

	<h2>Assets Regeneration and Growth Committee</h2> <h3>12 March 2018</h3>
<p style="text-align: right;"><b>Title</b></p>	<p><b>Brent Cross Cricklewood Update Report</b></p>
<p style="text-align: right;"><b>Report of</b></p>	<p>Councillor Daniel Thomas</p>
<p style="text-align: right;"><b>Wards</b></p>	<p>Childs Hill, Golders Green and West Hendon</p>
<p style="text-align: right;"><b>Status</b></p>	<p>Public with accompanying exempt report</p>
<p style="text-align: right;"><b>Urgent</b></p>	<p>No</p>
<p style="text-align: right;"><b>Key</b></p>	<p>Yes</p>
<p style="text-align: right;"><b>Enclosures</b></p>	<p>None</p>
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<b>Summary</b>
<p>This report provides a progress update since the last Committee on 27 November 2017 on key areas of activity and progress across the Brent Cross Cricklewood (BXC) programme. In particular it notes that the CPO1 and CPO2 Orders have been confirmed by the Secretary of State. On Brent Cross North (BXN) it notes the progress made on contractor selection as well as providing an update on the delivery programme. It also notes that the reserved matters application for residential development within Brent Cross South (BXS) has been approved by Planning Committee. The report also provides a progress update on Thameslink, advising that the Planning Committee has approved the application for the Rail Freight Facility and also recommends that the Council procure Network Rail to deliver the station subject to negotiating the detailed Implementation Agreement that will be reported to the Committee in September 2018.</p>

<b>Recommendations</b>
<p><b>That the Committee:</b></p> <ol style="list-style-type: none"> <li>1) <b>Note the content of this report and progress made on the BXC workstreams across the programme as set out in paragraph 1.1;</b></li> </ol>

- 2) **Note that the CPO1 and CPO2 Orders were confirmed by the Secretary of State on 7 December 2017;**
- 3) **Approve in principle that the Council procure Network Rail to deliver the Brent Cross West Station and Sidings and delegate authority to the Deputy Chief Executive to finalise and agree the detailed Implementation Agreement for approval by the Committee in September 2018.**

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

1.1 This report provides a progress update on the comprehensive regeneration of the Brent Cross Cricklewood area since the last Committee meeting on 27 November 2017 and seeks the required approvals to ensure that the project momentum is maintained. The Committee is asked to note:

- The content of this report and progress made on the BXC workstreams across the programme.
- That the CPO1 and CPO2 Orders were confirmed by the Secretary of State on 7 December 2017 and that a claim has been made challenging the validity of both Orders by the owners of land that falls with CPO2. The hearing date for the claim has been set for 5 July 2018.
- The BXN Partners (“HSL”) have now completed the seasonal works to clear invasive species and vegetation (including trees) that commenced last November ahead of the early works utility diversions. These early works will now start in June 2018 with the main shopping centre and infrastructure contract works commencing January 2019 as explained in paragraphs 1.2-1.8 of this report.
- The first reserved matters application for Brent Cross South for 110 replacement homes for the residents of Whitefield Estate (Part 2) and a further 182 residential units was unanimously approved by the Planning Committee on 21 February 2018.
- Officers are continuing to explore options for reinvesting the Council Land Value in BXS to secure a revenue stream as authorised by the Committee on 24 July 2017. An update is provided in paragraph 1.9.
- That the CPO3 decision in respect of the new Thameslink Station continues to be anticipated in Spring 2018.
- That following the Committee approval of the Thameslink Procurement Strategy on 24 April 2017 and noting the progress update to the Committee on 27 November 2017, the Chief Executive, in consultation with the Chairman of the Committee approved the procurement strategy for the waste facility under delegated powers on 18 January 2018.
- This report also details the procurement strategy to deliver the Station and Sidings through Network Rail for approval in principle and seeks approval for

the Deputy Chief Executive to negotiate the detailed Implementation Agreement ahead of approval by the Committee in September 2018.

- That early works in relation to the Thameslink station and sidings project, to include removal/treatment of vegetation and invasive species, are due to commence on 18 April 2018. These works are being procured through Network Rail using their framework contractor Murphys (paragraphs 1.26-1.27).
- That officers are preparing the delegated powers report and supporting information to enable the Chief Executive to appropriate the Council-owned land with the first phases for planning purposes subject to complying with the statutory procedures for such appropriation and obtaining any necessary consents (paragraphs 1.37-1.40).

## **Project Update**

### **Brent Cross North**

- 1.2 Following the approval of the reserved matters application (RMA) for Phase 1B (North) for the detailed design of the shopping centre on the 25 October 2017, the BXN Partners are continuing to finalise the contractual details for the third party investment as well as progressing the leasing strategy and obtaining necessary planning and highway approvals to ensure a start on site later this year. The planning approvals include the necessary consents to undertake the early enabling works and utility diversions, which are now anticipated to start on site in June 2018.
- 1.3 The BXN Partners have submitted the approval in principle infrastructure designs for approval by the Highways Authorities (LBB, TfL and Highways England) and are continuing to negotiate the required Infrastructure Agreements to undertake the necessary works to the public highway and ensure the delivery of the significant road infrastructure improvements. It is anticipated that the technical approvals will be signed off by LBB Highways under delegated powers by mid March.
- 1.4 As reported to the Committee in November, the BXN Partners have reached an in principle agreement for L&Q to deliver the CPO1 replacement homes for the Whitefield Estate on Plots 53 and 54 of the development. The BXN Partners are in the process of finalising the contractual arrangements. Consultation with the residents within the regeneration area has been ongoing as set out in the Consultation section of this report.
- 1.5 In relation to the programme, following the approval of detailed planning consent, the main construction works for the Brent Cross London development (Phase 1A Infrastructure and the Phase 1B Shopping Centre works) were due to commence in July 2018 with the target completion date being September 2022. However due to the delay in receiving the CPO decision (17 months from closure of the Inquiry), these works have now been delayed to January 2019.

- 1.6 The BXN partners have appointed the contractor Murphys to undertake the early works and utility diversions before the main construction works begin on site. The Council's Planning and Highways teams are working to ensure that appropriate communications plans are in place to inform the public and to minimise the impact on surrounding local roads. Laing O'Rourke has been selected as the preferred contractor for Phase 1B works and contracts are being negotiated to enable mobilisation in September 2018 for the January 2019 start. The Phase 1 Infrastructure contract is currently in the final tender stages, with selection due by the end of March.
- 1.7 To enable these works to take place, a package of seasonal works, comprising the removal of trees, vegetation and invasive non-native plants including Japanese Knotweed and Giant Hogweed was undertaken throughout November - February 2018.
- 1.8 The target completion date for the shopping centre is now March 2023.

### **Brent Cross South**

- 1.9 Following the Committee's approval of the final revised BXS Business Plan on 24 July 2017, approval of the BXS JVLP First Phase Proposal (FFP) and determination by the Chief Executive that the best value consideration test for disposing of Council land has been met, Senior Officers are continuing to explore the options on how to invest the Council's Land Value (totalling £10.5m) to secure a long term revenue stream within BXS. Senior Officers and the Council's advisors, GL Hearn are in discussions with Argent Related on investment options in relation to an equity investment within the BXS Build to Rent asset product, as this presents the greatest alignment with Argent Related's interests and seems to present the greatest opportunity for enhanced financial performance over the life of BXS. Negotiations are continuing and, as reported to the last Committee a firm proposal will be reported to the Committee later this year for decision.
- 1.10 The reserved matters application for Phase 1B (South) for the first buildings on Plot 12 within Brent Cross South, which includes 110 replacement homes for the residents of Whitefield Estate (Part 2) along with 182 market sale units, was unanimously approved by the Planning Committee on 21 February 2018. Plot 12 will be located to the north of Claremont Park and will include housing, office, flexible retail space, a café and a publicly accessible pocket park.

### **Brent Cross West Thameslink Station**

- 1.11 The Council is continuing to work with its public sector partners GLA, HM Treasury, Ministry of Housing, Communities and Local Government (MHCLG) and the Department for Transport as well as Network Rail to deliver the new Brent Cross West Thameslink Station and associated infrastructure within the regeneration area.
- 1.12 In order to meet the Brent Cross West Station delivery timetable as explained in previous reports, the Council has entered into Development Service

Agreements with Network Rail to progress the GRIP4 design development and allow intrusive ground investigation works to inform the detailed planning applications and engineering approval in principle designs (AIP). Once completed this will enable a design freeze and provide cost certainty, mitigating the risk of any redesign as well as informing the GRIP5 (Detailed Design) process.

- 1.13 The Network Rail (NR) GRIP4 Stage Gate review was successfully undertaken on 23 February. Formal confirmation in writing was received from Network Rail on 28 February 2018, confirming the achievement of the GRIP 4 milestone.
- 1.14 The new station AIP design has been submitted to Network Rail under the Asset Protection Agreement (APA) and Design Review Notice (DRN) comments have been issued to the Council and are currently being agreed.
- 1.15 Having achieved the GRIP 4 milestone, the Brent Cross West delivery team and Network Rail are working through the construction and logistics detailed programmes to enable commencement of detailed design (GRIP 5). Carillion have been supporting Network Rail to date and continued to do so following Carillion's liquidation. On 22 February 2018, Amey Plc acquired a number of key Network Rail contracts that were previously run by Carillion, including the NR Framework that is being used to procure Brent Cross West Rail Systems and Sidings. Network Rail will be providing formal notification to the Council shortly, confirming any potential impacts to the programme. It is anticipated that there will be a short transition period after which Amey Rail Ltd will continue to provide the services that Carillion have provided to date.
- 1.16 This early construction and logistics work will enable GRIP 5 Detailed Design to commence in summer 2018 as planned. The GRIP 5 design activity will progressively complete Approved for Construction (AFC) drawings so that construction works can commence in September 2018.
- 1.17 The new station design is progressing along the chosen option of 4 platforms, with a single bridge serving the purpose of a public right of way footbridge, as well as access to the new platforms.
- 1.18 The proposed station form consists of the following components:
  - Western entrance building located in the existing cinema car park on Geron Way which includes vertical circulation to the station footbridge
  - Eastern entrance building which will be delivered by the Brent Cross South development
  - A footbridge across the railway lines from the western entrance building to the eastern entrance building which is a 24 hour public right of way
  - Station concourse which is at footbridge level above the railway lines and which is accessed by the footbridge
  - Two island platforms with two platforms faces each, one servicing the up and down slow lines and one servicing the up and down fast lines

- 1.19 The planning application for the Rail Freight Facility was approved by the Planning Committee on 8 February 2018 and is now being referred to the Mayor of London.
- 1.20 The planning application for the Waste Transfer Station was registered on 2 November 2017 and the public consultation ended on 1 December 2017. The application is currently being considered by the Local Planning Authority for determination.
- 1.21 It is anticipated that a reserved matters application for the station will follow in July this year along with details of the relocated sidings.
- 1.22 As explained in section 5.7 of this report, public consultations and stakeholder sessions as well as meetings with local residents have been carried out to support the Waste and Freight Facility planning applications.

### **Network Change**

- 1.23 As previously reported to the Committee, Network Rail are taking the lead as the project sponsor for the regulatory processes that must be followed when a material change is proposed to the operation of the rail network, such as providing the Thameslink Station and Stabling/Sidings. This process is referred to as 'Network Change'.
- 1.24 The Network Rail Sponsor issued the draft part 2, the 'Notice of Intended Scope' to the railway stakeholders. Final responses from the main stakeholders were received by Network Rail on 26 January 2018 and are currently being considered. The formal notice will be issued in March 2018 with the formal approval expected by 1 June 2018.

### **Procurement and Delivery**

- 1.25 As previously reported, the Thameslink Works programme is divided into a number of different work packages. Following the Committee approval in respect of the Station Works Procurement Strategy on 24 April 2017, the Council has undertaken a detailed review of the proposed options.

### Station and Sidings Early Works

- 1.26 The early works will focus on the sidings area and includes the removal of construction spoil as well as removal/treatment of vegetation and invasive species, construction of a temporary haulage road and site clearance and remediation. The Committee delegated authority to the Deputy Chief Executive in consultation with the Chairman of the Committee to agree and take all necessary steps to enter into Implementation Agreements with Network Rail for early works and to authorise commencement of these early works on 27 November 2017, subject to progress on the BXC programme as a whole.
- 1.27 As reported to the Committee in November, the early works are being procured through Network Rail's procurement framework. Network Rail has engaged the

contractor Murphys to undertake these works following the liquidation of Carillion. Murphys are currently undertaking site surveys and investigation works to enable works to commence in mid-April. Officers are currently negotiating the required Implementation Agreement for these works with Network Rail, which will need to be entered into by the end of March in order to meet the early works programme. A further agreement may be required in June to place orders for early materials to support the construction of the Station and Sidings Main Works.

#### Station and Sidings Main Works Rail Systems and Station

- 1.28 With respect to the delivery of the rail system elements including the station and sidings (packages A and B), the Council and its advisors have assessed whether to 1) employ Network Rail (via an Implementation Agreement) to manage and deliver the works, or 2) determine the current relationship with Network Rail and for LBB to contract and manage the works directly with an experienced rail contractor(s).
- 1.29 As previously reported to the Committee, officers consider that there is a commercial, programme, risk and safety case to support Network Rail being the delivery agent for the rail related station and sidings works. This is however subject to agreeing the detail of the Implementation Agreement for these works. The Committee is asked to approve in principle that the Council procure Network Rail to deliver the Brent Cross West Station and Sidings and delegate authority to the Deputy Chief Executive to finalise and agree the detailed Implementation Agreement for approval by the Committee in September 2018.

#### Waste Transfer Station

- 1.30 As the Committee is aware, the Council and its advisors have also been working closely with the NWLA and London Energy Limited to agree the planning application for the scheme and contractual arrangements to enable the relocation of the Hendon Waste Transfer Station. As noted above, the planning application for the Waste Transfer Station has been submitted to the Local Planning Authority. The Council now needs to develop the detailed design and procure the contractor to enable a start on site in July 2018. The Procurement Strategy to engage Grahams to construct the new facility through the existing Council procurement framework was approved by the Chief Executive in consultation with the Chairman of the Committee on 18 January 2018. As previously reported to the Committee, early contractor engagement through RIBA 4 stage design is essential to de-risk design changes through the build process. The Council will continue to engage closely with NLWA throughout the design process and contractor selection to ensure that the new facility meets NLWA requirements as well as fulfilling the Council obligations to deliver the new facility as required through the legal documentation. Work on site is expected to commence in Summer 2018.

#### Rail Freight Facility

- 1.31 In relation to the Rail Freight Facility (package D) DB Cargo are obligated to deliver the facility by 30 June under the terms of the Settlement Agreement.

The Council are monitoring progress in case it is necessary to step in as a result of non- performance.

### **BXC Assurance Review**

- 1.32 As noted at the last meeting, the Council, along with its public sector partners commissioned an Assurance Review led by HM Government Infrastructure & Projects Authority (IPA). The review took place 27-30 November. The IPA reports are not public documents, but it is anticipated that the report will be shared with the Audit Committee as a confidential item. An action plan has been prepared to respond to the recommendations and is being progressed.

### **BXC Land Assembly**

#### **CPO1 AND CPO2**

- 1.33 The Secretary of State confirmed both CPO1 and CPO2 Orders on 7 December 2017. The required Confirmation Notices pursuant to Section 15 of the Acquisition of Land Act 1981 in respect of the Orders were published on 4 January 2018.
- 1.34 This commenced the relevant period for which third parties could submit a challenge to the decision. This period expired on 15 February 2018. On 13 February 2018, a claim was received challenging the validity of both Orders by the owners of land that falls with CPO2. The hearing date for the claim has been set for 5 July 2018. The Council is currently obtaining legal advice and further updates will be provided in due course.

#### **CPO3**

- 1.35 The making of a compulsory purchase order to assemble the land and new rights required to develop the Thameslink station and the Station District that forms part of Brent Cross South was approved by the Committee on 5 September 2016 (known as CPO3). CPO3 was subsequently made on 7 September 2016 and the Inquiry held 5 - 13 September 2017. A decision from the Secretary of State on CPO3 continues to be anticipated in Spring 2018.

### **Land acquisitions under the Brent Cross Property Development Agreement and Co-operation Agreement**

- 1.36 At the last meeting on 27 November 2018 the Committee delegated authority to the Deputy Chief Executive, in consultation with the Chairman of the Committee, to exercise the Council's call options under the PDA and Co-Operation Agreement with the BXN Partners to acquire the sites to facilitate the BXS and Thameslink Station projects. As the Secretary of State has now confirmed both CPO Orders, the necessary enquires are now being undertaken for these call options to be exercised in March.

### **Land Appropriation**



- 1.37 As previously reported to the Committee, the Council needs to dispose of land within its freehold ownership to the developers in order to deliver the regeneration of the Brent Cross Cricklewood area. Parts of the Council's land are subject to third party rights which could prevent the intended development and use of the land. The Council will, in conjunction with the CPO process, need to consider appropriating those parcels of land that have historically been held for other purposes to planning purposes prior to the commencement of development. Once they are duly appropriated to planning purposes under s 122(1) of the Local Government Act 1972, section 203 of the Housing and Planning Act 2016 will operate to extinguish any private rights or covenants that might otherwise impede the implementation of the consented development. Compensation may become payable to those whose rights are so extinguished or otherwise affected.
- 1.38 In order to appropriate the land to planning purposes to enable section 203 to take effect, the Chief Executive will need to be satisfied that the Council could have compulsorily acquired the land under section 226 of the Town and Country Planning Act 1990 and therefore that appropriating the land for planning purposes will contribute to the achievement of the environmental, social and economic well-being of the area.
- 1.39 Consequently on 12 December 2016, the Committee delegated authority to the Chief Executive to consider whether to appropriate to planning purposes Council-owned land within the red line planning application boundary for the scheme which is held by the Council for other purposes and, if considered appropriate to do so, to effect the appropriation of such land to planning purposes subject to complying with the statutory procedures for such appropriation and obtaining any necessary consents. Any decisions to appropriate particular parcels of land will be the subject of a delegated powers report at the relevant time identifying the land in question and evidencing compliance with the statutory requirements. It will also be necessary to obtain the Secretary of State's consent to the appropriation of certain categories of land (for example where land consists of a house or part of a house Secretary of State's consent will be required pursuant to Section 19(2) of the Housing Act 1985).
- 1.40 The Council has undertaken the necessary consultation and statutory advertisements for the appropriation of any open space. The required notices for open space have been placed and no responses received. Now that the CPO1 and CPO2 Orders have been confirmed, the Council is preparing a full Delegated Powers Report explaining the reasoning for appropriating the land, evidencing that all the legal requirements as they apply to the various different types of land have been complied with.

#### **Ground 10A – Whitefield Estate**

- 1.41 In order to meet the programme dates, the Council will be issuing the Schedule II Ground 10A Housing Act 1985 Notices in May 2018 to ensure that it can gain vacant possession of occupied council properties in a timely manner and that residents are kept fully informed throughout this whole process.

## **2. REASONS FOR RECOMMENDATIONS**

- 2.1 The comprehensive regeneration of Brent Cross Cricklewood is a long-standing objective of the Council and a key regeneration priority of the Mayor of London. The details of the scheme are set out in previous update reports to this Committee.

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

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

## **4. POST DECISION IMPLEMENTATION**

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

## **5. IMPLICATIONS OF DECISION**

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

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

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

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

- 5.2.1 The current approvals for land acquisition are £118m with £37.2m available at the start of 2017/18 and a further addition of £59.2m as agreed at September P&R, which covers Brent Cross North, South and some of the Thameslink development. The current available scheme budget at Qtr 3 2017/18 is £96.4m.

#### **Brent Cross North**

- 5.2.2 The Brent Cross Principal Development Agreement confirms that the Brent Cross North Partners (HSL) are obliged to pay the Council's (and their consultants) costs in connection with this project – this covers a range of costs, including land acquisitions, fees, highways works.

- 5.2.3 In relation to CPO 1, there are two main elements of costs associated with any potential CPO process – the costs of preparing and promoting the CPO itself, and the compensation and consideration to be paid to those whose land and interests are acquired. In terms of the costs for resourcing the private treaty acquisitions, this has and continues to require input from internal and external resources covering various disciplines, including senior officers, legal input, surveying and valuation expertise. In respect of these acquisitions which fall in the northern part of the scheme, HSL will meet all of these costs through the

CPO Indemnity Agreement (CPOIA).

- 5.2.4 The Council's 2017/18 revenue budget estimate for recoverable costs from the Brent Cross North elements totals £2.7m.

### **Brent Cross South and Thameslink**

- 5.2.5 In relation to the land required to deliver the BXS first phase south side development, there is approved capital funding (see 5.2.1). This funding will be later recouped from the anticipated capital receipts of the south side scheme.
- 5.2.6 The BXS Project Agreement provides the framework for agreeing the Council's land value, and in this regard CBRE has undertaken the necessary valuation work in respect of the signing off the inputs and assumptions to the financial model in respect of the BXS Phase Proposal.
- 5.2.7 BXS Project Agreement and corporate documentation between Argent Related and the Council, which deals with the delivery of the redevelopment and regeneration of the land to the south of the North Circular is now completed. A CPO Indemnity Agreement for CPO2 and CPO3, under which Argent Related provide the Council with an indemnity in respect of the costs of promoting the CPO and the compensation payable to third parties in respect of whose land and interests within CPO2 and CPO respectively has been completed.
- 5.2.8 The current total approved Capital Budget for Thameslink is £70.55m. This includes £24.7m and £29.2m as approved by Policy and Resources Committee in June & September 2017 respectively, leaving £62.5m available budget as at Qtr 2 2017/18. The delivery of the Thameslink works, including land acquisitions, will be funded initially from the existing Council capital budgets, further borrowing and also £97m DCLG grant funding, which is specifically for Thameslink. The DCLG Grant Agreement and GLA Funding Letter (agreeing to the ring-fencing of business rates) have now been signed and the first DCLG grant payment of £6m has now been received. The claim for 2017/18 will be submitted to DCLG for payment shortly.
- 5.2.9 In terms of the costs of pursuing the CPO, this has required input from internal and external resource covering various disciplines, including senior officers, legal input, surveying and valuation expertise, planning input, input from the preferred developer when selected, technical input from engineers and consultants, and the cost of witnesses at the public inquiry. There has also been costs associated with the organisation and holding of the public inquiry. This is being met by the existing Thameslink Station and land acquisitions budget. Ultimately, the CPO3 acquisition costs will be funded from either JVLP, if appropriate, or the £97m grant referred to above.

### **5.3 Social Value**

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

## 5.4 Legal and Constitutional References

- 5.4.1 The Council's Constitution, Article 7.5 Responsibility for Functions, states the functions of the Assets, Regeneration and Growth Committee, includes responsibility for regeneration schemes and asset management.
- 5.4.2 The Council's Constitution- Article 9.1 allows the Council to engage such staff to carry out its functions and permits the Council to delegate authority to the Chief Executive and Chief Officers to exercise delegated powers in respect of all matters which are not key decisions and/or reserved for decision by the Council or by a Committee of the Council.
- 5.4.3 Council, Constitution, Article 10 Table A states that the Assets Regeneration and Growth Committee is responsible for authorising all disposal and acquisition of land for over £500k.
- 5.4.4 The Council has a range of powers to enter into the legal agreements envisaged by this report, including the general power of competence under Section 1 of Chapter 1 of the Localism Act 2011 to do anything that individuals can do subject to any specific restrictions contained in legislation and Section 111 of the Local Government Act 1972 which provides that a local authority has power to do anything which is calculated to facilitate, or is conducive or is incidental to, the discharge of its functions.
- 5.4.5 Additionally, the Council has the power to acquire and dispose of land in accordance with Sections 120 to 123(2A) of the Local Government Act 1972, subject to obtaining all appropriate consents and approvals.
- 5.4.6 Where land is being and has been appropriated for planning purposes, any disposal of land appropriated for such purposes is effected in reliance on Section 233 of the Town and Country Planning Act 1990. On any disposal of property the Council is required to observe the requirements of s123(2) of the LGA 1972 and Section 233 Town and Country Planning Act 1990 to ensure that any disposal is not for a consideration less than the best that can reasonably be obtained (s 233(2) and that any disposal has been made in accordance with the requirements of s 233(2) and (4) as applicable. Any land held for the purposes of part 2 of the Housing Act 1985 can be disposed of under section 32 of that Act either in reliance on a general or express consent of the consent of the Secretary of State.
- 5.4.7 Procurement of public works and services contracts over the relevant value thresholds must observe the requirements of the Public Contracts Regulations 2015, to include the placing of OJEU notices and a compliant competitive procurement process where such contracts are not drawn down from a compliant framework. The Public Services (Social Value) Act 2012 requires the Council to consider before the procurement commences whether it can achieve an improvement to the economic, social and environmental well-being of an area as part of the procurement of above threshold contracts for

services or contracts for the provision of services together with the purchase or hire of goods or the carrying out of works. If so, the social value objectives identified must be written into the procurement process. All of this must be achieved with regard to value for money and in a way that is compliant with existing public procurement law. "Social value" objectives can include the creation of employment, apprenticeship and training opportunities for local people, trading opportunities for local businesses and the third sector; and the promotion of equality and diversity through contract delivery. The Council's external solicitors, Gowling WLG, are advising the Council on compliance with public procurement rules.

## **5.5 Risk Management**

5.5.1 The key risks and mitigations are summarised in the previous Committee reports. An updated risk register will be presented to the next Committee.

## **5.6 Equalities and Diversity**

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

5.6.2 The development proposals for the Brent Cross Cricklewood scheme will make a significant contribution to the provision of additional, high quality affordable housing units in the Borough as well as providing employment through the creation of a new town centre with leisure, health and educational facilities. The delivery of the Thameslink Station will enhance public transport provision and improve accessibility and provide greater choice for all. It should be emphasised that a fully integrated and accessible town centre will be created as part of these proposals.

## **5.7 Consultation and Engagement**

### **Programme wide**

5.7.1 The Council's overarching communications strategy for Brent Cross Cricklewood, is in development to ensure that opportunities to promote the regeneration and engage with residents and other stakeholders are optimised. It aims to promote the benefits of the regeneration programme; ensure a cohesive approach to meet statutory consultation requirements; and develop an effective cross partner approach for transport communications.

5.7.2 The strategy also identifies the resources and materials required to provide consistent and accurate information, including the development of online channels to tell a joined up story and share real-time information; and sets out the project communications protocols that have been agreed by all development partners which will govern communication practice.

5.7.3 The Council continues to work closely with development partners from the north and the south side to develop and implement the strategy and stakeholder

engagement approach across the whole programme.

- 5.7.4 The joint partner communications meetings continue to be held, attended by the Council, Brent Cross North Development Partners Hammerson and Standard Life Investments and their communications agency Camargue; Argent Related as well as TfL and Highways England. As the programme begins to move towards delivery phase, consideration is focused on a communications action plan taking account of key audiences.
- 5.7.5 Through the IPMO, a programme wide communications, engagement and consultation forward plan looks ahead 3 – 6 months to all planned and upcoming communications and engagement activities across the whole programme to enable better coordination and joined up working. A key objective is to be cohesive when communicating with the same groups of residents and businesses on different issues to minimise confusion and to help residents understand the collective benefits.
- 5.7.6 The Communications Group has facilitated the recent cross promotion of the BXC regeneration programme through local, national and trade media and issuing factual reactive statements to journalist's queries.
- 5.7.7 TfL leads the Transport Liaison Technical Group – a sub-group of the Transport Advisory Group (TAG) – on a fortnightly basis. This is shaping the programme of highways works required for BXN and brings all the affected highways agencies and developers together. This work will inform HSL's mitigation strategy to deal with the programme of works including a transport and communications action plan. TfL has produced an overarching transport communications strategy to set out first principles of joined up working between all development partners.
- 5.7.8 The BXN Partners issued a press notice on the Secretary of State's decision on CPO 1 and CPO2 in December. Residents of the Whitefield Estate also received bespoke communications setting out what the decision means for them.
- 5.7.9 LBB's in-house magazine Barnet First included a two page feature on the benefits of the BXC regeneration programme and progress to date.

### **Brent Cross North**

- 5.7.10 The BXN Partners are due to meet with Whitefield Estate Resident steering group on 6th March.

### **Brent Cross South**

- 5.7.11 A community bulb planting day took place in December to encourage the community to get involved in shaping their future area.
- 5.7.12 Argent Related held an exhibition on the revised designs for the new homes for

the Whitefield Residents in Plot 12 on 24th and 27th January 2018. This exhibition followed a series of design workshops for residents which provided them with an opportunity to record their aspirations and priorities for the design of their new homes and the surrounding areas. The Reserved Matters Application for Plot 12 was approved by the Planning Committee on 21 February 2018.

- 5.7.13 The Council served CPO1 and CPO2 Notices on the affected interests on the 4th January, and these notices were published in the local papers on the day of serving. The Council organised CPO1 and CPO2 surgeries for the Whitefield Estate residents throughout February. Representatives from the Council, GL Hearn, L&Q and PEP have attended these surgeries to respond to queries about the relocation options and CPO process.

### **Thameslink**

- 5.7.14 Statutory public consultations were undertaken when the Rail Freight Facility and Waste Transfer Station planning applications were submitted to the Local Planning Authority for consideration. These generated a large number of responses via the LBB planning portal.

- 5.7.15 A series of in-depth meetings on the Rail Freight Facility took place with representatives of the Railway Cottages Association and were chaired by local ward councillor. An additional technical meeting which was held with noise and air quality specialists and Barnet Council's environmental health team. Residents raised a number of concerns and queries which have informed the mitigation measures and also amendments to the proposed design.

- 5.7.16 The views expressed at these meetings and the continued dialogue with key stakeholders led to the submission of additional and revised information to the LPA. All those who had previously submitted comments were notified and although this information did not materially alter the proposed development, the statutory consultation period was extended by a further three weeks.

- 5.7.17 A public event was held in January as requested by the leaders of Barnet and Brent Council. This incorporated a comprehensive exhibition on the whole Thameslink programme, including the waste transfer station, rail freight facility and new Brent Cross West station proposals. All staff responsible for the projects were on hand to answer questions. The event was widely publicised on Barnet Council's website, via social media channels and through local media. Key stakeholders received direct invites including residents' groups, ward councillors from Barnet and Brent and GLA members.

## **6 BACKGROUND PAPERS**

- 6.1 Assets, Regeneration and Growth Committee, 17 March 2016, item 14, Brent Cross Cricklewood Compulsory Purchase Order (No.3), <https://barnettranet.moderngov.co.uk/ieListDocuments.aspx?CId=696&MId=8312&Ver=4>

- 6.2 Assets, Regeneration and Growth Committee, 17 March 2016, item 16, Brent Cross Cricklewood  
<https://barnet.intranet.moderngov.co.uk/ieListDocuments.aspx?CId=696&MId=8312&Ver=4>
- 6.2 Assets, Regeneration and Growth Committee, 24 April 2017, Brent Cross Cricklewood Update Report  
<https://barnet.intranet.moderngov.co.uk/ieListDocuments.aspx?CId=696&MId=8641&Ver=4>
- 6.3 Assets, Regeneration and Growth Committee, 24<sup>July</sup> 2017, Brent Cross Cricklewood Update  
<https://barnet.intranet.moderngov.co.uk/ieListDocuments.aspx?CId=696&MId=9337&Ver=4>
- 6.4 Assets, Regeneration and Growth Committee, 4 September 2017, Brent Cross Cricklewood update report,  
<https://barnet.intranet.moderngov.co.uk/ieListDocuments.aspx?CId=696&MId=9080&Ver=4>
- 6.5 Assets, Regeneration and Growth Committee, 27<sup>th</sup> November 2017, Brent Cross Cricklewood Update Report,  
<https://barnet.intranet.moderngov.co.uk/ieListDocuments.aspx?CId=696&MId=9435&Ver=4>