

	<p style="text-align: center;">Assets Regeneration and Growth Committee</p> <p style="text-align: center;">14 June 2018</p>
<p style="text-align: center;">Title</p>	<p style="text-align: center;">Brent Cross Cricklewood Update Report</p>
<p style="text-align: center;">Report of</p>	<p>Councillor Daniel Thomas</p>
<p style="text-align: center;">Wards</p>	<p>Childs Hill, Golders Green and West Hendon</p>
<p style="text-align: center;">Status</p>	<p>Public with accompanying exempt report</p>
<p style="text-align: center;">Urgent</p>	<p>No</p>
<p style="text-align: center;">Key</p>	<p>Yes</p>
<p style="text-align: center;">Enclosures</p>	<p>None</p>
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Summary

This report provides a progress update since the last Committee on 12 March 2018 on key areas of activity and progress across the Brent Cross Cricklewood (BXC) programme. It notes that the CPO3 Order has been confirmed by the Secretary of State. On Brent Cross London (BXN) it provides an update on the delivery programme and notes that early enabling works are scheduled to begin in June 2018. It also notes that reserved matters applications for the next residential development plots within Brent Cross South (BXS) are being developed and are expected to be submitted Autumn 2018. The report also provides a progress update on the Thameslink programme, advising that the Mayor has approved the application for the Rail Freight Facility allowing the LPA to issue planning consent. Furthermore the Early Works Implementation contract with Network Rail is about to be entered into. The detailed Implementation Agreement for the main Rail Works will be reported to the Committee in September 2018.

Recommendations

That the Committee:

1) Note the content of this report and progress made on the BXC

workstreams across the programme as set out in paragraph 1.1;

- 2) Note that the CPO3 Order was confirmed by the Secretary of State on 15 May 2018;**
- 3) Note that the Implementation Agreement for early works will be entered into with Network Rail imminently.**
- 4) Delegate authority to the Deputy Chief Executive in consultation with the Chairman of the Committee to finalise and approve the heads of terms in relation to the Funding Development Agreement (“FDA”) to be entered into between the Brent Cross London Partners and L&Q to deliver the relocation of the Part 1 Whitefield Estate and to authorise the Deputy Chief Executive to confirm that such agreement be completed as contemplated by and referred to in the Brent Cross North Property Development Agreement signed on 11 July 2016 as set out in paragraph 1.8.**

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 14 March 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 CPO3 Order was confirmed by the Secretary of State on 15 May 2018
- The hearing date for the High Court Challenge in respect of CPO1 and CPO2 Orders is 5 July 2018.
- Brent Cross London (BXL) partners are scheduled to commence early works utility diversions in June 2018 with the main shopping centre and infrastructure contract works commencing January 2019 as explained in paragraphs 1.3, 1.4 and 1.5 of this report.
- That, the BXL Partners are finalising the contractual arrangements with L&Q to deliver the CPO1 replacement homes for the Whitefield Estate and are intending to exchange documents in the next two weeks. Committee approval is sought to enable the Council to enter into the required legal agreements as explained in paragraph 1.8.
- Following the approval of the first Brent Cross South (BXS) plot 12 in February, the southern developer is developing planning applications for the

next two plots (Plots 11 and 13) as well as a temporary open space application for submission later this year.

- 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.
- That following the Committee approval of the Thameslink Procurement Strategy on 24 April 2017 and update to the Committee on 27 November 2017, the Chief Executive, in consultation with the Chairman of the Committee has finalised the procurement strategy for the work package for the waste facility, which was approved on 26 January 2018.
- The Council is about to enter into an Implementation Agreement with Network Rail to deliver the early works for the Thameslink programme. This work includes invasive species clearance and ground remediation. The physical work will begin in early June. These works have been procured through Network Rail using their framework contractor, Murphys.
- That, as previously reported, the detailed Implementation Agreement with Network Rail to deliver the Station and Sidings will be negotiated ahead of consideration by the Committee on 17 September and 27 November 2018.
- That, as set out in the report to the Policy and Resources Committee on 11 June 2018, a detailed report will be prepared for Policy and Resources Committee later this year detailing the Thameslink funding strategy against the six financial tests previously agreed by the Committee to consider the required capital commitment to fund the station project.
- That, Officers are finalising the delegated powers report and supporting information to enable the Deputy Chief Executive to appropriate the Council-owned land for planning purposes subject to complying with the statutory procedures for such appropriation and obtaining any necessary consents. (paragraphs 1.47 – 1.50).

Project Update

Brent Cross London

- 1.2 Following the approval of the reserved matters application (RMA) for Phase1B (North) for the detailed design of the shopping centre last October 2017, the Brent Cross London Partners (BXL) are continuing to finalise the contractual details for the third party investment and construction contracts alongside securing the necessary planning and highway approvals to ensure a start on site this year. It is anticipated that required lease restructuring will take place shortly.
- 1.3 Planning approvals are now in place for Early Works comprising utility and services diversions which are needed to facilitate the first northern phases of the development. The approvals include a Construction Environmental

Management Plan, Construction Traffic Management Plan and Site Waste Management Plan in relation to the detail of the works proposed.

- 1.4 The BXL Partners have appointed the contractor Murphys to undertake the early works and utility diversions works that will begin on site in June. The Council's Planning and Highways teams have worked closely with TfL and Hammerson and Aberdeen Standard Investments (HASI) to ensure the works are delivered in a way to minimise disruption to road users.
- 1.5 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.
- 1.6 BXL have confirmed they have selected the preferred contractor for Phase 1A Highways and Infrastructure package, and will be making a public announcement shortly.
- 1.7 The BXL Partners have submitted final approval in principle designs for the highways and bridge structures for approval by the Highways Authorities (LBB, TfL and Highways England) for anticipated sign off towards the end of June 2018. Negotiations are also continuing on the required Infrastructure Agreements to undertake the necessary works to the public highway and ensure the delivery of the significant road infrastructure improvements.
- 1.8 As previously reported to the Committee, the BXL Partners had reached an in-principle agreement for L&Q to enable BXL to deliver the CPO1 replacement homes for the Whitefield Estate on Plots 53 and 54 of the development in the first phase in accordance with the BXL legal documentation signed on 11 July 2016. The BXL Partners have now finalised the contractual arrangements and wish to exchange documents in the next two weeks.
- 1.9 The Council is required to be party to this transaction in its capacity as freeholder of the relocation site (Plots 53 and 54) as already agreed in the BXL legal documentation and also to ensure that the Council retains the necessary step in rights in the event of non performance to protect its residents and also to ensure the regeneration programme is maintained. Consequently, the Committee's approval is sought to enter into the legal documentation. Consultation with the residents is ongoing as set out in the consultation section of this report.
- 1.10 As reported to the Committee in March, the main construction works for the Brent Cross London development (Phase 1A Infrastructure and the Phase 1B Shopping Centre works) are now expected to commence in January 2019. The BXL Partners are in the process of preparing and submitting detailed information to satisfy the pre-commencement planning conditions which are required to be discharged before works can start. This is programmed across the rest of 2018 in the lead up to start on site for main works.
- 1.11 The target completion date for the shopping centre is March 2023 as previously reported.

Brent Cross South

- 1.12 Following the Committee's approval of the final revised BXS Business Plan on 24 July 2017, approval of the BXS Joint Venture Limited Partnership (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 on 24 November 2017, 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. As reported to the last Committee a firm proposal will be reported to the Committee later this year for decision.
- 1.13 The reserved matters application for Phase 1B (South) for the first buildings on Plot 12 within Brent Cross South was unanimously approved by the Planning Committee on 21 February 2018.
- 1.14 The Local Planning Authority (LPA) are now in pre-application discussions with BXS in relation to the detailed designs for Plots 11 and 13. RMAs for these plots will be submitted in October 2018 to meet the deadlines in the outline planning consent for BXC. There will also be an application in the summer to amend the masterplan to retain Claremont Road and allow a more pedestrian friendly route from the Living Bridge to Clitterhouse Playing Fields to be created.
- 1.15 BXS are also preparing details for the Temporary Open Space (TOS) which is required to be provided under the terms of the outline planning permission to off-set the closure of Clarefield Park in the short term. The TOS will be one of the first improvements to be delivered as part of BXS.
- 1.16 Works on BXS are anticipated to commence in early 2019 following commencement of the main works the Brent Cross London shopping centre expansion and the Brent Cross West Thameslink station project, with first residential completions expected in 2020.

Brent Cross West Thameslink Station

- 1.17 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.
- 1.18 As previously reported, the GRIP4 approval in principle design work was signed off by Network Rail on 28 February 2018, thereby achieving GRIP 4 stage gate sign off. GRIP 5 Detailed Design is anticipated to commence in July 2018 for the replacement rail sidings and station. The GRIP 5 design activity will progressively complete Approved for Construction (AFC) drawings so that construction works can commence in December 2018, after the BXL works have commenced.
- 1.19 Having achieved the GRIP 4 milestone, the Brent Cross West delivery team are continuing to work through the construction and logistics detailed programmes.

- 1.20 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.
- 1.21 Early works comprising vegetation clearance, invasive species treatment and removal, and removal of construction spoil from the Network Rail land are due to commence by the end of June. The Council is about to enter into an Implementation Agreement (Early Works) with Network Rail to deliver these works. A temporary rail line will be installed to minimise the number of vehicle movements to and from the site.
- 1.22 The planning application for the Rail Freight Facility (RFF) was approved by the Planning Committee on 8 February 2018 subject to referral to the Mayor of London. The Mayor has now considered the RFF planning application (ref. 17/5761/EIA) and issued his Stage 2 report on 29 May 2018.
- 1.23 This report is available to view on the Greater London Authority's website (<https://www.london.gov.uk/what-we-do/planning/planning-applications-and-decisions/planning-application-search/400-cricklewood-railway-yard>). As a result, the Council is now able to issue the planning decision.
- 1.24 The report did refer to the waste sites within the BXC area and acknowledged that the new NLWA waste facility (currently subject to a separate planning application as referred below) provides capacity to allow the existing waste sites to be closed but considers that this leaves a shortfall of 35,000 tons per annum that needs to be provided elsewhere.
- 1.25 Following the statutory consultation on the planning application for the Waste Transfer Station at the end of last year, the LPA has been in discussions with the Thameslink delivery team in relation to the design of the road junction on the A5/Edgware Road that will serve the facility, and have undertaken further strategic traffic modelling and environmental assessments. This further supporting information will be submitted to the LPA in June, and will be subject to a period of public consultation and review by the LPA, before the planning application can be reported to the Planning Committee later this year.
- 1.26 The detailed design of the replacement rail sidings is being progressed. Two drop-in planning applications will be submitted in the summer for: 1) the compound and associated facilities that are needed to operate the existing and relocated sidings; and 2) the sidings track layout and associated rail connections. It is anticipated that a reserved matters application for the station will follow in early summer.
- 1.27 As explained in section 5.7 of this report, the Council is holding public consultations and stakeholder sessions as well as meetings with local residents to support the Waste and Freight Facility planning applications. Further consultations will take place throughout the summer to support the programme.

Network Change

- 1.28 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'.
- 1.29 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 of intended scope was issued in March 2018 with the formal approval expected by the end of June 2018.

Procurement and Delivery

- 1.30 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

- 1.31 As previously reported, 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, 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. As reported above the Early Works Implementation Agreement between the Council and Network Rail is about to be entered into following the publication of the Delegated Powers Report.
- 1.32 The Early Works have been procured through Network Rail's procurement framework. Network Rail has engaged the contractor Murphys to undertake these works following the liquidation of Carillion, who had been instructed to date by Network Rail on the project. Letters have been issued to lineside neighbours by Network Rail, and physical works on site are scheduled to begin in June.
- 1.33 As mentioned above, the GRIP 5 design works are anticipated to start in July 2018. Early contractor engagement has commenced under the existing Design Services Agreement (DSA) with Network Rail to minimise the amount of design rework required and ensure continuity in the design process.

Station and Sidings Main Works Rail Systems and Station

- 1.34 The Committee previously approved in principle that the Council procure Network Rail to deliver the Brent Cross West Station and Sidings and that the Deputy Chief Executive negotiates the detailed Implementation Agreement for consideration by the Committee in September 2018.

- 1.35 This negotiation is now underway. The draft Implementation Agreement will be reported to the Assets, Regeneration and Growth Committee on 17 September 2018. This report will detail the main contractual obligations and will provide a cost estimate subject to Network Rail's internal governance procedures. The final Implementation Agreement will then be reported to the Committee on 27 November 2018 for final approval. It is anticipated that the Agreement will then be entered into following approval by the Policy and Resources Committee of the funding strategy to make the capital commitment, having been satisfied that the six tests have been met and also the commencement of Brent Cross London.
- 1.36 In this regard, the Business Planning report to the Policy and Resources Committee on 11 June 2018 advises that a detailed report will be prepared for Policy and Resources Committee later this year detailing the funding strategy against the six financial tests agreed by the Policy and Resources Committee to consider whether to make the required capital commitment to fund the station project.
- 1.37 The Committee will recall that the Council's investment in the station is dependent on the Brent Cross London Partners commencing the shopping centre development (which secures the business rates growth).

Waste Transfer Station

- 1.38 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 26 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.
- 1.39 The Council is continuing 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 late 2018.

Rail Freight Facility

- 1.40 In relation to the Rail Freight Facility (package D), DB Cargo are obligated to deliver the facility by 30 June 2018 under the terms of the Settlement Agreement. Due to delays to achieving planning approval, the delivery of the facility is delayed and a revised programme is being agreed and will be reported to Committee later this year. Officers will also re-instate the regular dialogue meetings between DB Cargo and local residents to keep the local community updated as to programme. This delay will not impact on the opening of the station in May 2022.

BXC Assurance Review

- 1.41 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. An action plan has been prepared to respond to the recommendations and is being progressed.
- 1.42 A follow up review is being scheduled for late Summer to ensure compliance with the recommendations of the review, and gauge if any further areas should be explored.

BXC Land Assembly

CPO1 AND CPO2

- 1.43 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.
- 1.44 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 5 July 2018.

CPO3

- 1.45 The Secretary of State confirmed CPO3 15 May 2018. The required Confirmation Notices pursuant to Section 15 of the Acquisition of Land Act 1981 in respect of the Order are due to be published on 7 June 2018, commencing the six week period within which third parties can submit a challenge to the decision.

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

- 1.46 As previously reported, at the meeting on 27 November 2017 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 BXL Partners to acquire the sites to facilitate the BXS and Thameslink Station projects. The necessary enquires are now being undertaken for these call options to be exercised.

Land Appropriation

- 1.47 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 previously been held for other purposes to planning purposes prior to the commencement of development pursuant to s 226 of the Town and Country Planning Act 1990. Once they are duly appropriated to planning purposes, section 203 of the Housing and Planning Act 2016 (“the 2016 Act”) 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 who can assert a valid claim that their rights are so extinguished and/or affected under s 204 of the 2016 Act.

- 1.48 In order to appropriate the land to planning purposes to enable section 203 to be engaged, 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 (“the 1990 Act”) and therefore that the proposed development, redevelopment or improvement of the land intended to be appropriated to such purposes is likely to contribute to the achievement of the environmental, social and economic well-being of the area.
- 1.49 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 (Appendix 1 attached to the report) 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 or s 233 of the 1990 Act.).
- 1.50 The Council has undertaken the necessary consultation and statutory advertisements for 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 finalising 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

- 1.51 In order to meet the programme dates, the Council will be issuing the Ground 10A notices to council tenants within the Whitefield Estate in July 2018. This is 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, most recently the report to the November 2017 meeting, which can be accessed on this link:

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

3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

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

4. POST DECISION IMPLEMENTATION

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

5. IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

- 5.1.1 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 agreed by the Policy and Resources Committee in September 2017 which covers Brent Cross North, South and some of the Thameslink development.

- 5.2.2 The current available scheme budget at Qtr 1 2018/19 is £92.482m. Costs relating to the Thameslink station are underpinned by £97m of central Government grant.

Brent Cross North

- 5.2.3 The Brent Cross Principal Development Agreement confirms that the Brent Cross North Partners (HASI) 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.

- 5.2.4 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, HASI will meet all of these costs through the CPO Indemnity Agreement (CPOIA).

- 5.2.5 The Council's 2018/19 revenue budget estimate for recoverable costs from the Brent Cross North elements totals £2.517m. This estimate has been provided to the BXL Partners.

Brent Cross South and Thameslink

- 5.2.6 In relation to the land required to deliver the BXS first phase south side development, there is approved capital funding (see 5.2.2). This funding will be later recouped from the anticipated capital receipts of the south side scheme.
- 5.2.7 The BXS Project Agreement and corporate documentation between Argent Related and the Council as signed on 11 July 2016 sets the framework for the delivery of the redevelopment and regeneration of the land to the south of the North Circular.
- 5.2.8 The BXS Project Agreement also provides the methodology for agreeing the Council's land value, and in this regard CBRE have 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. Best Consideration was confirmed by the Chief Executive on 24 November 2017.
- 5.2.9 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.
- 5.2.10 The current total approved Capital Budget for Thameslink is £70.52m as approved in September 2017. Current spend to date is £25.5m.
- 5.2.11 Of the £70.52m budget, £35.24m has been committed to external parties, leaving an overall available budget of £35.28m as at 22 May 2018. The Council is about to enter into an Implementation Agreement with Network Rail in respect of the early works to remove invasive species and remove construction spoil from the site in advance of the main works later this year. The cost of these works is £5.5m. Re has also submitted a fee proposal to progress the station workstreams until September for the station / sidings and until February for the waste. This is currently under review.
- 5.2.12 As noted above, the delivery of the Thameslink works, including land acquisitions, is currently being funded through the Council capital budgets underpinned by the £97m MHCLG grant funding. To date £33.6m has been drawn from MHCLG to fund project costs and land acquisitions. Following the completion of the GRIP4 and satisfaction of the conditions attached to the Grant

Funding, it has been agreed that the Council will drawdown funding on a quarterly basis. The next invoice will be issued on to MHCLG on 1 July for payment.

5.2.13 As explained above, the report to the Policy and Resources Committee on 11 June 2018 confirms that a detailed report will be prepared for Policy and Resources Committee later this year detailing the funding strategy against the six financial tests agreed by the Committee to consider whether to make the required capital commitment to fund the station project. The committee will recall that borrowing is to be supported by the ringfencing of business rates growth from the expansion of the shopping centre. Accordingly, the Non-Domestic Rating (Designated Areas) Regulations 2018 came into force on 1 April 2018.

5.2.14 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 function, states the functions of the Assets, Regeneration and Growth Committee, includes responsibility for regeneration schemes and asset management.

5.4.2 Council, Constitution, Article 10 Table A states that the Assets Regeneration and Growth Committee is responsible for authorising (1) all disposal and acquisition of land for over £500k and (2) any transaction which is a "less than best" transaction as the term is set out at s 123(2) of the Local Government Act 1972.

5.4.3 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.

5.4.4 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.

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

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

5.5 Risk Management

5.5.1 The key risks and mitigations are summarised in previous reports. Risks are currently being reviewed and an update will be provided to Committee in September along with the Implementation Agreement.

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 is continuing to work closely with development partners from the Brent Cross London, Brent Cross South and Brent Cross Thameslink schemes to implement the overarching Brent Cross Cricklewood communications strategy which will promote the benefits of the programme and coordinate stakeholder engagement across the whole programme.
- 5.7.2 Regular joint partner communications meetings are being held, attended by the Council, Brent Cross London development partners Hammerson and Aberdeen Standard Investments and their communications agency Camargue; Argent Related and their communications agency Soundings as well as TfL and Highways England.
- 5.7.3 External facing communications observed the pre-local election restrictions. All three schemes have been forward planning to coordinate public facing engagement focusing on residents and stakeholder groups near to site works and promoting opportunities to contribute to consultations on forthcoming planning applications.
- 5.7.4 The Communications Group continues to promote the BXC regeneration programme through local, national and trade media and issuing factual reactive statements to journalist's queries and via owned social media channels.
- 5.7.5 TfL leads the Transport Liaison Technical Group – a sub-group of the Transport Advisory Group (TAG) – continues to meet on a fortnightly basis. This is shaping the programme of highways works required for BXL and brings all the affected highways agencies and developers together. This work informs HASI's mitigation strategy to deal with the programme of works.
- 5.7.6 The wider Brent Cross working group, hosted by TfL, comprises all parties who have proposed highways works coming forward in the next 6-12 months which may impact journeys and require a coordinated approach of mitigation and communication.

Brent Cross London

- 5.7.7 Camargue has a detailed communications action plan in place which takes account of key audiences – residents, resident associations, local schools, elected representatives etc. HASI's contractor for the enabling works, Murphys, has appointed a public liaison officer to meet with local residents and businesses to share information on what will be happening. Letters will be issued to neighbouring residents along with a community newsletter. HASI will also hold drop in sessions at Brent Cross shopping centre and regularly update their development website www.brentcrosslondon.co.uk . Public inquiries will be handled by Camargue.
- 5.7.8 TfL has produced an overarching transport communications strategy to set out first principles of joined up working between all development partners on the BXC regeneration programme. TfL will also issue regular updates to its customers via their channels throughout the enabling works and will update a dedicated web page to help customers plan their journeys.

<https://tfl.gov.uk/status-updates/major-works-and-events/northwest-london-major-roadworks>. Bus travellers will be informed of any route changes and key transport stakeholders will also be advised to plan ahead to minimise impact including taxis, coach and freight companies.

- 5.7.9 LBB's communications channels will feature progress reports and significant programme milestones in the council's magazine *Barnet First*. The LBB highway's communication team which issues regular advisories on works across the borough, will include updates on the BXC programme once works begin including raising awareness with schools and keeping members informed.

Brent Cross South

- 5.7.10 Argent Related issued a community newsletter to the Brent Cross South development area at the end of May. This included a progress update on the scheme including the proposed buildings for plots 11 and 13 which are residential with some retail and community use at ground floor.
- 5.7.11 Public exhibitions for plots 11 and 13 are planned for 14 July at Carey Hall and 17 July at Whitefield School which will be the first time the community will have the opportunity to view the proposed plans.
- 5.7.12 A further plan for the associated public realm will also be exhibited. This will include detailed plans of the roads and pedestrian/cycle routes within the immediate vicinity of plots 11 and 13. It will demonstrate how the new plots will be accessed and connect to existing roads and routes in the local area.
- 5.7.13 The newsletter also includes an update on the Brent Cross Exploratory – the rejuvenated public space for the development. Walking interviews have been held with the local community, workshops attended by Whitefield school students and the plans explored with Claremont Way residents. Whitefield Estate residents attended a community event in May to contribute ideas to the initial design for the temporary open space which will be installed next year.
- 5.7.14 A further community event is planned for 10 June to share the plans and invite residents to help develop the 'pocket park' which will be submitted to the local planning authority later this year. Updates are posted on www.brentcrosssouth.co.uk

Brent Cross Thameslink (BXT)

- 5.7.15 External facing communications was paused in the run up to local elections. Since then, the Communities Secretary's approved CPO 3 on 16 May. LBB issued a press notice and the decision letter and inspector's report is available at www.barnet.gov.uk/brentcrossthameslink
- 5.7.16 A public notice has been published in the local newspaper to advise of the related public order becoming effective from 7 June and property owners and

tenants are to receive a letter from the Council advising if affected by the vesting order, they are entitled to compensation.

- 5.7.17 In preparation for work on BXT site, Network Rail issued a letter in May to lineside neighbours to raise awareness of the early works which are due to begin in June. These groundworks will prepare for the replacement driver accommodation and the railway siding which will service the new station.
- 5.7.18 A community newsletter to update on all aspects of the BXT programme is due to be issued to the development area in June. It will also include details of forthcoming public exhibitions which will show the plans for sidings for the first time and update on the forthcoming planning application for the new Brent Cross West station. The local community and key stakeholders will have the opportunity to meet the team, ask questions and share views during the consultation.
- 5.7.19 Additional information on the replacement waste transfer station will be subject to a two week formal consultation via the local planning authority planning portal. All those who previously registered comments will be notified and offered the opportunity to comment on the new information.

6 BACKGROUND PAPERS

- 6.1 Assets, Regeneration and Growth Committee, 17 March 2016, item 14, Brent Cross Cricklewood Compulsory Purchase Order (No.3), <https://barnet.intranet.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, 24th July 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, 4th 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, 27th November 2017, Brent Cross Cricklewood Update Report, <https://barnetintranet.moderngov.co.uk/ieListDocuments.aspx?CId=696&MId=9435&Ver=4>
- 6.6 Assets, Regeneration and Growth Committee, 12th March 2018, Brent Cross Cricklewood Update Report, <https://barnetintranet.moderngov.co.uk/ieListDocuments.aspx?CId=696&MId=9083&Ver=4>
- 6.7 Policy and Resources Committee, 11th June 2018, Business Planning, <https://barnetintranet.moderngov.co.uk/ieListDocuments.aspx?CId=692&MId=9458&Ver=4>