

	<p>ACTION TAKEN UNDER DELEGATED POWERS BY OFFICER 20 November 2014</p>
Title	<p>Brent Cross Cricklewood Regeneration: Thameslink Station Design</p>
Report of	<p>Cath Shaw, Enterprise and Regeneration Lead Commissioner</p>
Wards	<p>Childs Hill, Golders Green and West Hendon</p>
Status	<p>Public</p>
Enclosures	<p>None</p>
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<h3>Summary</h3>
<p>To authorise completion of the Design Services Agreement between the Council and Network Rail so that the Council continue the design and development work to develop the business case and funding strategy for delivery of the Thameslink Station.</p>

<h3>Decisions</h3>
<p>1. To authorise completion of the Design Services Agreement with Network Rail to continue the detailed design and development of the new Thameslink Station.</p>

1. WHY THIS REPORT IS NEEDED

1.1 This report is needed to authorise the completion of the Design Services Agreement between the Council and Network Rail to continue the detailed design and development of the Thameslink Station and development of the business case and funding strategy in accordance with the approved recommendations of the Cabinet Resources Committee on 16 January 2014.

1.2 On 16 January 2014, Cabinet Resources Committee:

- f) approved that the Council continue the design and development work to develop the business case and funding strategy for delivery of the Thameslink Station, subject to approval of the capital funding bid by Cabinet on 25 February 2014;
- g) delegated authority to the Strategic Director for Growth and Environment to procure the necessary advice and consultants to progress the Brent Cross project workstreams and deal with the related contractual issues and arrangements.

2. REASONS FOR DECISIONS

- 2.1 Brent Cross Station is a proposed new station on the Midland Main Line between Cricklewood and Hendon Stations to serve the Brent Cross Development. The station would be served by Thameslink Services with a proposed peak frequency of 8 trains per hour.
- 2.2 It forms an integral part of the Brent Cross Cricklewood proposals, which comprises the expansion of Brent Cross Shopping Centre located to the north of the A406 North Circular road and the new residential and commercial development located to the south of the North Circular road, and alongside on the Midland mainline and Cricklewood railway lands.
- 2.3 The station is currently delivered in the end phases of the scheme, towards the end of the development programme, in the 2010 planning consent and the subsequent section 73 permission dated 22 July 2014.
- 2.4 As reported to the Cabinet Resources Committee on x April 2013 and 16 January 2014, the Thameslink Station is important to the success of the Brent Cross Cricklewood regeneration scheme in both place-making as well as viability terms.
- 2.5 Bringing the station forward in the delivery programme to 2020/21 will increase the attractiveness of Brent Cross Cricklewood area as a place to live, shop and work and thereby improve the viability of Brent Cross Cricklewood South. It will enable the Council and its partners to benefit from the uplift in values to create a viable scheme that delivers the comprehensive regeneration of the area. Early delivery will also increase the pace of delivery of new homes. Residential development could begin concurrently in two locations on land around the station as well as adjacent to the landing of the living bridge and the overall scheme being delivered in 21 years rather than 25.
- 2.6 The early delivery of the Thameslink Station can only be achieved through the support of all key stakeholders, including HM Government, DCLG, DfT, the Greater London Authority, Transport For London and Network Rail alongside the Development Partners. There is considerable support amongst all

stakeholders, particularly the GLA as part of the growth agenda, to deliver the station early to help lift land values and ensure the delivery of 7,500 new homes and creation of circa 25,000 jobs.

- 2.7 As a result, the Cabinet Resources Committee on 14 January 2014 approved funding to continue the station development work needed to develop a funding package to deliver the station.
- 2.8 The existing station proposals were developed in 2009/10 and now need to be reviewed to ensure that a preferred scheme meets minimum current requirements and to demonstrate that it provides value for money, is affordable and can support a business case.
- 2.9 The Council therefore without any constraint to existing proposals requires the scheme to be developed to the completion of GRIP stage 3 Option Selection to identify a single option to take forward. The preferred design shall be principally developed to meet the Councils requirements for a new station to serve the development plus other stakeholders essential requirements needed to deliver the scheme.
- 2.10 The Council wishes to appoint Network Rail to undertake this work on a collaborative basis with Regional Enterprise / Capita Property and Infrastructure rail specialist team.
- 2.11 Network Rail Investment Projects Midland will be responsible for overall development of the single option in collaboration with Re/Capita P&I. Specifically;
 - Train operational planning and timetabling including train capacity analysis.
 - Undertaking all GRIP activities needed to meet GRIP 3 sign off (except where undertaken by Capita P&I)
 - Network Rail internal stakeholder consultation and consultation with Rail Industry representatives
 - Co-ordination of the overall feasibility design
 - Feasibility design for track, signalling and telecoms
 - Site/asset surveys to confirm condition of all existing assets affected by the works
 - Preparation of project cost estimates for each feasibility option, and a final GRIP stage 3 estimate for the preferred option
 - Network Rail risk register (to be co-ordinated with overall project register)
 - Preparation of GRIP 3 documentation inc production of the Option Selection Report (except where undertaken by Capita P&I)
 - Production/Verification of a delivery program for Dec 2020 opening. This should provide for completion of the detailed design prior to commencement of construction.
 - Leading Value Management Workshops

- Provision of technical requirements to Capita P&I for LBB proposed structures over the Midland Main Line including facilitating visual surveys as part of the overall project asset surveys. Provision of existing/proposed asset information needed for Capita P&I to undertake their design.

2.12 For reference the Council and its existing advisers will undertake the following activities in conjunction with Network Rail and their framework contractor/designer to develop proposals which meet the client objectives:

- Stakeholder management (in collaboration with Network Rail)
- Management of the overall project risk register
- Station demand forecasting and project business case
- Contracting Strategy
- The production of GRIP documentation for the scheme including the Client Requirements Document and Route Requirements Document, stakeholder management plan, and all environmental, land and consents documentation.
- Undertaking the ecological walkover survey
- Review of existing data and desktop study/Ground investigation requirements
- Feasibility design for the principal structures (Over bridges for station and highways), station layout and station interchange
- Project assurance for the Council.

2.13 The programme is as follows:

- Dec 2014 Train Planning to support the business case
- Jan 2015 Development of revised option cost estimates to support identification of a preferred scheme and revised business case
- May 2015 Pre planning/Identification of costs for taking forward the next stage of work to the completion of GRIP 4
- July 2015 Completion of GRIP 3 (Single option selection)

3. ALTERNATIVE OPTIONS CONSIDERED AND REJECTE

3.1 The Council could commission a third party engineering consultancy to undertake this work. However, this design would still require Network Rail approval, and the Council would still be required to enter into a Design Services Agreement to ensure that reimbursement of Network Rail's costs. Consequently, this option was considered to be more expensive and more time-consuming. The direct appointment of Network Rail has been discussed and concurred with the Director for Customer Service & Commercial, which is in accordance with single tender action under the Contract Procedure Rules.

4. POST DECISION IMPLEMENTATION

- 4.1 Once the decision has been approved officers will prepare the relevant documentation to enable the contract to be entered into and work with Network Rail to in line with the programme set out in Section 2

5. IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

- 5.2 The regeneration of Brent Cross Cricklewood supports the Corporate Plan 2013-2016 priority '*To maintain the right environment for a strong diverse local economy*', and the strategic objective under this priority to sustain Barnet by '*promoting growth, development and success across the borough*'.

- 5.3 The Growth Strategy for Barnet recognised that regeneration and growth are vital for ensuring the future prosperity of the Borough and maintaining Barnet as a successful London suburb. The scheme to transform Brent Cross Cricklewood will play a major role in delivering this prosperity, doubling the size of the shopping centre and linking seamlessly to a new town centre for Barnet and North London across the North Circular Road. Brent Cross Cricklewood is one of Barnet's priority regeneration areas, and will provide approximately 7,500 new homes over the next 20 years. It is a key part of the wider revitalisation of the A5 corridor, linking Brent Cross Cricklewood with developments at West Hendon, Colindale and Edgware and improvements to Cricklewood Town Centre, to create a series of high quality modern suburbs. The first phases of the Brent Cross Cricklewood project includes the redevelopment of the shopping centre, creation of major new infrastructure, improved links to the existing tube station, and delivery of around 2,461 new homes over the next 8-10 years. This will create an estimated 3,000 construction jobs, and 4,000 permanent jobs.

- 5.4 As well as meeting the housing and employment needs of residents, growth can play a role in the longer term sustainability of Council services. The first phase of development at Brent Cross Cricklewood is expected to generate approximately an additional 91,500 sqm of net retail and commercial floorspace, equating to a potential business rate growth for the Borough of up to £12.9m per annum. The 2,461 new homes delivered over the next ten years are expected to generate around £21.5m in New Homes Bonus payments and around £3.5m per annum in Council Tax when developed out.

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

- 5.5.1 Network Rail's Costs Estimate £921,100. This estimate is based on the programme detailed in the Development Programme.

- 5.5.2 Under the terms of the agreement, Network Rail will attend monthly project development meetings and provide a monthly cost report to ensure that the contract is monitored correctly and to ensure value for money. Re will maintain a project assurance role to ensure that the project is carried out within the approved budget and within the agreed timescales.
- 5.5.3 The agreement can be terminated with a two month notice period.
- 5.5.4 This work will be funded from the capital reserve. A budget of £4m has been approved to continue the design and development work for the Thameslink station by Cabinet Resources Committee on 16 January 2014 and by Cabinet on the 25 February. This was on the basis that this funding should be recouped by the Council at a later date as it would form part of the overall Station development project cost.

5.6 Legal and Constitutional References

- 5.6.1 The Council's power to enter into various arrangements to progress the redevelopment of the Brent Cross Cricklewood scheme is contained in the general power of competence under Section 1 of Chapter 1 of the Localism Act 2011. Section 1 of the Localism Act 2011 provides local authorities with a broad power to do anything that individuals can do subject to any specific restrictions contained in legislation.
- 5.6.2 The Local Government (Contracts) Act 1997 provides an express general power for local authorities to enter into contracts with third parties.
- 5.6.3 Section 111 of the local Government Act 1972 provides that a local authority has power to do anything which is calculated to facilitate, or is conducive or is incidental to the discharge of its functions.
- 5.6.4 The Council's Constitution, Responsibility for Functions, Annex B states the powers delegated to Officers, including that the Chief Executive has lead responsibility to implement the Council's policies, ensuring that it delivers to its objectives and duties, within budget and according to strategic priorities and statutory requirements.
- 5.6.5 Constitution, Contract Procedure Rules, section 14 sets out the framework for extensions and variations. The Council's Contract Procedure Rules in Appendix 1 c) gives authority to enter into contracts if within budget and in consultation with the Chairman of the relevant thematic Committee for contacts with a contract value that exceeds £172,514. The Chairman of Assets Regeneration Committee has been consulted accordingly.

5.7 Risk Management

- 5.7.1 A risk register has been prepared and will be regularly updated. Key risks

identified are:

- 5.7.2 Failure to secure a funding strategy to bring forward the deliver the Thameslink Station. The train station is essential for securing the delivery of Brent Cross South. The delivery of the station will help drive land values, thereby enabling the regeneration of the Brent Cross Cricklewood area. The Council together with public sector partners (Greater London Authority, Network Rail and Transport For London) are exploring strategies to bring forward the station. This includes continuing design work in respect of the station itself, including a review of the station output, functional specification and technical due diligence work to provide a detailed cost estimate. Funding options and strategy are currently being developed with DCLG, Treasury and the GLA.
- 5.7.3 This risk of cost and time overruns will be actively managed through regular meetings with Network Rail and monthly reporting reports so that the contract can be monitored to ensure value for money and delivered to agreed timescales. Updates will be provided to the Growth, Regeneration and Operations Board and to the Brent Cross Cricklewood Governance Board.

5.8 Equalities and Diversity

- 5.8.1 The 2010 Equality Act which outlines the provisions of the Public Sector Equality Duty (PSED), requires all Local Authorities to pay due regard to the need to:
- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010;
 - Advance equality of opportunity between people from different groups;
 - Foster good relations between people from different groups
- 5.8.2 This places a legal obligation on the Council to pay due regard to equalities in an appropriate and proportionate manner and to take account of how the Council's decisions might impact on different groups across the borough including those identified in equality legislation as protected characteristics, namely: Age, disability, gender, gender reassignment, marriage, civil partnership, pregnancy and maternity, sexual orientation and religion or belief.
- 5.8.3 Equality and diversity issues are a mandatory consideration in the decision-making of the Council. This requires elected Members to satisfy themselves that equality considerations are integrated into day to day business and that all proposals put to committees have properly taken into consideration what impact, if any, there is on any protected group and what mitigating factors can be put in train.
- 5.8.4 It is important to highlight that Brent Cross Cricklewood will be place for people of all ages, with housing mix that reflects different life stages, a range of housing tenures, and public spaces which are accessible to all. The scheme proposals emphasises the promotion of health and wellbeing and reducing dependency will be ingrained in the place.

5.6 It is important to note that all relevant equalities and diversity issues were considered as part of the original planning application, which was approved in October 2010.

5.7 The equalities implications will be regularly reviewed and updated during the life of the project.

5.9 Consultation and Engagement

5.10 The development of the Thameslink Station will require significant consultation with key strategic stakeholders for example DfT, GLA, TFL, Network Rail, LB Brent alongside rail industry operators (including train and freight operators) local landowners and the local community. A stakeholder management plan and community engagement plan will be developed within this process.

6. BACKGROUND PAPERS

6.1 Cabinet, 29 March 2005 (Decision Item 6) – agreed to enter into a Collaboration Agreement with the development partnership (Cricklewood Regeneration Limited, Hammerson and Standard Life). <http://barnet.moderngov.co.uk/Data/Cabinet/200503291900/Agenda/Document%204.pdf>

6.2 Cabinet, 5 December 2005 (Decision Item 7) – approved, amongst other matters, that 1) the Eastern Lands Addendum be adopted as Supplementary Planning Guidance; and 2) the Eastern Lands Supplementary Guidance is incorporated into the Cricklewood, Brent Cross and West Hendon Development Framework. <http://barnet.moderngov.co.uk/Data/Cabinet/200512051900/Agenda/Document%204.pdf>

6.3 Delegated Powers Report No 1317, 9 May 2011, Director of Planning Housing and Regeneration approved appointment of Priority Estates Project (PEP) to provide the service of Independent Resident Advisor for the Whitefield Estate, NW2. [http://barnet.moderngov.co.uk/Data/Director%20of%20Planning,%20Housing%20and%20Regeneration/201105090001/Agenda/brent%20cross%20cricklewood%20regeneration%20%E2%80%93%20independent%20resident%20advisor%20\(contract\).pdf](http://barnet.moderngov.co.uk/Data/Director%20of%20Planning,%20Housing%20and%20Regeneration/201105090001/Agenda/brent%20cross%20cricklewood%20regeneration%20%E2%80%93%20independent%20resident%20advisor%20(contract).pdf)

6.4 Cabinet Resources Committee, 18 April 2013 (Decision Item 14) - noted that the Brent Cross Cricklewood Development Partners wished to modify the existing planning consent to allow re-phasing; approved that the Director for Place begin preparations to enable the Council to procure a development partner to deliver the regeneration of the southern parts of Brent Cross Cricklewood Regeneration Area and confirmed the continued appointment of the external advisors for the Brent Cross Cricklewood Regeneration project, and the procurement of appropriate additional advice, and to delegate

authority to the Director for Place to deal with necessary contractual issues or arrangements.

<http://barnet.moderngov.co.uk/mgConvert2PDF.aspx?ID=8369&ISATT=1#search=%22Brent%20Cross%20%22>

- 6.5 Cabinet Resources Committee, 16 January 2014 (Decision Item 6) - approved the changes to the terms of the Brent Cross Principal Development Agreement (as considered and approved by CRC in October 2010) and the terms for the Co-operation Agreement as set out in Section 9 of this report; authorised the Chief Executive in consultation with the Leader of the Council to agree the detail of the Brent Cross Principal Development Agreement and Co-operation Agreement; approved commencement of market testing through the issue of a Prior Information Notice to inform the delivery strategy for the Brent Cross Cricklewood South area; and approve that the Council enter into negotiations with landowners to acquire land required in advance of any Compulsory Purchase Order, subject to approval of the bid for capital funding by Cabinet on 25 February 2014; and approved that the Council continue the design and development work to develop the business case and funding strategy for delivery of the Thameslink Station, subject to approval of the capital funding bid by Cabinet on 25 February 2014; and delegate authority to the Strategic Director for Growth and Environment to procure the necessary advice and consultants to progress the Brent Cross project workstreams and deal with the related contractual issues and arrangements.
<http://barnet.moderngov.co.uk/mgConvert2PDF.aspx?ID=12505&ISATT=1#search=%22Brent%20Cross%20%22>
- 6.6 Assets, Regeneration & Growth Committee, 8 September 2014 (Decision Item 10) – approved the appropriate Chief Officers be authorised to negotiate and enter into agreements to acquire by private treaty the land and interests and; to approve and enter into agreements and undertakings with the owners and/or occupiers of the land in the said areas so as to facilitate its acquisition.
<http://barnet.moderngov.co.uk/documents/s17302/Brent%20Cross%20Cricklewood%20-%20Report.pdf>
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7. DECISION TAKER'S STATEMENT

- 7.1 *I have the required powers to make the decision documented in this report. I am responsible for the report's content and am satisfied that all relevant advice has been sought in the preparation of this report and that it is compliant with the decision making framework of the organisation which includes Constitution, Scheme of Delegation, Budget and Policy Framework and Legal issues including Equalities obligations.*

8. OFFICER'S DECISION

I authorise the following action

8.1 to complete the Design Services Agreement with Network Rail

Signed Chief Executive

Date 20.11.2014
