from dust emissions from the operational phase of the proposed development would not result in any breach of the relevant NAQOs. Therefore, with the implementation of appropriate dust mitigation measures and application of cleaner transport measures as identified in the Council's Air Quality Action Plan,, the proposed development is considered to be acceptable in air quality terms.



#### *Air Quality Summary:*

- 9.44 The consideration of the proposed developments impact on air quality is clearly a sensitive matter, particularly in a part of London which already experiences some of the highest levels of pollution. Furthermore, the proposed development is of a nature that has the potential to exacerbate these pollution levels through traffic, HGVs in particular, and the handling of aggregates and construction wastes which are likely to give rise to dust emissions. To support the LPA's consideration of this aspect of the proposed development, the Council's Environmental Health Officer has reviewed the appropriateness and acceptability of the applicant's assessment to determine whether the proposal is likely to give rise to any significant impacts and, if so, what mitigation measures would be necessary to ameliorate any such impacts. It is considered that the assessment of air quality impacts in relation to the proposed operations itself (i.e. transfer and handling of aggregate and construction waste) is suitable and, therefore, the conclusions acceptable. However, as proposed by the applicant, the acceptability of these impacts is dependent upon the implementation of the scheme as proposed (i.e. construction of stockpile covers in Plots 1 and 4; hardstanding surface; and installation of wheel washing facilities, for example) and the carrying out of various mitigation measures (i.e. dust suppression, use of the wheel washing facilities, covering of loaded HGVs, etc.). To ensure that the Management Plan for the operation of the site addresses all of the recommended mitigation measures and the procedures for applying them, a condition is recommended requiring the final Management Plan to be submitted for approval by the LPA and implemented prior to operation of the site.
- 9.45 As aforementioned, the relevant development plan policies require developments to be at least 'air quality neutral', minimise increased exposure to existing poor air quality, not lead to further deterioration of existing poor air quality and make provision to address local problems of air quality. The Revised Supplementary Environmental Statement considers these policy tests, particularly in respect of air quality neutrality. In doing so, it is concluded that the proposed development is air quality neutral, or better, with regards to transport emissions as the development would not result in a breach of the relevant pre-determined benchmarks for NO<sub>2</sub> and PM10s or the National Air Quality Objectives (NAQO). These benchmarks relate to the size and location of the proposed development and are set out in Appendices 5 and 6 of the Mayor's Sustainable Design and Construction SPG (2014). Paragraph 4.3.14 of this SPG states that developments that do not exceed these benchmarks will be considered to avoid any increase in NO<sub>x</sub> and PM emissions across London as a whole and therefore be 'air quality neutral'.
- 9.46 Also, with the implementation of appropriate mitigation measures, including the ongoing monitoring and review of the effectiveness of those measures through an appropriate Management Plan, and imposition of operational controls (which can be secured by planning condition) it is considered that the proposed development would not lead to further deterioration of existing poor air quality and minimise any increased exposure to existing poor air quality. This is particularly in view of the wider benefits of the proposal in terms of facilitating the movement of freight by rail as opposed to road, which would nonetheless occur to deliver the wider BXC regeneration scheme; and based on the assessment provided by the applicant

which has been corroborated by the Council's Environmental Health Officer. It is therefore concluded that the proposed development broadly complies with the requirements of Policies 5.3 and 7.14 of the London Plan, Policies DM01 and DM04 of the Development Management Policies DPD and saved Policy C3 of the UDP.

Lighting:

- 9.47 Policy DM01 (f) of the Development Management Policies DPD states that, for development proposals incorporating lighting schemes, lighting should not have a demonstrably harmful impact on residential amenity (or biodiversity). As illustrated on drawing no. BXT-CAP-0000-D-DR-C-0024 Rev. P03, the proposed development includes the erection of 4no. new lighting columns, in addition to the existing 11no. columns already present on site, all of which would be fitted with directional LED units. No lighting would be provided along the internal access road nor at the site entrance. An illustration of the projected lux contours associated with the proposed lighting is provided in Appendix A of the Revised Design and Access Statement which demonstrates that all lighting would be directed into the site and there would be no light spill beyond the eastern boundary of the application site, the Cricklewood Curve to the south of the site and the Brent Curve to the northwest of the site. It is indicated that there may be some light spill toward the western boundary of the site but this would only impact the rear of the existing commercial buildings fronting onto the A5 which are not considered to be sensitive receptors.
- 9.48 The nearest residential properties to the application site are those adjacent to the northwest boundary of the site (Fellows Square) and beyond the southwest boundary (Railway Terraces). As aforementioned, there would not be any light spill beyond the Brent Curve situated between the application site and Fellows Square. Plus, with directional lighting facing into the site, it is therefore unlikely that the proposed development would result a harmful impact on the amenity of these residents. In terms of the Railway Terraces, the application documents demonstrate that there would be no light spill beyond the intervening Cricklewood Curve and, furthermore, the proposed development includes the construction of a 5.1 metre landscaped bund with the addition of an acoustic barrier on top of this bund (to the total height of 11.6 metres) which would further act as a screen to any light sources associated with the proposed development. There are also residential properties to the east beyond the Midland Mainline railway but these are at some considerable distance from the application site and unlikely to be affected by lighting associated with the proposed development. Furthermore, the eastern boundary of the application site would be defined by a 5.1 metre acoustic barrier and other existing sources of lighting associated with the operation of the railway are likely to have a more noticeable impact.
- 9.49 In terms of potential ecological receptors that are sensitive to light, the proposed arrangement of lighting which would be directed into the site would assist in limiting any such impacts. The applicant has not provided specific details in regard to the provision of any lighting hoods or baffles and it is therefore considered that an appropriate planning condition should be included within any planning permission granted. As such, and subject to this condition, it is considered that the proposed development would not result in a harmful impact on the amenity of

nearby sensitive receptors and, as such, complies with the requirements of Policy DM01 of the Development Management Policies DPD and saved Policy C3 of the UDP.

Noise and Vibration:

- 9.50 Policy 7.15 of the London Plan states that development proposals should (a) avoid significant adverse noise impacts on health and quality of life; (b) mitigate and minimise existing and potential adverse impacts of noise on, from, within, as a result of, or in the vicinity of new development without placing unreasonable restrictions on development or adding unduly to the costs and administrative burdens on existing businesses; (e) application of good acoustic design principles; and (g) promoting new technologies and improved practices to reduce noise at source. Policy CS13 of the Core Strategy seeks to improve noise quality by requiring Noise Impact Assessments in line with Barnet's SPD on Sustainable Design and Construction. While Policy DM04 of the Development Management Policies DPD states that proposals likely to generate unacceptable noise levels close to noise sensitive uses will not normally be permitted and mitigation of noise impacts through design, layout, and insulation will be expected where appropriate. Saved Policy C3 of the UDP requires that development within the BXC regeneration area should generally protect and, wherever possible, improve the amenities of existing and new residents.
- 9.51 The Council's Sustainable Design and Construction SPD (2016) states that the main sources of noise in Barnet include (inter alia) road and rail traffic, commercial and industrial land uses, and construction activities. The SPD then goes on to identify 'Noise Design Principles' to be considered by the applicant in the design and construction processes. Of particular relevance to the proposed development, the SPD advises that *'Any plant and machinery should be operated so as to ensure that any noise generated is at least 5dB(A) below the background level, as measured from any point 1 metre outside the window of any room of a neighbouring residential property'*. The Council generally expects good acoustic design with mitigation measures that ensures a good level of amenity both externally and internally. Similar guiding principles are set out within the Mayor's Sustainable Design and Construction SPG (2014) in regard to reducing noise at source, containing noise sources and protecting noise sensitive receptors.
- 9.52 National planning guidance in relation to noise is set out in the National Planning Policy Framework which states at paragraph 123 that *'Planning...decisions should aim to avoid noise giving rise to significant adverse impacts on health and quality of life as a result of new development; and mitigation and reduce to a minimum other adverse impacts on health and quality of life arising from noise...including the use of conditions...'*. These noise objectives are derived from the *'Noise Policy Statement for England (DEFRA, 2010)'* and are generally reflected in all noise-related development plan policies. The consideration of noise impacts is provided by further guidance in the national Planning Practice Guidance. There are also British Standards relating to noise and vibration including: BS 5228: Code of Practice for Noise and Vibration Control on Construction and Open Sites (2009); BS 6472: Guide to Evaluation of Human Exposure to Vibration in Buildings (2008); BS 7385: Evaluation and Measurement for Vibration in Buildings (1993); BS 8233: Guidance on Sound Insulation and Noise Reduction for Buildings (2014); and BS

4142: Methods for Rating and Assessing Industrial and Commercial Sounds (2014).

- 9.53 As part of the Revised Supplementary Environmental Statement (December 2017), the applicant has provided an assessment of noise and vibration impacts from the proposed development in regard to both the construction and operational phases of the development. This included the establishment of background noise levels ( $L_{A90}$ ) as part of the original submission, which were supplemented by further noise survey work in November 2017, carried out in accordance with BS 4142 (2014). The vibration measurements and predictions provided in the BXC 2013 Environmental Statement are considered to remain relevant in terms of establishing a baseline condition. The nearest sensitive receptors were identified as being located in three broad areas proximal to the application site: Railway Terraces Cricklewood Conservation Area to the southwest of the site and the residential properties within it; residential properties to the northwest of the application site at Fellows Square; and residential properties to the east of the site in Brent Terrace.
- 9.54 For the construction phase of the proposed development it is considered that the proposed development has the *potential* to generate airborne noise and airborne and structure-borne vibration which can cause nuisance to nearby sensitive receptors. Typically, the highest noise levels occur during demolition, foundations and other heavy engineering works which are generally short-lived. The proposed development does not require any demolition works and only requires the completion of foundations for steel-framed stockpile enclosures in terms of foundation works. The proposal does also include the construction of a bund but this is being delivered to assist in mitigating the operational impacts of the proposed development, including noise emissions.
- 9.55 However, a quantitative assessment of construction impacts was undertaken as part of the BXC s.73 Revised Environmental Statement and the conclusion of this is considered to remain valid for the proposed development. This assessment concluded that the proposed project would not result in a significant magnitude of construction activities. Taking into account the similarities and differences between the rail freight facility permitted by the s.73 Permission and the proposed development (construction of large warehouse type building compared to the erection of steel frame, partially open enclosure structures of a smaller scale, for example), this conclusion is considered to be reasonable. Nevertheless, as aforementioned under 'Air Quality', the applicant has provided a Construction Environment and Transport Management Plan in support of this planning application that deals with the management and mitigation of impacts arising from the construction phase. This CETMP (as previously stated) would need to be revised and submitted for approval prior to the commencement of the development and this is required to include appropriate working practices to mitigate and minimise any noise emissions. The prior approval of a CETMP is considered to be an appropriate and reasonable method of ensuring that short-term construction impacts are mitigated through the application of agreed working practices and protocols to protect the amenity of nearby sensitive uses.
- 9.56 In terms of the operational phase of the proposed development, the applicant has produced noise modelling to determine the proposed facility's likely operational

noise levels affecting the facades of nearest residential properties to the southwest (Railway Terraces Cricklewood Conservation Area) and to the northwest (Fellows Square). This includes an establishment of noise levels arising from the proposed development over a given time (using operational noise measurements acquired at a comparable facility) and then the application of penalties to achieve a 'rating level' taking account of tonality, impulsivity and other sound characteristics in accordance with BS 4142 (2014). These penalties are determined on a subjective basis as the noise characteristics from the actual operation cannot be directly measured. This is considered to be an acceptable method of calculating the relevant penalties and the Council's Environmental Health Officer is satisfied that noise has been 'rated' satisfactorily.

9.57 The assessment also takes into account a number of design and operational mitigation measures that have been embedded within the proposed development (including that requested through consultation with the LPA and Environmental Health Officer) to specifically minimise the potential for noise and vibration impacts. These include, but are not limited to:

- Erection of 5.1 metre high acoustic attenuation fencing on the southwest boundary (on top of the proposed landscaped bund), along the northwest boundary adjacent to the Fellows Square residential development and on the eastern boundary adjacent to the Midland Mainline railway;
- Construction of a 6.5 metre high landscaped bund – offering a total barrier effect of 11.6 metres in combination with the abovementioned acoustic fence;
- Plots 1 and 4 would include the construction of partially open structures over the stockpile areas;
- Restriction on the operational hours of the facility – 07:00-19:00 Mondays to Fridays and 07:00-14:00 Saturdays only;
- A limitation on the number of train arrivals and departures per day (2 aggregate loads imported and 1 construction waste load exported);
- A limitation on the number of HGVs entering and exiting the site – a maximum of 452 movements per day (226 in, 226 out);
- Train access would be via a loop line connected to the north of the down Hendon line and no additional usage of the Brent Curve or Cricklewood Curve would be associated with the proposed development (these lines would continue to be used by other trains on the network as is the current scenario);
- The loading and unloading of trains would be carried out by a front loader and two excavators, respectively, both of which would be limited to speeds of 10km/h (or 6 miles per hour) and only travel minimal distances necessary within the site to facilitate the loading

and unloading processes;

- There would be no idling of engines on site;
- Construction waste tipper vehicles would be fitted with appropriate reversing alarms;
- Construction waste would only be deposited by tipper lorry within Plot 3; and
- Stockpiles of both aggregate and construction waste would be limited to 5.6 metres in height therefore limiting the height of operational activities.

9.58 In conclusion, the assessment considers that there would be no adverse noise impacts during the construction phase and, therefore, the magnitude of construction effects is considered to be negligible/no change in terms of the noise environment. Regarding the operational phase of the proposed development, it is concluded that the noise levels experienced at sensitive receptors to the southwest of the site (residential properties within the Railway Terraces Cricklewood Conservation Area) are expected to range between -7dB and 0dB below background levels. Therefore, the rating noise levels arising from operation of the proposed rail freight facility would be below the lowest-observed-adverse-effect-level (LOAEL) with noise impacts defined as either 'not noticeable' or 'noticeable but not intrusive' in accordance with the criteria set out in the national Planning Practice Guidance and Noise Policy Statement for England (2010). In planning terms, this is considered to be acceptable as there would be no significant adverse impacts on health or quality of life as a result of the proposed development in accordance with paragraph 123 of the NPPF.

9.59 At the residential properties to the northwest of the application site at Fellows Square, the noise levels experienced at these sensitive receptors on the eastern facade are expected to be between -1dB below background levels and +6dB above background levels as a result of the proposed rail freight facility operation. The rating noise levels are therefore expected to range between 52-58dB  $L_{A_{r,Tr}}$ . However, the applicant asserts, and the Council's Environmental Health Officer corroborates, that the recently constructed Fellows Square development has been designed to take account of the higher existing noise levels in the local environment attributed to other rail activities and traffic levels on the A5 Edgware Road. The building has therefore been designed to protect the amenity of its occupants from noise levels ranging between 66dB  $L_{A_{eq, 8h}}$  during the night and 69dB  $L_{A_{eq, 16h}}$  during the day. Consequently, noise levels arising from the operation of the proposed rail freight facility are expected to be between 'noticeable but not intrusive' and 'noticeable and intrusive', and therefore be below or around the LOAEL. In instances where an adverse impact is likely (i.e. it is around the LOAEL), paragraph 123 of the NPPF advises that planning conditions should be used to mitigate and minimise any such impacts. The proposed development includes the provision of various noise mitigation measures (as referred to in paragraph 9.56 above) and these measures can be control through the imposition of appropriate planning conditions on any planning permission granted.

9.60 A stated in paragraph 8.3, the Council's Environmental Health Officer has reviewed the applicants' noise assessment in regard to the application of an appropriate methodology, robustness of the assessment, and therefore acceptability of its conclusions. In doing so and taking account of the relevant national planning policies and guidance, the proposed development is considered to be acceptable in planning terms and not likely to cause noise complaint subject to the implementation of suggested mitigation measures. These mitigation measures can be secured through the imposition of appropriately worded conditions on any planning permission granted. Since this review of the application (information submitted in December 2017), the Environmental Health Officer has highlighted that the noise assessment does not take account of the operations between the hours of 18:00-19:00. However, provided all other assumptions remain unchanged (e.g. number of vehicle movements, number of trains per day), it is considered that this 'additional' hour would not alter the conclusions contained within the Revised Supplementary Environmental Statement.

9.61 The BXC s.73 Permission imposes a condition relating to the delivery of the intermodal rail freight facility which includes reference to specific noise levels to be adhered to. For ease of reference, Condition 42.1 (g) of the s.73 Permission states:

*'No development shall begin within Phase 4, until a Reserved Matters Application and Other Matters Application, which includes the following details in relation to the Rail Freight Facility on Plot 60, shall be submitted to and approved by the LPA:...*

*(g) a report confirming that the design of the buildings, yard facilities and operational practice will ensure that night time noise levels at nearby residential properties in the Railway Terraces Conservation Area do not exceed LAeq 5mins 45dB or LAeq, 8hr, 40dB at the closest residential building (measured as free field) and that at all times noise emissions at the nearest sensitive premises do not exceed 5dB below existing background LA90 noise levels in accordance with BS4142;...*

9.62 The results of the applicants' noise assessment indicates that this noise limit would be achieved at the majority of sensitive receptors to the southwest of the site, with the exception of some residential properties towards the northern extent of the Conservation Area and residential properties to the northwest of the site at Fellows Square. However, it was acknowledged at the time of the s.73 Application that the intermodal rail freight facility would be unlikely to achieve ideal noise standards and that the scheme should be designed with noise mitigation to avoid major impacts (i.e. sleep disturbance). Therefore, residual noise impacts were expected. The proposed development would arguably deliver a rail freight facility that is less likely to cause noise impacts when compared to that considered acceptable at the BXC outline planning stages. The main improvement is that the proposed development would not result in any overnight operations, other than the arrival of a train, and would only operate during daytime hours; whereas the s.73 rail freight facility was envisaged to operate over a 24-hour/7-days a week period.

In regard to vibration, the proposed development would not affect the frequency of passenger trains travelling on the adjacent railway lines or sidings and no freight trains associated with the proposed development would enter the site via the

Cricklewood or Brent Curves. These Curves will nonetheless continue to be used by other freight operating companies as governed by Network Rail. Furthermore, the low speeds at which the trains would travel is unlikely to cause any significant vibration effects on the nearby residential properties. The applicant has suggested that maintenance measures to be applied through operation of the site would assist in reducing vibration levels as a result of any intensified use of the tracks. Therefore, it is considered that the proposed development would not result in any increase in existing vibration levels experienced by residential properties adjacent to the railway.

*Summary of Noise and Vibration Impacts:*

- 9.63 The relevant development plan policies referred to above require that new development avoids significant adverse noise impacts on health and quality of life; mitigates and minimises existing and potential adverse impacts of noise on, from, within, as a result of, or in the vicinity of new development without placing unreasonable restrictions on development or adding unduly to the costs and administrative burdens on existing businesses; applies good acoustic design principles; and promotes new technologies and improved practices to reduce noise at source. The applicant's noise and vibration assessment concludes that the proposed development would not result in any significant adverse impacts on the nearest sensitive receptors, particularly taking into account the mitigation measures embedded within the proposed scheme and the characteristics of the local environment which is of an industrial and commercial nature due to the presence of significant rail and road infrastructure and commercial uses. Furthermore, paragraph 122 of the NPPF requires that LPAs focus on whether the development itself is an acceptable use of land and the impact of that use rather than the control of processes or emissions themselves which are subject to other pollution control regimes. In terms of noise, the proposed development will also be subject to controls imposed by the Environmental Protection Act 1990 (i.e. statutory nuisances).
- 9.64 Given the foregoing, the proposed development is considered to be an acceptable use of land as it would not be likely to give rise significant adverse impacts from noise and vibrations that would harm the amenity of nearby sensitive receptors. Therefore, the proposed development is considered to be in compliance with Policy 7.15 of the London Plan, Policy CS13 of the Core Strategy DPD, Policy DM04 of the Development Management Policies DPD and saved Policy C3 of the UDP.

**Heritage Assets**

- 9.65 The application site lies to the north of the Railway Terraces Cricklewood Conservation Area, with the Cricklewood Curve railway embankment separating the two areas. The 'Railway Terraces Cricklewood Conservation Area – Character Appraisal and Management Proposals (December 2016)' prepared by the Council describes the railway terraces as being located within a wider area dominated by the railway and large industrial/commercial units. Construction of the railway terraces is known to have commenced in the late 1860s. An Area of Special Archaeological Interest lies directly to the south of the conservation area, although



Section 3.2 of the aforementioned Character Appraisal document confirms that there are no records of significant archaeological finds in the vicinity of the conservation area.

- 9.66 Policy 7.8 (d) of the London Plan states that development affecting heritage assets and their settings should conserve their significance by being sympathetic to their form, scale, materials and architectural detail. Policy CS5 of the Core Strategy DPD states that the Council will proactively protect and enhance Barnet's heritage, including conservation areas. Policy DM06 of the Development Management Policies DPD states that (a) all heritage assets will be protected in line with their significance, (b) development must preserve or enhance the character and appearance of 16 Conservation Areas in Barnet, (c) proposals involving or affecting heritage assets should demonstrate (inter alia) significance of the heritage asset, impact on that significance, and impact on setting of the heritage asset. This is in line with the NPPF which sets out policies to conserve heritage assets in a manner appropriate to their significance.
- 9.67 Whilst the proposed development is located in close proximity to this Conservation Area, there are a number of factors that need to be considered to assess the impact of the proposed development on the significance of this heritage asset. As a starting point, the character of the Conservation Area coincides with, and is attributable to, the presence of the railway and associated infrastructure that have been established and continually used for over 150 years. In more recent years, the application site has been the subject of various B2 and B8 land uses and therefore has an established commercial, light industrial characteristic which relates to further commercial uses along this section of the A5 Edgware Road. Secondly, in terms of the current physical characteristics, there is an existing topographical change between the Conservation Area and the application site, whereby the latter is situated approximately 2 metres above the ground level of the Railway Terraces. This would not change as a result of the proposed development. Thirdly, the boundary between the application site and Conservation Area is currently defined by the Cricklewood Curve railway embankment which is an active rail freight line which would continue to be used regardless of the success of this planning application. This embankment sits in an elevated position when viewed from the Railway Terraces and therefore limits views into the application site.
- 9.68 Taking into account the specifics of the proposed development, the planning application proposes the construction of a significant landscape bund within the site adjacent to the southwest boundary which corresponds to the boundary of the Conservation Area. This bund would be constructed to a maximum height of 6.5 metres (albeit that this height will vary as the bund tapers down at each end) with the addition of an acoustic barrier on top of the bund which would provide a total barrier effect of 11.6 metres. These structures would provide significant screening between the application site and the Conservation Area and therefore restrict views into the site from the Railway Terraces. Furthermore, the applicant has proposed to implement significant landscape planting along the bund and acoustic fence to soften the visual impact of these structures when viewed from the Conservation Area.

- 9.69 The Council's Urban Design and Heritage Officer accepts that this landscaped bund and acoustic barrier are considered necessary to mitigate the impacts of the proposed development and recognises the importance of this in terms of protecting the amenity of residents. However, he has advised that the acoustic fence should be designed to be less intrusive through the provision of a fence in a colour that is more neutral and less distinctive. Therefore, subject to the inclusion of an appropriately worded condition to secure approval of an appropriate fence colour on this southwest boundary, it is considered that the proposed development would not significantly harm the setting of the Railway Terraces Cricklewood Conservation Area and that views from the Conservation Area are likely to be improved through the proposed boundary treatments. As such, the proposed development is considered to be in compliance with Policy 7.8 of the London Plan and Policy DM06 of the Development Management Policies DPD.

## **Highways and Transport Impacts**

### Strategic Approach

- 9.70 Chapter 6 of the London Plan provides strategic policies on transport. Policy 6.1 sets out the Strategic Approach to integrating transport and development, and of particular relevance to the proposed development, by (f) facilitating the efficient distribution of freight whilst minimising its impact on the transport network. Table 6.1 associated with this policy highlight's schemes and proposals envisaged to assist in achieving this strategic approach, which includes reference to 'improved rail freight terminals to serve London'. These objectives are similarly emphasised in the new Draft London Plan (2017) with draft Policy T1 expressing the need to make effective use of land to ensure any impacts on the transport networks are mitigated; plus referencing the Mayor's promotion of efficient and sustainable essential freight functions by (inter alia) road and rail (paragraph 10.1.3).
- 9.71 Albeit in regard policy-making, Policy 6.11 also refers to the promotion of sustainable arrangements for the transportation and delivery of freight. Core Strategy Policy CS9 identifies the Council's objectives in terms of (inter alia) more efficient freight movements, ensuring development is matched to capacity and implementation of a rail freight facility as part of the Brent Cross Cricklewood regeneration scheme.
- 9.72 Given the abovementioned policies, there is clearly a desire to manage freight movements in London and to optimise the use of rail freight as an alternative to road. The permitted BXC regeneration scheme, approved in 2010 and varied in 2014, recognised this and included the provision of a rail freight facility to replace the existing Strategic Rail Freight Site within the Hendon Waste Transfer Station to safeguard against the loss of any such facilities. This 'drop-in planning application' proposes to deliver such a facility, albeit for a different type of freight as dictated by the change in market demand. The proposed development would facilitate the importation of aggregates into London by rail, which would then be distributed by road for further processing or delivery to local construction projects (within a 10-mile radius of the application site). The proposal would also facilitate the exportation of construction spoil from London by rail. The applicant advises that

each train (which has a payload of 1,700 tonnes for both aggregate and construction waste) is equivalent to approximately 75 HGV movements. This is noted in both the Rail Freight Group and Campaign for Better Transport's supportive representations in relation to this application (although they have quoted an equivalent of 85 HGVs). Therefore, the proposed use of rail to transport these materials into and out of London, which would otherwise be imported or exported by road, has a benefit in reducing the number of HGV trips on the local road network. Taking into account the abovementioned strategic transport objectives, the proposed development is considered to accord with Policies 6.1 and 6.11 of the adopted London Plan (2016) and Policy CS9 of the Core Strategy DPD.

#### Highway Capacity and Safety

- 9.73 The site is accessible directly off the Strategic Road Network and is proximal to the motorway network (M1) and Transport for London's Road Network (A406 North Circular), which would enable traffic generated by the site to reach it by using these strategic roads. More local roads in Barnet can then be used more appropriately by traffic associated with the proposed development, for specific site delivery/loading only when required. The proposed development includes improvements to the existing junction with the A5 to create a priority junction that achieves a visibility splay of 4.5 X 90 metres and provides an uncontrolled pedestrian crossing point with a central island between the internal traffic lanes. Within the site boundary, the access road would lead into two inbound traffic lanes to prevent queuing onto the A5 (allowing space for up to 5no. 15.5-metre-long vehicles) and a dedicated left-hand filter lane for access to the car parking and reception area. After passing the proposed security hut and through the automated barriers, traffic would then be able to access each Plot via the internal access road. The outbound traffic from each of the Plots would exit the site using one lane. By comparison, the rail freight facility envisaged within the s.73 Permission also included the utilisation of the existing access off the A5 plus the creation of a new access point from the A5 to facilitate separate entrance and exit points.
- 9.74 The proposed development would generate a maximum of 452 HGV movements (i.e. 226 in, 226 out) required in connection with the importation of construction waste and exportation of aggregates. This is based upon the quantity of aggregate to be imported to the site by two trains a week and the quantity of construction waste to be exported from the site by one train per week. This limit would be applicable to the entire site regardless of who occupied any of the four identified Plots.
- 9.75 Policy 6.3 of the London Plan (2016) requires development proposals to be fully assessed at both corridor and local level to ensure development does not adversely affect safety on the transport network. This is similarly a requirement set out in the draft New London Plan (2017) – draft Policy T4. Policy DM17 of the Development Management Policies DPD contains matters to be considered when determining planning applications including (but not limited to) road safety, road hierarchy, location and accessibility, travel planning and parking management.
- 9.76 The planning application is supported by a transport assessment – document titled 'RFF Drop-in Transport Report' (September 2017) – which was supplemented by

an addendum report to respond to the Council's Transport and Regeneration consultation comments – 'Rail Freight Facility Addendum Transport Report' (December 2017). This provides the applicants' assessment of the proposed development in regard to capacity of the site access junction, proposed HGV movements and traffic flows on the A5 Edgware Road. As the proposed development delivers part of the BXC regeneration scheme, the applicant has based the transport assessment on the 'Thameslink Model' which is a derivative of the BXC Design Development Model ('BXC DDM') used to assess the highway impact of the entire regeneration scheme focusing on the capacity of nine 'Gateway Junctions' which are to be improved to mitigate any such highway impacts. The 'Thameslink Model' incorporates detailed approvals for the BXC regeneration scheme to date (i.e. Phase 1A North and Phase 1B North reserved matters approvals) and continues to include the assumptions in relation to the wider BXC development as set out within the s.73 Application, including the land uses contained within the Phase 2 (South) (Thameslink Station) sub-phase. This includes assumptions pertaining to the rail freight facility and takes into account the retention of uses fronting onto the A5 Edgware Road (Timeguard, Lidl and Access Storage) as a result of the development proposed within this 'drop-in application'.

- 9.77 The assumptions contained within the Thameslink Model require verification due to the evolution of the rail freight facility and development of the detailed design; and as a result of the fact that a different facility is now being proposed compared to that set out in the s.73 Permission. Such a comparison in highway terms relates to considering the impact of 400 HGV movements over a 24 hour/7-days a week envisaged in the s.73 Permission compared to 452 HGV movements during a 12-hour period as proposed within this planning application. Therefore, the applicant is required to consider the impact of the proposed 452 HGV movements in regard to the following two development scenarios (2021 and 2031) to ensure that the impacts on the local highway network do not undermine the capacity of the nine Gateway Junctions and road safety on the A5 Edgware Road.
- 9.78 Analysis of the transport impacts within the Thameslink Model is based on two design years: (1) 2021 which coincides with completion of the Phase 2 (South) (Thameslink Station) sub-phase; and (2) 2031 relating to completion of the full BXC development. For the highway impacts associated with the proposed development, the applicant has utilised an additional assessment to ensure that the proposed traffic levels coincide with, and is reflective of, these likely scenarios within the Thameslink Model. From this, the applicant has ascertained whether the proposed development is likely to create any additional impacts on the highway network beyond those envisaged in the 'Thameslink Model.' The use of this model, and method of assessment, has been corroborated and verified by TfL and the Council's Transport and Regeneration team, who find it to be acceptable.
- 9.79 Whilst the proposed maximum number of daily HGV movements is 452 (226 in, 226 out), the transport assessment submitted alongside this planning application assesses the capacity of the junction at a higher level of 800 HGV movements per day (400 in, 400 out). At this 'worst case' scenario (which is beyond that proposed within this application), the assessment concludes that the proposed development would result in minimal delays at the proposed priority junction providing access/egress into and out of the site. Therefore, the variance from that envisaged

in the s.73 Permission (i.e. the 'Thameslink Model') is considered to be within acceptable limits. Consequently, it is concluded that the proposed rail freight facility (at a level of 800 HGV movements per day) would not result in any significant adverse impacts on the transport network. Given that the proposed development envisages almost half to these HGV movements (452 HGV movements per day), it is concluded that the proposed rail freight facility would have a lesser impact than that 'worst case' assessed within the Transport Reports (September and December 2017).

- 9.80 To address the impact of the proposed development on highway safety, the applicant has completed a Stage 1 Road Safety Audit, which identified some potential issues, including that related to vehicles travelling northbound and turning right into the site – particularly articulated vehicles crossing over the nearside northbound lane on the A5. In response to this, the applicant has revised the proposed junction design to relocate the carriageway centre line to the east which has the effect of widening the northbound carriageway. This design solution has demonstrated that the largest vehicles required in connection with the proposed development can turn right safely into the site without encroaching into adjacent traffic lanes thereby reducing the risk of side-swipe accidents. Further options were considered in response to this Road Safety Audit issue, including the provision of a ghost lane in the off-side northbound carriageway and banning all right turns into the site. The revised proposed junction design also demonstrates that HGVs can manoeuvre in and out of the site safely/without crossover in all other directions, and has made adjustments to the kerblines to ensure HGVs can turn left into the site safely. This design also formalises the existing merge on the southbound carriageway to the north of the site access by the provision of road hatching. The Road Safety Audit advises that the reduction from two to one lane on the A5 southbound approach to the new access would in fact benefit HGVs turning in and out of the proposed site as it reduces the risk of potential conflict points.
- 9.81 The Council's Transport and Regeneration Team have advised that in accordance with Policy DM17 (a) it has been demonstrated that the proposed development can operate without unacceptably increasing conflicting movements on the road network. The proposed junction design would also be subject to detailed design pursuant to Section 278 of the Highways Act 1980 (as amended) whereby further safety audits will be carried out. However, it is considered that the applicant has provided sufficient evidence to demonstrate that the proposed junction design can operate safely in accordance with the requirements of Policy 6.3 of the London Plan and Policy DM17 of the Development Management Policies DPD.
- 9.82 It is also noted that Transport for London support the proposed development and recognises that it would enable early delivery of the new train station and safeguard the rail freight use in accordance with London Plan Policy 6.14, which is important to the future growth of London. TfL also finds the applicants assessment of transport impacts acceptable.

## Parking Provisions

- 9.83 Saved Policy C8 of the UDP relates to the provision of parking within the Cricklewood, Brent Cross and West Hendon regeneration area specifying standards for particular uses. The proposed development (B8 use class) does not accord with any of the listed uses and therefore the parking standards should follow the London Plan. Policy 6.13 of the London Plan and associated Table 6.2 in the Parking Addendum sets out the maximum parking standards which are to be the basis for considering planning applications. Policy DM17 (g) of the Development Management Policies DPD requires that development should provide parking in accordance with the London Plan standards except in the case of residential development, which is not applicable to this planning application. Parking provision should be considered in view of the strategic approach to transport in Outer London (Policy 2.8 of the London Plan), of which the most salient of these approaches to the proposed development is improving public transport access and encouraging greater use of cycling and walking in respect of how staff travel to and from the site. Policy 6.13 of the London Plan also requires that 1 in 5 spaces provide electrical charging points, parking for disabled people in line with Table 6.2, and meet minimum cycle parking standards.
- 9.84 The proposed development provides a total of 12no. car parking spaces within the site reception area adjacent to the main entrance, of which, 4no. spaces provide electrical charging points and 1no. space is allocated as a disabled parking bay. Parking provisions for HGVs would be accommodated within the working area of each of the four Plots as illustrated on drawing number BXT-CAP-0000-D-DR-C-0022 Rev. P10. Given the proposed use of the site, the Parking Addendum states that parking for commercial vehicles should be provided at a maximum of 500m<sup>2</sup> of gross B2 or B8 floorspace. Other than the provision of various portacabins, the proposed development does not include the creation of new floorspace; therefore, the application of these standards would not be entirely reasonable. The Parking Addendum (paragraph 6A.7) does recognise that a degree of flexibility may be required to reflect different trip generating characteristics for B2 and B8 uses. The proposed development would result in predominantly HGV trips (452 movements per day), however, the majority of these would be transitory and not necessarily originating and ending at the application site; as such, few would need to park at the site. The proposed development would generate 24 full-time equivalent jobs and the proposed development effectively provides 0.5 space per employee. The applicant has also provided revised plans indicating the area within each Plot available for HGV parking.
- 9.85 Overall, the provision of 12no. car parking spaces and parking for HGVs within the operational areas of the four Plots, is considered reasonable and not in excess of operational requirements. Furthermore, the applicant has proposed the provision of charging points to facilitate the use of electric car (in excess of the requirement of Policy 6.13), a dedicated disabled parking space and parking/storage for cyclists (discussed further below) to reduce the number of private car trips. In terms of controlling the scale and location of HGV parking when the site is not operational, the layout of the site can be conditioned in reference to drawing numbers BXT-CAP-0000-D-DR-C-0022 Rev. P10; and by seeking the inclusion of such information within the applicant's Management Plan. Therefore, the proposed

development is considered to be in compliance with Policy 6.13 of the London Plan.

- 9.86 This section of the A5 relative to the application site forms part of the Mayor's planned Cycle Superhighway between West Hendon and Marble Arch. This route is presently subject to consultation but forms part of the Mayor's Vision for Cyclists published in 2013. It is therefore appropriate for the proposed development to include the provision of cycle parking and welfare facilities in cognisance of this. Policy 6.9 of the London Plan states that development should (inter alia) (a) provide secure, integrated, convenient and accessible cycle parking facilities in line with the minimum standards set out in Table 6.3 and the London Cycle Design Standards; and (b) provide on-site changing facilities and showers for cyclists. The minimum standards set out in Table 6.3 are based on the provision of gross external floorspace<sup>6</sup>. For B2-B8 uses, the requirement is for the provision of a minimum of 1 space per 500m<sup>2</sup> for long-stay and 1 space per 1,000m<sup>2</sup> for short-stay. The application site area is 4.58 Ha, albeit the operational elements of the site extend to approximately 3.9 Ha, and proposes the provision of a total of 138.4m<sup>2</sup> of floorspace. In accordance with the aforementioned standards, the proposed development is required to provide a minimum of 1no. cycle space.
- 9.87 The proposed development includes 8no. secure cycle spaces (covered Sheffielded stands) within the car parking area adjacent to the site entrance and, within each of the four Plots, staff welfare facilities in the form of kitchens, seating areas and toilets. Furthermore, the existing building located at the southern end of the site would be internally modified to provide showering facilities. These facilities could be utilised by any cyclist (staff or visitor). It is therefore considered that the proposal accords with Policy 6.9 of the London Plan in terms of providing secure, integrated and accessible cycle parking facilities alongside on-site changing and showering facilities. In terms of the quantum of cycle parking required, the proposed development complies with the relevant standards and is considered to be appropriate taking into account the relatively low number of employees associated with the proposed use and size of the site, where the applicant has stated that further cycle parking could be provided if warranted. As such, the proposed development is considered to be in compliance with Policy 6.9 of the London Plan.

### **Trees and Landscaping**

- 9.88 The application site falls within a 'Regional Park Opportunities' area as identified by Map 2.8 within the London Plan. Policy 2.18 of the London Plan therefore describes the considerations to be taken into account for planning decisions, including the incorporation of appropriate elements of green infrastructure that are integrated into the wider network, and encourage the linkage of green infrastructure and Blue Ribbon Network. Policy CS7 of the Core Strategy advocates the maintenance and improvement to the greening of the environment through the protection of (inter alia) trees and hedgerows. Policy DM16 of the Development Management DPD requires development adjacent to or within areas identified as part of the Green Grid Framework will be required to make contribution to the enhancement of that Green Grid. This Green Grid is further

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<sup>6</sup> As stated at paragraph 6A.13 of the London Plan (2016)

referenced in the Council's Green Infrastructure SPD (2017) and the Mayor's Draft Environment Strategy, which is currently out for consultation, setting out the objective of creating green corridors between open spaces for people and wildlife.

- 9.89 The application site forms part of Network Rail's operational railway land and is characterised as 'brownfield land' with little existing green infrastructure, with the exception of some trees on Network Rail land adjacent to the Brent Curve railway alongside the northwest boundary of the site. These trees appear to contribute to the green link synonymous with the railway corridor and have the added benefit of providing some visual screening to the lower floors of the adjacent Fellows Square development. The nearest large open spaces are Gladstone Park to the southwest and Clitterhouse Playing Fields to the northeast – the latter of which will be improved through the BXC regeneration scheme. A review of aerial imagery highlights the role railway corridors can play in providing green infrastructure and links to these open spaces. In addition to the existing trees on the northwest boundary of the site (maintained by Network Rail), the applicant has proposed significant landscape planting along the southwest boundary along the proposed bund. As well as providing visual screening to properties within the Railway Terraces, this planting would also assist in enhancing connections to London's Green Grid. Given the nature of the proposed development, location within operational railway land and therefore limited opportunity to provide tree planting within the site, it is considered that the proposed development is in compliance with Policy 2.18 of the London Plan, Policy CS7 of the Core Strategy DPD and Policy DM16 of the Development Management DPD.

### **Biodiversity and Green Infrastructure**

- 9.90 In terms of biodiversity, the application site is of little ecological value as it is 'brownfield land' that has been used and cleared for the purposes of uses ancillary to the operation of the railway. A Site of Importance to Nature Conservation (SINC) is located approximately 10 metres from the boundary of the application site (in the borough of Brent) and corresponds to the adjacent railway freight links. This SINC is considered to be of Borough Grade 1 importance. All other designated nature conservation sites are located over 400 metres from the application site. Policy CS7 of the Core Strategy DPD and Policy DM16 of the Development Management DPD affords protection to existing SINC's. Furthermore, Policy 7.19D and 7.19E of the London Plan state that proposals should give sites of borough and local importance for nature conservation the level of protection commensurate with their importance; and, when considering proposals that would directly or indirectly affect such a site, consideration should be given to the hierarchy of avoidance, minimisation with mitigation and appropriate compensation.
- 9.91 The Dudding Hill Loop SINC identified near the application (corresponding to the Brent Curve and Cricklewood Curve as they travel in a westerly direction) has the potential to be affected by dust soiling as a result of the proposed development through construction of the site and thereafter the handling of aggregate and construction waste. However, this SINC generally comprises scrub habitat and, as such, is considered at little risk from dust pollution. The Revised Supplementary Environment Statement identifies any such impact as 'negligible adverse' without the application of any mitigation measures. As discussed under 'Air Quality', the



applicant has incorporated a number of mitigation measures to ameliorate the impact of dust and other emissions to prevent dust soiling. Such measures include the provision of an automated dust suppression system (sprinklers) and covering of some stockpile areas with further provisions to be set out in a revised Site Management Plan in terms of the operational phase and revised Construction Environment and Transport Management Plan in relation to the construction phase. It has been previously suggested within this report that both of these management tools should be secured by condition should planning permission be forthcoming. Therefore, taking into account the proposed mitigation to be secured by planning condition, it is considered that the proposed development would not adversely impact the SINCR. Also, the proposed development includes the provision of additional landscape planting, particularly only the southwest boundary of the site (on top of the bund) which would assist in providing additional green infrastructure along this railway corridor. As such, the proposed development is considered to be in compliance with Policy 7.19 of the London Plan, Policy CS7 of the Core Strategy DPD and Policy DM16 of the Development Management DPD.

### **Flooding and Drainage**

- 9.92 The application site is located in Flood Zone 1 (i.e. at the lowest probability of flooding) and is not located within any Groundwater Source Protection Zone. However, as the application site is over 1 hectare (4.58 hectare) a Flood Risk Assessment was nonetheless required to consider any other sources of flooding and to address design issues related to the control of surface water run-off and climate change. Within the Revised Supplementary Environmental Statement, the applicant has provided an assessment of the likely effects of the proposed development on the water environment, including water quality, flood risk, geomorphology and drainage (Chapter 11). The applicant has also submitted a Surface and Foul Water Drainage Technical Note (AECOM, November 2017) along with associated drawing number 60514840-SHT-10-PH02-C-00017 which illustrates the drainage layout across the application site.
- 9.93 In respect of flood risk, Policy 5.12B of the London Plan states that development proposals must comply with the flood risk assessment and management requirements set out in the NPPF and associated technical guidance (now contained within the online Planning Practice Guidance) over the lifetime of the development. The Planning Practice Guidance provides an indication of flood risk vulnerability classifications for different development types (Table 2) and identifies whether that development would be appropriate within the relevant flood zone (Table 3). The proposed development would be considered to fall within the 'less vulnerable' category; nevertheless, the site is within Flood Zone 1 where development is generally considered appropriate across all flood zones, with a less than 0.1% annual exceedance probability of flooding. This does not, however, take into account climate change. The applicant's Flood Risk Assessment concludes that the proposed development would not result in any increased risk of flooding and the provision of any additional impermeable surface would be attenuated to achieve greenfield run-off rates, including the provision of flow control units, thereby ensuring the development does not increase the risk of flooding elsewhere. The Environment Agency were consulted and confirmed that they

raised no objections to the proposed development.

- 9.94 In consideration of surface and foul water drainage proposals, Policy 5.13A of the London Plan requires development proposals to utilise Sustainable Urban Drainage Systems (SUDS), aim to achieve greenfield run-off rates, and ensure that surface water run-off is managed close to its source as possible in line with the following drainage hierarchy: (1) store rainwater for use, (2) use infiltration techniques, (3) attenuate rainwater in ponds or open water features, (4) attenuate rainwater by storing in tanks, (5) discharge rainwater direct to a watercourse, (6) discharge rainwater to a surface water sewer/drain and (7) discharge rainwater to a combined sewer. This hierarchy is referred to in Policy DM04 (g) of the Development Management Policies DPD stating that development should demonstrate compliance with it. In connection with this, Policy 5.15 of the London Plan states that development should minimise the use of mains water. Also, in regard to wastewater, Policy 5.14 of the London Plan requires development proposals to ensure that adequate wastewater infrastructure capacity is available in tandem with development.
- 9.95 The proposed development would result in an increase in hardstanding, impermeable surfaces across the site (concrete) and construction of a drainage system to manage both surface and foul water drainage. The surface water drainage scheme would include the construction of a series of surface water sewers, fuel and oil interceptors and attenuation tanks (with a 1 in 100 year capacity plus 30% for climate change allowances) within each Plot. These sewers direct surface water to manholes that discharge to the existing sewer network. In terms of foul water, sewers are proposed to be connected to each Plot draining into a series of manholes (i.e. discharging to the existing sewer network). The applicant has liaised with Thames Water in respect of this approach, although they have not provided any comments in response to the Council's consultation exercises. The proposed development would also include the collection of perched ground water via a subterranean pipe adjacent to the traverser road in Plots 1 and 2. The water collected via this method would be stored within an underground collection tank (9,000 litres capacity) and then pumped to an aboveground storage tank (20,000 litres capacity) to be utilised within the proposed dust suppression system. The abstraction of perched groundwater would be capped at 20m<sup>3</sup>/day as agreed with the Environment Agency. This dust suppression system is also connected to mains water supply in the event that sufficient groundwater is unavailable.
- 9.96 The applicant concludes that the proposed development would not result in any residual impacts in both the construction and operational phases. The Council have consulted the Lead Local Flood Authority in respect of these proposals and they have not raised any objections in relation to the drainage proposals. In regard to the abovementioned development plan policies, it is considered that the proposed development incorporates an appropriate drainage system to achieve run-off rates comparable to the existing, undeveloped site and seeks to, where possible, utilise existing water sources without relying upon mains water supply. Therefore, the proposed development is considered to be in compliance with Policies 5.12, 5.13, 5.14 and 5.15 of the London Plan and Policy DM04 of the Development Management Policies DPD.

## Contaminated Land

- 9.97 Policy DM04 (e) of the Development Management Policies DPD, states that proposals on land likely to be contaminated should be accompanied by an investigation to establish the level of contamination in the soil and/or groundwater and identify suitable mitigation; and London Plan Policy 5.21 states appropriate measures should be taken to ensure previously developed land does not activate or spread contamination. Development which could adversely affect the quality of groundwater will not be permitted.
- 9.98 The applicant has provided an assessment of ground contamination within the Revised Supplementary Environmental Statement (Chapter 14, December 2017) which identifies that, by virtue of the previous land uses, the application site is likely to be contaminated (as established through the Baseline Conditions); and that this existing contamination has the *potential* to affect sensitive receptors during both the construction or operational phases of the proposed development prior to the application of mitigation measures. The proposed mitigation measures have therefore been designed to eliminate or reduce to an acceptable level any significant environmental effects. Following the identification of potential source-pathway-receptor-pollutant linkages, the assessment concludes that, with the implementation of suggested mitigation measures, the residual impacts of the proposed development would be minor adverse to negligible both during construction and operation of the proposed development. The mitigation measures stipulated relates to the identification and implementation of a remediation strategy which would predominantly result in physical remedies including the over-digging the site and capping using concrete to break the source pathway receptor linkage. With the implementation of such measures, it is considered that there would be no significant residual effects.
- 9.99 The Council's Environmental Health Officer has also reviewed the applicants' assessment in respect of the appropriateness of the methodology, robustness of the assessment and therefore acceptability of its conclusions. In the advice provided through consultation, the Environmental Health Officer has stated that contamination is not a major concern for this site, taking into account the proposed end use, and that the recommendations set out within Chapter 14 of the Revised Supplementary Environmental Statement (December 2017) (i.e. the completion of further intrusive site investigations, identification of remediation strategies and subsequent verification) should be secured by condition. Therefore, subject to the inclusion a condition requiring the further intrusive investigation and identification and implementation of appropriate remediation, the proposed development is considered to be in compliance with London Plan Policy 5.21 and Policy DM04 of the Development Management Policies DPD.

## Sustainable Construction and Climate Change

- 9.100 London Plan Policy 5.3B states that development proposals should demonstrate sustainable design standards in regard to its construction and operation; and meet minimum standards outlined the Mayor's '*Sustainable Design and Construction SPG*' (April 2014) including efficient use of natural resources and minimising pollution, for example. Whereas, Policies 5.10C and 5.11A relate to the provision of green infrastructure and sustainable design considerations, stating that major development proposals should contribute to urban greening and deliver as many objectives as possible including (but not limited to) sustainable urban drainage and enhancement of biodiversity. Additionally, Policy CS13 of the Core Strategy promotes the highest environmental standards and efficient use of natural resources.
- 9.101 During the construction phase, the proposed development would involve some groundworks to level the site. Where possible, this material would be distributed on site to minimise the requirement to import materials. Taking this into account, the applicant advises that approximately 3,500 tonnes of fill material would be required to be imported to the site to facilitate the construction of the landscaped bund. However, this would be imported by rail. Additionally, any superfluous materials would also be exported from the site by rail where feasible to minimise the amount of road transport. The proposed aggregate and construction waste transfer operation is, by its nature, facilitating the sustainable transportation of construction materials and waste that would otherwise be imported to/exported from the site by road. The delivery of such materials would serve the wider BXC redevelopment and other local construction projects within the vicinity of the site. The proposed development would therefore have far reaching sustainability benefits in terms of reducing the number of road (particularly HGV) trips on the local highway network.
- 9.102 Other than the provision of four modular, portacabin type buildings and erection of partially open steel framed covers over stockpiles in two of the four Plots; the proposed development does not involve the construction of any building. These modular buildings have a B-rated energy efficiency certificate and use at least 45% less energy than standard modular cabins. They include features such as passive infrared motion detectors to ensure lighting is only on when needed, double-glazed windows, thermostatically controlled heating combined with automatic door closures, and a dual flush and push taps to reduce energy and water consumption. Further in respect of water consumption, as stated above, the proposed development would also utilise perched groundwater to supply the dust suppression system and therefore minimise reliance on mains water supply.
- 9.103 Given the nature of the proposed development, it is acknowledged that there is little opportunity for improving green infrastructure and enhancing biodiversity, particularly given the location of the application site immediately adjacent to significant rail infrastructure. The applicant has, however, proposed the implementation of landscape planting on top of the landscaped bund to the southwest of the site, along the internal access road (at various locations) and at the site entrance off the A5 Edgware Road.
- 9.104 It is considered that the applicant has incorporated a number of measures to ensure that the proposed development achieves sustainability objectives in regard

to the optimising the use of previously developed land, site layout and building design (i.e. portacabin use), water efficiency by reducing reliance on mains supply, construction and design of the development, surface water drainage and urban greening. Therefore, on balance, it is considered that the proposed development satisfies the requirements of Policies 5.3, 5.10 and 5.11 of the London Plan and Policy CS13 of the Core Strategy DPD.

### **Planning Obligations**

- 9.105 Paragraph 203 of the NPPF states that Planning Obligations should only be used where it is not possible to address unacceptable impacts through a planning condition. The Council's '*Planning Obligations SPD*' (April 2013). As set out within this report and schedule of 'Draft Conditions' contained in Appendix A, a number of conditions are recommended to ensure the impacts of the proposed development are appropriately mitigated. Should any of those conditions be breached or a complaint received regarding the authorised development, it is the Council's duty to investigate any such complaint and, where it is considered expedient, enforce against a breach of the planning permission to regularise the development.
- 9.106 Paragraph 204 of the NPPF states that Planning Obligations should only be sought where they meet all of the following tests: (1) necessary to make the development acceptable in planning terms; (2) directly related to the development; and (3) fairly and reasonably related in scale and kind to the development. On the basis and as outlined above, it is considered that the use of appropriate planning conditions are adequate to control the development, Officers do not recommend that any Planning Obligations should be sought.

## **10 ENVIRONMENTAL IMPACT ASSESSMENT**

- 10.1 The planning application is accompanied by a Supplementary Environmental Statement which assesses the impact of the proposed development in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. This was subsequently revised in December 2017 when the applicant provided revised and additional information in connection with this planning application.
- 10.2 The SES covered the following topics to determine whether the proposed aggregate and construction waste transfer facility would be likely to give rise to any significant environmental effects and whether any mitigation measures were necessary to ameliorate any such impacts.
- 10.3 Given the relationship with the BXC regeneration scheme and the fact that the proposed RFF would be delivered as part of the BXC development, the SES also had regard to the EIA carried out in support of the BXC outline planning application approved in 2010 and subsequent s.73 Application in 2014. Relevant comparisons between the conclusions of the BXC EIA and SES submitted with this planning application have been acknowledged above through the Planning Assessment section of this report having regard to the relevant material considerations.

- 10.4 As set out above, it is concluded that the proposed development would not give rise to any significant environmental effects that cannot be mitigated through the implementation of appropriate mitigation measures. Such mitigation measures can be secured through appropriately worded planning conditions as suggested in Appendix A of this report.

## 11 EQUALITY AND DIVERSITY ISSUES

- 11.1 Section 149 of the Equality Act 2010, which came into force on 5th April 2011, imposes important duties on public authorities in the exercise of their functions, including a duty to have regard to the need to:

- *Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;*
- *Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;*
- *Foster good relations between persons who share a relevant protected characteristic and persons who do not share it."*

- 11.2 For the purposes of this obligation the term "protected characteristic" includes:

- age;
- disability;
- gender reassignment;
- pregnancy and maternity;
- race;
- religion or belief;
- sex; and
- sexual orientation.

- 11.3 In considering this planning application and preparing this report Officers have had regard to the requirements of this section and have concluded that a decision to grant planning permission for this proposed development will comply with the Council's statutory duty under this important legislation.

- 11.4 The site is accessible by various modes of transport, including by foot, bicycle, public transport and private car, thus providing a range of transport choices for all users of the site. Also, the applicant has proposed the provision of one dedicated disabled parking bay. As such, the proposals are considered to be in accordance with national, regional and local policy by establishing an inclusive design, providing an environment which is accessible to all.

## 12 CONCLUSION

- 12.1 The proposed development forms an integral element of the wider Brent Cross Cricklewood (BXC) regeneration scheme. The delivery of a rail freight facility to replace the existing Strategic Rail Freight Site on the eastern side of the Midland Mainline railway is necessary and crucial to facilitate delivery of the new Thameslink train station. The new train station is an important component of the BXC regeneration scheme as it would result in the achievement of significant modal shift from private cars to more sustainable transportation and unlock the delivery of the wider regeneration scheme, particularly the new town centre to the south of the A406 North Circular and the resultant new homes that would follow this.
- 12.2 The BXC regeneration scheme benefits from outline planning permission that was established originally in 2010 and subsequently amended in 2014. The S73 Permission therefore establishes the use of part of the application site as a rail freight facility. Although the type of rail freight facility proposed is now different to that envisaged at the outline planning stages, the LPA is satisfied that the proposal will continue to satisfy the requirements for the wider comprehensive redevelopment of BXC. The principle of the proposed development is therefore considered to be acceptable.
- 12.3 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the Council to determine any application in accordance with the statutory development plan unless material considerations indicate otherwise. All relevant policies contained within the development plan, as well as other relevant guidance and material considerations, have been carefully considered and taken into account by the Local Planning Authority. The impacts of the proposed development have been considered in light of the relevant development plan policies. The assessment set out in the body of this report above considers the key material considerations relating to the principle of the proposed development, local character and amenity, highways and transport impacts, heritage assets, trees and landscaping, biodiversity and green infrastructure, flooding and drainage, contaminated land, and sustainable design and climate change. In summary, the proposed development is considered to be acceptable in regards to all of these considerations subject to the imposition of various conditions on any planning permission granted in order to secure the implementation of appropriate mitigation.
- 12.4 It is concluded that the proposed development generally and taken overall accords with the relevant development plan policies. It is therefore considered that there are material planning considerations which justify the grant of planning permission. Accordingly, subject to referral to the Mayor of London, **APPROVAL** is recommended subject to conditions as set out in Appendix A of this report.

## SITE LOCATION PLAN

