



Assets Regeneration and Growth Committee 17 September 2018

Title	Brent Cross Cricklewood Update Report
Report of	Councillor Daniel Thomas
Wards	Childs Hill, Golders Green and West Hendon
Status	Public with accompanying exempt report (Not for publication by virtue of paragraphs 3 and 5 of Schedule 12A of the Local Government Act 1972 as amended as this relates to information of a financial nature and information in respect of which a claim to legal professional privilege could be maintained in legal proceedings).
Urgent	No
Key	Yes
Enclosures	Appendix 1: Station Delivery Programme
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Summary

This report provides a progress update since the last Committee on 14 June 2017 on key areas of activity across the Brent Cross Cricklewood programme. In particular, it details the recent announcement by Hammerson to defer start on site on the Brent Cross London (BXL) development although work continues to achieve the necessary approvals needed to start on site.

The report also explains that the public sector partners are working together to update the Thameslink funding strategy by end of October 2018 in light of Hammerson's announcement. Good progress is being made on the detailed Implementation Agreement with Network Rail to deliver the Station and Sidings currently being negotiated. An update is provided within this report ahead of final consideration 27 November 2018 by this Committee.

Officers Recommendations

Brent Cross London

- 1) Note the content of this report and progress made on the BXC workstreams across the programme as set out in paragraph 1.3;
- 2) Authorise the Deputy Chief Executive to confirm that the Funding Development Agreement (“FDA”) be entered into between the Brent Cross London Partners and L&Q to deliver the relocation of the Part 1 Whitefield Estate 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.

Brent Cross South

- 3) Authorise the Deputy Chief Executive in consultation with the Chairman of the Committee to agree the template documents as required by the BXS Project Agreement as set out in paragraph 1.17; to negotiate and confirm that the Council grant the necessary Infrastructure Licences to the development management company to undertake site preparatory and infrastructure works within Brent Cross South and where current leases have expired and it is agreed that the development management company take on responsibility for the land; and to vary the BXS Project Agreement as necessary to take into account the legal documents that have been subsequently entered into in respect of CPO 3 as well as points of clarification for the benefit of both parties.
- 4) Authorise the Chief Executive in consultation with the Chairman of the Committee to finalise and approve the heads of terms and confirm completion of the Strategic Infrastructure Charge Agreement as contemplated by the Project Agreement, as set out in paragraph 1.16.

Thameslink

- 5) Subject to approval by HM Government and GLA, authorise the Deputy Chief Executive on behalf of the Council to negotiate and enter into the Long Lead Procurement Implementation Agreement, as set out in paragraph 1.34.
- 6) Authorise Officers to undertake a design integration study to assess how the WLO line (Dudding Hill line) could link into Brent Cross West Station. The £50k cost estimate for the study will be funded from the Thameslink budget, as set out in paragraph 1.54.
- 7) Authorise that the Deputy Chief Executive, in consultation with the Chairman of the Committee approve the terms of variation to the D B

Cargo Settlement Agreement dated 4 August 2017 and confirm that such variation be completed, as set out in paragraph 1.45.

8) Authorise the Deputy Chief Executive, in consultation with the Chairman of the Committee to finalise the Network Rail Contract for Sale and associated documentation in accordance with the Heads of Terms attached to the Network Rail Deed of Undertaking signed on 12 September 2017 and confirm that the contract and associated documentation be entered into, as set out in paragraph 1.64.

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 June and seeks the required approvals to ensure that the project momentum is maintained.
- 1.2 It also outlines the work being undertaken by the Council following Hammerson's announcement to defer start on site on the Brent Cross Shopping Centre as set out in paragraph 1.4 of this report. Whilst the preferred station funding strategy set out in the Full Business Case approved by Policy & Resources Committee and HM Government is based on the ringfencing of business rates growth from the shopping centre development to date, the FBC also addresses the risk of delay by Hammerson and identifies possible mitigations. The public sector partners have agreed to work together to find an alternative funding solution by end of October 2018 to secure delivery of the station and BXS. The public sector partners agreed to continue to commit MHCLG grant to maintain momentum and in the expectation that a solution will be found as set out in paragraph 1.41 of this report.
- 1.3 The Committee is also asked to note:
- The content of this report and progress made on the BXC workstreams across the programme;
 - That Hammerson have deferred the start on Brent Cross Shopping Centre due to increased risks in the current market climate as confirmed in their corporate strategy update and 2018 Half-Year Results published on 24 July 2018. A revised programme is being worked up and an update will be provided to the next Committee;
 - That, the Brent Cross London (BXL) Partners have finalised the contractual arrangements with L&Q to deliver the CPO1 replacement homes for the Whitefield Estate and are intending to exchange following the Committee's authorisation for the Deputy Chief Executive to confirm completion.
 - BXS has submitted details of the temporary open space registered on 22 August 2018 and are due to submit planning applications for the next two plots (Plots 11 and 13) as well as a temporary open space application for submission by October 2018.

- The Council and BXS are putting in place the necessary legal agreements as contemplated by the BXS Project Agreement signed on 11 July 2016;
- The Council entered into the Early Works Implementation Agreement with Network Rail to deliver the early works for the Thameslink programme and also varied the existing Design Services Agreement to commence the GRIP 5 Detailed Design as shown on the programme attached at Appendix 1. The early works, which includes invasive species clearance and ground remediation, commenced on 23 July 2018 and will be completed by 21 December 2018.
- Good progress is being made on the detailed Implementation Agreement with Network Rail to deliver the Station and Sidings currently being negotiated. An update is provided within this report ahead of final consideration by this Committee on 27 November 2018.
- Subject to the approvals of the Assets, Regeneration and Growth Committee and the Policy and Resources Committee on 27 October 2018 and 11 December 2018 respectively, the Council will be asked to approve the funding strategy and capital commitment to deliver the station project and authorise entering into the Implementation Agreement with Network Rail on 18 December 2018.
- All three CPOs (CPO1, CPO2 and CPO3) are now free from legal challenge.
- The Council is now working with the BXC Development Partners to assemble the land so that the main works across the programme can commence in early 2019. It is envisaged that site preparatory works will commence within BXS in Autumn 2018 once vacant possession has been achieved within the Claremont Industrial Estate.
- The Council has issued the Housing Act 1985 Schedule 2 Ground 10A notices to council tenants within the Whitefield Estate on 6 July 2018. Following consultation with the secure tenants living on the Whitefield Estate, the Council intends to make an application to the Secretary of State for Ground 10A consent shortly.
- 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 across the land required for the first phases, subject to complying with the statutory procedures for such appropriation and obtaining any necessary consents.

Project Update

Brent Cross London (BXL)

- 1.4 The Committee will be aware of the recent corporate strategy update and 2018 Half-Year Results by Hammerson on 24 July 2018 in which it confirmed that the Brent Cross development is to be deferred due to increased risks in the current market climate. <https://www.hammerson.com/media/press-releases/2018-half-year-results/>
- 1.5 As reported to the Committee in March and June, the main construction works for the Brent Cross London (BXL) development (Phase 1A Infrastructure and the Phase 1B

Shopping Centre works) were expected to commence in early 2019 with a shopping centre opening date March 2023.

- 1.6 No updated programme has been provided. BXL Partners (Hammerson / Aberdeen Standard) are reviewing the BXL programme with their three main contractors alongside concluding the outstanding technical approvals. This integrated programme once available will be discussed with the Council and BXS JVLP, and an update provided to the next Committee on 27 November 2018.
- 1.7 The BXL Partners are preparing and submitting detailed information to satisfy the pre-commencement planning conditions which are required to be discharged before works can start. In addition, BXL are also submitting final approval in principle designs for the highways and bridge structures for approval by the Highways Authorities (LBB, TfL and Highways England) is anticipated sign off by November 2018 alongside the Section 278 Agreement. An update will be provided to the next Committee. This process has taken longer than expected due to the scale and complexity of the highway works as well as the need for additional survey work to inform the detailed design.
- 1.8 In respect of the delivery of the CPO1 replacement homes for the Whitefield Estate on Plots 53 and 54, the Committee will recall on 14 June 2018, approving that the Council enter into contract with the BXL Partners and L&Q. The Council is a party to this transaction in its capacity as freeholder of the relocation site and to ensure that the Council retains the necessary step in rights in the event of non-performance to protect its residents and to ensure the regeneration programme is maintained. The documentation is now agreed in line with the heads of terms approved by the Committee on 14 June 2018 and amendments proposed in the Exempt report. The Committee is therefore asked to authorise the Deputy Chief Executive to confirm this agreement be completed as contemplated by and referred to in the Brent Cross North Property Development Agreement signed on 11 July 2016.

Brent Cross South

- 1.9 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.
- 1.10 BXS has submitted 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. This application was made on 22 August 2018. The TOS will be one of the first improvements to be delivered as part of BXS.
- 1.11 The RMAs (reserved matters applications) for plots 11 and 13 will be submitted by October 2018 to meet the deadlines in the outline planning consent for BXC. Applications will also be made 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.
- 1.12 Preparatory works are scheduled to begin in Autumn 2018 in respect of utility disconnections and demolitions within the BXS first phase area with main works on BXS commencing in 2019 with first residential completions expected in 2020. This is

dependent on the station project being commissioned in December 2018 and maintaining the Station opening date May 2022.

- 1.13 The preparatory works will focus on the BXS first phase proposal area. The Council will be required to secure and provide vacant possession of the Claremont Industrial Estate and Rosa Freedman building. The Council will be notifying tenants shortly.
- 1.14 Senior Officers also need to explore the options on how to invest the Council's Land Value to secure a long-term revenue stream. As reported to the last Committee a firm proposal will be reported to the Committee in due course.

Strategic Infrastructure Charge

- 1.15 On 17 May 2016, the Policy and Resources Committee approved the "the principle of a Social Infrastructure Fund" to deliver strategic infrastructure within BXS. This is now known as the Strategic Infrastructure Charge (SIC). The principle of the SIC was incorporated into the BXS legal documentation signed on 11 July 2016 and the creation of this fund is one of the conditions precedent for the BXS Project Agreement going unconditional.
- 1.16 In order to satisfy the Strategic Infrastructure Funding Condition within the BXS Project Agreement, the Council needs to finalise the draft heads of terms, including the term loan period and the determination of the Market Rate. The Committee is therefore asked that the Chief Executive in consultation with the Chairman of the Committee finalise and approve the heads of terms and confirm completion of the SIC Agreement.

BXS Project Agreement

- 1.17 The Council's legal advisors have been negotiating a number of template documents in accordance with the Council's obligations to do so pursuant to the BXS Project Agreement signed on 16 July 2016. These templates will be to be used as standard template documents to guide the development over the lifetime of the project. It is necessary for the Council and BXS JVLP to agree these documents ahead of start of the main works in early 2019.
- 1.18 These templates include:
 - 1) the form of the development plot lease for the grant of leases by LBB to developers of Brent Cross South (with associated collateral warranties);
 - 2) the form of the plot development agreement to be used as a standard template development agreement with the developer of each plot;
 - 3) the form of overage deed to be entered into with Argent Related developers;
 - 4) the funder protection acquisition deed if LBB purchases land within BXS, funded by Argent Related;
 - 5) reverse funder protection acquisition deed if JVLP purchases land within Brent Cross South, funded by Argent Related; and
 - 6) form of service charge lease, infrastructure lease and overall headlease to be granted to the estate management company when works are practically completed.
- 1.19 The Council and BXS are also agreeing the template form of the infrastructure licence to be granted by LBB to the development management company (DM) for the construction of infrastructure alongside the grant of infrastructure licences by LBB to the DM for land

within BXS where current leases have expired and it is agreed that the DM take on responsibility for the land. This is particularly relevant as the Council are in the process of securing vacant possession of the land needed for the BXS first phase. The Claremont Industrial Estate has been managed so that leases expire on 30 September 2018 to then enable the necessary site preparatory works and demolition to take place for a main start on site in 2019.

- 1.20 In addition to the above documents, the BXS Project Agreement needs to be varied to take into account the legal documents that the Council has entered into in respect of CPO 3 as well as points of clarification for the benefit of both parties and to reflect acquisitions within the BXS.
- 1.21 Consequently, the Committee is asked to authorise the Deputy Chief Executive in consultation with the Chairman of the Committee to: agree the template documents as contemplated by the BXS Project Agreement; to negotiate and confirm that the Council grant the necessary Infrastructure Licences to the BXS Development Management Company for land within BXS to enable infrastructure works to commence and where current leases have expired and it is agreed with Argent Related that the development management company is to take on responsibility for the land; and to vary the BXS Project Agreement to take into account the legal documents that have been entered into in respect of CPO 3 as well as points of clarification for the benefit of both parties in all cases acting in the best interests of the Council.

Brent Cross West Thameslink Station

- 1.22 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.

Programme

- 1.23 Having achieved the GRIP 4 milestone in February, the Brent Cross West delivery team have continued to work through the construction and logistics detailed programmes. A revised programme has been approved by the BXC Governance Board and is attached at Appendix 1. This programme clearly identifies that the main works on the rail systems needs to be contracted in December 2018 to enable a start on site in January 2019 so to meet the May 2022 station opening date.

Procurement and Delivery

- 1.24 As the Committee is aware, the Thameslink Works programme is divided into a number of different work packages.
- 1.25 The Committee approved the Station Works Procurement Strategy on 24 April 2017. It then subsequently approved in principle that the Council procure Network Rail to deliver the Brent Cross West Station and Sidings on 12 March 2018. The Committee delegated authority to the Deputy Chief Executive to negotiate the detailed Implementation Agreement for consideration by the Committee in September 2018. <https://barnet.intranet.moderngov.co.uk/ieListDocuments.aspx?CId=696&MId=9083&Ver=4>

1.26 An update on each of the work packages is provided below.

Station and Sidings Early Works

1.27 On 27 November 2017, 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 the Implementation Agreement with Network Rail to undertake the early site preparatory works to remove construction spoil alongside removal/treatment of vegetation and invasive species, a temporary haulage road and site clearance and remediation for the start of main works in January 2019.

1.28 The Council entered into the Early Works Implementation Agreement with Network Rail on 28 June 2018 and works commenced on 23 July 2018. Network Rail have procured the contractor Murphys through their procurement framework to undertake these works. Letters have been issued to lineside neighbours by Network Rail, and physical works are now on site and are due to be completed by 21 December 2018. Link to DPR: <https://barnet.moderngov.co.uk/ieDecisionDetails.aspx?ID=6912>

Rail Systems Detailed Design (Grip 5)

1.29 On the 27 November 2017, the Assets Regeneration and Growth Committee delegated authority to the Deputy Chief Executive in consultation with the Chairman of the Committee inter alia to agree to take all necessary steps to enter into Implementation/ Design Services/ Asset Protection Agreements with Network Rail to continue the GRIP 5 design and early work.

1.30 Following agreement by HM Government and GLA on 1 August 2018, the Council commissioned Network Rail to progress the detailed design for the rail systems element of the project to Network Rail's GRIP stage 5 to enable main works to commence on site in January 2019. Link to DPR: <https://barnet.moderngov.co.uk/ieDecisionDetails.aspx?ID=7007>

1.31 The agreed outputs are as follows:

- Drainage site surveys.
- Production of Approved for Construction designs for the rail systems and fuel farm element of the Project (GRIP 5 detailed Design)
- Network Change / Depot Change.
- Reservation of Possessions for the rail system works.
- Draft Contractor Agreement for the GRIP 5 to 8 construction phases of the rail system works.
- Draft Implementation Agreement.

1.32 The agreed programme for delivery of these outputs is 31 December 2018. Main works on the sidings and rail systems will then commence in January 2019. It is anticipated that the Sidings will be commissioned and operational by Christmas 2020 so to maintain the station opening date May 2022. Early contractor engagement had already commenced under the existing Network Rail Design Services Agreement (DSA) to minimise the amount of design rework required and ensure continuity in the design process.

Station and Rail Systems Planning Approvals

- 1.33 The detailed design of the replacement rail sidings is being progressed. A drop-in application for the compound and associated facilities that are needed to operate the existing and relocated sidings was submitted on 24 August 2018. A further drop in for the sidings track layout and associated rail connections will be submitted by end of September 2018. The application for the station will follow early next year.

Long Lead Items

- 1.34 To meet the May 2022 opening date, Network Rail require the Council to pre-order plant and materials that have a long lead time for order and manufacture to ensure delivery in time to meet the programme for completing the sidings and Train Operating Company (TOC) accommodation works. Delays to the pre-ordering may delay the opening date of Brent Cross West Station in May 2022.
- 1.35 Consequently, a Long Lead Procurement Implementation Agreement has been negotiated with Network Rail to secure only the essential plant and materials that have a long lead time and are required to meet the programme. The Agreement with Network Rail needs to be entered into by 18 September so that Network Rail can issue the Contract Award to their framework contractors / suppliers by 25 September 2018 for delivery by 30 April 2019.
- 1.36 The scope of works subject to this agreement are as follows:
- a) Direct orders with Network Rail for the south sidings works:
- Booking of trains required for 2019 south sidings works (note: Only the initial booking cost is included within this agreement – the cost for provision of the trains is to be covered via a separate agreement).
 - Booking of on-track machines for 2019 south sidings works (note: Only the initial booking cost is included within this agreement – the cost for provision of the on-track machines is to be covered via a separate agreement).
 - Switches & Crossings (S&C) Units - 113 BV8 concrete turnouts required for planned 2019 works.
 - S&C Units - 113 CV9.25 concrete turnouts required for planned 2019 works.
 - S&C Units - BV8 trap points for planned 2019 works.
 - Points operating equipment associated with the above new S&C.
- b) Procurement via Network Rail's Contractors:
- Commence procurement of Visual Display Unit (signalling) equipment (note: This is only for early supplier involvement in pre-January 2019 activities).
 - Commence procurement of Relocatable Equipment Buildings (signalling equipment) (note: This is only for early supplier involvement in pre-January 2019 activities).
 - Procurement of specialist Computer Aided Testing System (signalling equipment) system.
 - Procurement of critical signals and structures equipment.

- Procurement of critical lineside cables.
- Off-site fabrication of modular accommodation building for the Train Operating Company (currently Govia Thameslink Railway).

1.37 The long lead items will be funded using the Ministries of Housing, Communities and Local Government (MHCLG) Grant. Subject to approval by HM Government and GLA to commit to the £3.97m expenditure, the Committee is asked to authorise the Deputy Chief Executive on behalf of the Council to enter into the Long Lead Procurement Implementation Agreement.

Station and Sidings Main Works Rail Systems and Station Implementation Agreement and Funding Strategy

1.38 To deliver the Station by May 2022 and secure the comprehensive development of Brent Cross South, the Council is required to enter into the Implementation Agreement with Network Rail on 10 December 2018 as shown on the programme at Appendix 1.

1.39 The Committee will recall that on 12 March 2018, the Committee approved in principle that the Council procure Network Rail to deliver the Brent Cross West Station and Sidings. The Committee also authorised the Deputy Chief Executive to negotiate the detailed Implementation Agreement (IA) for consideration by the Committee in September 2018. Good progress is being made. Negotiations are now well advanced and will be reported to the Committee for final consideration on 27 November 2018. A detailed report is being prepared for Policy and Resources Committee on 11 December to consider whether to make the required capital commitment to fund the station project.

1.40 Subject to those IA negotiations being finalised, the IA will be reported to the Assets, Regeneration and Growth Committee on 27 November 2018. This report will seek the Committee's recommendation to the Council to formally enter into contract with Network Rail and proceed with deliver the station project, subject to the Thameslink funding strategy and capital commitment being approved by the Policy and Resources Committee on 11 December 2018. This November report will detail the main contractual obligations and will provide the emerging cost estimate that has been subject to Network Rail's internal governance procedures.

Impact of Hammerson deferral on the Thameslink Station

1.41 The Committee will recall that the Council's investment in the station is dependent on the BXL Partners commencing the shopping centre development (which secures the business rates growth that will support the borrowing costs). Following Hammerson's announcement to defer Brent Cross as set out in paragraph 1.4 of this report, this funding is not expected to be confirmed by December 2018, when the Council needs to enter into contract with Network Rail to maintain May 2022 opening date. Thus, an alternative funding solution needs to be agreed with HM Government and the GLA for the station. This scenario was identified as a risk in the Full Business Case approved by Policy and Resources Committee and HM Government in 2016. On 1 August 2018, the Government Assurance Board, comprising the Council, MHCLG, HM Treasury and GLA:

1. Reaffirmed public sector commitment to delivery of BX South and Thameslink
2. Confirmed commitment to finding a solution to the funding challenge;

3. Confirmed that LBB can continue to commit MHCLG grant, to maintain momentum and in the expectation that a solution will be found.

1.42 Discussions are therefore underway with HM Government, GLA and Homes England to agree a revised funding strategy by end of October 2018. An update on the Thameslink Funding Strategy will be provided to the Policy and Resources Committee on 23 October 2018 before being formally considered for approval on 11 December 2018.

Rail Freight Facility

1.43 The Committee will recall that 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 issued his Stage 2 report on 29 May 2018 and the Council issued the planning decision on 10 May 2018.

1.44 DB Cargo are currently seeking to discharge the required planning pre-commencement condition to facilitate a revised start on site in September 2018 with a completion date no later than 1 June 2019. The Settlement Agreement with DB Cargo will need to be updated to reflect this change. This revised programme does not impact on the opening of the station in May 2022.

1.45 The Committee is therefore asked to authorise that the Deputy Chief Executive, in consultation with the Chairman of the Committee, approve the terms of variation to the DB Cargo Settlement Agreement dated 4 August 2017 and confirm that such variation be completed.

1.46 DB Cargo are also re-instating the regular dialogue meetings between DB Cargo and local residents to keep the local community updated on progress and ensure residents have the opportunity to raise any concerns or issues. The first meeting is in the process of being arranged and will update the local community and nearby residents on programme and next steps.

Waste Transfer Station

1.47 The planning application for the Waste Transfer Station was approved by the Planning Committee on 5 September 2018. The application will now be referred to the Mayor of London. The Council has held public consultations and stakeholder sessions as well as meetings with local residents within LB Brent and Barnet to discuss this application as set out in the Communications and Community Engagement section of this report.

1.48 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.

1.49 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. The Council has now entered into a professional services contract for RIBA 4 technical design with the Council's framework contractor Grahams. A scoping document has also been issued to the LOHAC contractor for the highway improvement works. In addition, the Council has

now exercised the call option to acquire the Selco site to enable works to start in early 2019. An update will be provided to the next Committee.

Network Change

- 1.50 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'.
- 1.51 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 have been considered. The formal notice of intended scope is to be issued by the end of September with formal approval achieved by the end of November, subject to agreement of East Midland Trains (EMT) and Govia Thameslink (GTR) train operating companies, prior to the Council entering into contract with Network Rail through the Implementation Agreement.

West London Orbital

- 1.52 As reported to the last Committee, the Council Officers have undertaken an initial review for the potential station on the WLO line (Dudding Hill line) to link into Brent Cross West Station. There are a number of options for configuring platform arrangements for a potential station.
- 1.53 Subject to Committee approval, the Council is proposing to undertake a design integration study to understand potential preliminary designs for the station that would integrate with the new Brent Cross West Thameslink Station. This would allow passive provision to be provided, if possible, within the Brent Cross West station. This review will also need to respond to other constraints such as the existing Brent Curve Junction and the Hendon Lines.
- 1.54 Consequently, the Committee is asked to authorise Officers to undertake a design integration study to assess how the WLO line (Dudding Hill line) could link into Brent Cross West Station. The £50k cost estimate will be funded from the Thameslink budget.

BXC Assurance Review

- 1.55 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 2017. An action plan has been prepared to respond to the recommendations and is being progressed.
- 1.56 The Council is waiting for a follow up review to be scheduled to ensure compliance with the recommendations of the review, and gauge if any further areas should be explored.

BXC Land Assembly

CPO1 AND CPO2

- 1.57 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.
- 1.58 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 commercial premises that falls within CPO2. The hearing date for the claim was set 5 July 2018.
- 1.59 The Claim against CPO1 was subsequently withdrawn.
- 1.60 The Claim against CPO2 was dismissed at the hearing on 5 July 2018 by Mr Mark Ockelton sitting as a Deputy High Court Judge, who ordered that the Claim be dismissed and that permission to appeal be refused.
- 1.61 On 23 July 2018, the Council entered into a Compromise Agreement with the Claimant as authorised by the Committee on 5 September 2016 which authorised the appropriate Chief Officers to enter into agreements and make undertakings, contracts and transfers on behalf of the Council with third parties having an interest in the CPO or for the creation of new rights or with parties otherwise affected by the CPO to facilitate the development. [Link to DPR: https://barnet.moderngov.co.uk/ieDecisionDetails.aspx?ID=6948](https://barnet.moderngov.co.uk/ieDecisionDetails.aspx?ID=6948)

CPO3

- 1.62 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 were published on 7 June 2018, commencing the six week period within which third parties can submit a challenge to the decision. This period has now expired meaning that CPO3 is now free from challenge.
- 1.63 The Committee will recall that on 12 September 2017, the Council entered into a Deed of Undertaking with Network Rail in respect of CPO3 to secure the land needed to deliver the station and remove their objection to the Inquiry. Attached to the Undertaking were Head of Terms for the Council to acquire the Network Rail land and vary the existing Joint Venture Agreement between Cricklewood Regeneration Limited and Network Rail to reflect the BXS and Station delivery strategy.
- 1.64 The Council has exercised the option to acquire the shares in CRL as allowed under the BXN legal documentation so that the Council can enter into the Network Rail Contract for Sale to acquire Network Rail's land in accordance with Heads of Terms attached to the Deed of Undertaking. The Committee is asked to authorise that the Deputy Chief Executive, in consultation with the Chairman of the Committee finalise the Network Rail Contract for Sale and associated documentation in accordance with the Heads of Terms attached to the Deed of Undertaking signed on 12 September 2017, and confirm that the contract and associated documentation be entered into. This Contract for Sale will become unconditional on signing the Network Rail Implementation Agreement and when the station contract is let.

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

- 1.65 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 needed to facilitate the BXS and Thameslink Station projects. The authority was confirmed on 8 August 2018 and the options for the 2 Brent Terrace and Selco sites alongside the acquisition of the shares in Cricklewood Regeneration Limited have now been exercised. The link to the DPR: <https://barnet.moderngov.co.uk/ieDecisionDetails.aspx?ID=6981>

Land Appropriation

- 1.66 As previously reported to the Committee, the Council needs to dispose of land within its freehold ownership to the developers 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 122 of Local Government Act 1972. 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.
- 1.67 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.
- 1.68 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(3) of the 1990 Act.).
- 1.69 The Council has undertaken the necessary consultation and statutory advertisements for any open space appropriation. The required notices for open space have been placed and no responses received. Now that the CPO1, CPO2 and CPO3 Orders have been confirmed and are free from legal challenge, the Council is finalising a full Delegated Powers Report explaining the reasoning for appropriating the land, and evidencing that

all the legal requirements as they apply to the various different types of land have been complied with.

Ground 10A – Whitefield Estate

- 1.70 Ground 10A allows to the Council to seek possession of council properties in the event that a tenant refuses to take up an offer of alternative accommodation and leave their existing home. To prevent delays in the programme the Council may in certain circumstances ask a court for possession of existing homes. A court will only agree to the Council's claim for possession if the Council is able to make available to that secure tenant a suitable alternative home to live in.
- 1.71 The Council undertook the Ground 10A consultation with the secure tenants living on the Whitefield Estate from 6th July 2018 to 3rd August 2018. Ground 10A surgeries were held on 9, 14, 16 and 23 of July, and representatives from Re/LBB, PEP (Independent Tenant Advisor), Barnet Homes and L&Q were on hand to answer queries. The council also received written comments from several secure tenants and all expressed their support for the regeneration.
- 1.72 Following on from the Ground 10A consultation, the Council intends to make an application to the Secretary of State for Ground 10A consent shortly. As the Committee is aware, the Secretary of State needs to be satisfied that the scheme has planning consent and that the scheme can be delivered with the replacement homes for the affected secure tenants.

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.

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

Approved Capital Budget

5.1.1 The current approved budget for land acquisition for 2018/19 and future years is £37.482m split £25.5m in 2018/19 and £11.982m in 2019/20.

Brent Cross London

5.1.2 The Brent Cross Principal Development Agreement confirms that the BXL Partners 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.

5.1.3 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, BXL will meet all of these costs through the CPO Indemnity Agreement (CPOIA).

5.1.4 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

5.1.5 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.

5.1.6 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.

5.1.7 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.

5.1.8 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.

Thameslink

- 5.1.9 The current total approved Capital Budget for Thameslink is £70.516m Current spend to date (including expenditure committed but not yet paid) is £30.7m.
- 5.1.10 The delivery of the Thameslink works, including land acquisitions, is contained within the council's capital programme and partly funded by grant of £97m from the MHCLG. To date £33.6m has been received 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, the Council is drawing down funding on a quarterly basis. The next grant claim will be submitted to MHCLG for payment in early October.
- 5.1.11 Since the last Committee, the Council has commissioned Re to progress the station project (to be reviewed at the end of September 2018); signed the early works Implementation Agreement with Network Rail and exercise the land call options as set out above. Consequently, £63.4m of the approved Capital Budget has been spent or legally committed to external parties. In order to meet the May 2022 station opening, it is necessary to pre-order long lead in items for the station and rail systems in September totalling £3.97m MHCLG approval. This leaves a remaining budget of £3.146m. It will therefore be necessary to seek approval from the Policy and Resources Committee in October for an increase in the Thameslink budget by £5.75m to maintain project momentum. This is within the £97m grant funding being provided by MCHLG.
- 5.1.12 As explained above, the report to the Policy and Resources Committee on 11 June 2018 confirmed that a detailed report is being prepared for Policy and Resources Committee to review the funding strategy for the Thameslink project against the six financial tests agreed by that Committee to consider whether to make the required capital commitment to fund the station project. Work is underway on the funding strategy and discussions taking place with the public sector partners. An update will be provided to the Policy and Resources Committee in October before being considered in detail at the next Committee on 11 December 2018 to make a recommendation to Full Council on 18 December 2018.
- 5.1.13 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.

5.2 **Social Value**

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

5.3 **Legal and Constitutional References**

- 5.3.1 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.

- 5.3.2 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.
- 5.3.3 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.
- 5.3.4 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.
- 5.3.5 Where land is being and has been acquired or appropriated for planning purposes, any disposal of land appropriated for such purposes is effected in reliance on Section 233(3) 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 may 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 if appropriate. Non-vacant Housing land intended to be appropriated to planning purposes requires the consent of the Secretary of State pursuant to s 19 of the Housing Act 1985. Housing land appropriated for planning purposes cannot be disposed of at less than best consideration.
- 5.3.6 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.
- 5.3.7 The Council is aware of the need for any funding which is supplied (by way of the SIC for example) to be made on terms which comply with state aid law (article 107 Treaty of the Functioning of the European Union) and as such any monies will be advanced on terms which reflect the approach of a private sector investor.

5.4 **Risk Management**

- 5.4.1 Risk management has been applied across all levels of the programme. Owners and mitigation plans are identified and risks are measured against impact and likelihood to

give an overall rating. High rating risks are escalated and reported through the defined reporting procedure with top risks reported to BXC Governance Board. Currently the key risks and mitigations are summarised below:

- 5.4.2 Programme – There is a risk that BXL does not progress or that planning dates are not achieved across the programme. This risk has been identified in previous reports and the Council is working with public sector and development partners to ensure mitigation plans are in place. The funding risk to the station project because of BXL delay has always been recognised and as detailed in this report public sector partners are working together to agree an alternative funding strategy.
- 5.4.3 Station Delivery Date - There is the risk that the May 2022 station opening date cannot be achieved. This would result in additional costs due to programme prolongation as the earliest viable opening date would be December 2022 due to restrictions on timetable changes. This could be later depending on other works on the railway. Railway possessions are already being booked. To mitigate this risk there are project and programme review boards in place that regularly monitor and challenge deliverables at all levels. Specific project risks are identified and managed at the work package level with clear owners and mitigation plans for each. Any risk that results in an impact on a key milestone is reviewed by the programme team and BXC governance board taking into consideration time and cost implications.
- 5.4.4 Thameslink delivery costs – as with all major programmes there is the risk that costs will increase during programme delivery. The council intends to enter into an emerging cost contract with Network Rail which will require strong contract management to ensure all costs incurred are reasonable.
- 5.4.5 Residential – There is a risk that further delays to the Brent Cross North development will lead to uncertainty for residents and business owners who are being affected by the development either through relocation or disruption from construction activities. This is being mitigated through many communication activities and resident steering groups that have been setup specifically to keep affected parties up to date with the latest programme dates.

5.5 **Equalities and Diversity**

- 5.6.1 As previously reported, 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.

5.6 **Corporate Parenting**

- 5.6.1 None in the context of this report.

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 promotes the benefits, progress and coordinates stakeholder engagement across the whole programme.
- 5.7.2 Regular joint partner communications meetings are held, attended by the Council, Brent Cross Thameslink delivery team, 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 The Communications Group continues to promote the BXC regeneration programme through local, national and trade media and issuing factual proactive and reactive statements to journalist's queries and via owned social media channels.
- 5.7.4 Following Hammerson's half year announcement to defer start of the Brent Cross London scheme on 24 July, LBB has been working closely with Argent Related to ensure cohesive communications and engagement activities continue with key stakeholders and local communities for successful delivery of Brent Cross South and the Thameslink programme.
- 5.7.5 Over the summer months, there has been a sequence of community consultation and engagement activities continuing across the BXS and BXT schemes with particular focus on forthcoming planning applications that have since been submitted and others expected in coming months.
- 5.7.6 TFL lead Transport Liaison Technical Group – a sub-group of the Transport Advisory Group (TAG) – continues to coordinate planned highway works across BXC under review and the related strategic road network. This brings all the affected highways agencies, utilities and developers together.
- 5.7.7 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.
- 5.7.8 LBB's communications channels continue to feature progress reports and significant programme milestones including the council's magazine Barnet First and social media channels.
- 5.7.9 LBB highway's communication team which issues regular advisories on works across the borough, including updates on the BXC programme once works begin including raising awareness with schools and keeping members informed.

Brent Cross London

5.7.10 On 24 July 2018, Hammerson, in its half year results to the London Stock Exchange, announced that it was deferring its proposed redevelopment of Brent Cross shopping centre, with no indication of an alternative start date offered. This generated a level of communications activity to ensure that key stakeholders - councillors, residents groups and interested parties were aware of the position.

5.7.11 In response to inquiries from the public, elected representatives and the media, Barnet Council issued this statement:

“Whilst we are naturally disappointed that there will be a deferral in the works due to start at Brent Cross Shopping Centre, we welcome the long-term commitment shown today in the centre and overall scheme. Brent Cross is set to become North London’s top destination for living, leisure, retail and business. It is the biggest regeneration programme in Barnet and will deliver significant benefits for the borough and the capital.

“We remain focused on the delivery of a new mixed-use neighbourhood that will create a dynamic, new pedestrian-friendly high street of 6,700 homes and almost 3 million square feet of commercial space, including local shops and restaurants south of the A406.

“The new and existing communities will be supported by excellent transport links. The brand new Brent Cross West Thameslink station will link to central London in 12 minutes and there will be new and improved walking and cycle routes, with new open green spaces and community parks.”

5.7.12 TfL continues to keep a watching brief on the proposed highways and infrastructure work as part of the BXL programme, responding in a reactive way only and continuing to work with delivery partners. They have retained their web page to inform customers of potential impact on their journeys as a result of highways works across the BXC programme which will be an important platform to inform of future works for BXS and BXT. <https://tfl.gov.uk/status-updates/major-works-and-events/northwest-london-major-roadworks>.

5.7.13 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.

Brent Cross South

5.7.14 Argent Related and their agency Soundings have undertaken a number of community activities over the past three months with a primary focus on forthcoming planning applications for the temporary open space, plots 11, 13 and associated public realm and highways works. The sessions also informed the master plan which is currently being refreshed and expected later in the year.

5.7.15 A community newsletter was issued to 12,000 homes with 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.

5.7.16 Public exhibitions for plots 11 and 13 took place on 14 July 2018 at Carey Hall and 17

July at Whitefield School which was the first time the community had the opportunity to view the proposed plans.

- 5.7.17 A further plan for the associated public realm was also exhibited. This included detailed plans of the roads and pedestrian/cycle routes within the immediate vicinity of plots 11 and 13. It demonstrated how the new plots will be accessed and connect to existing roads and routes in the local area and the living bridge across from the A406.
- 5.7.18 The newsletter also included an update on the Brent Cross Exploratory – the rejuvenated public space for the development. Walking interviews took place 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.
- 5.7.19 A further community event took place on 10 June to share the plans and invite residents to help develop the TOS which has now been submitted to the local planning authority. Updates are posted on www.brentcrosssouth.co.uk
- 5.7.20 A two-day community event ‘The Big Outdoors’ was due to be held at Clitterhouse playing fields on 28 and 29 July. Unfortunately the second day had to be cancelled at short notice due to an expected storm.

Brent Cross Thameslink (BXT)

- 5.7.21 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 began in July to prepare the site for the replacement driver accommodation and the railway siding which will service the new station by removing invasive species such as Japanese knotweed.
- 5.7.22 A community newsletter updating on all aspects of the BXT programme was issued to 42,000 homes and key stakeholders the development area in June. It included details of forthcoming public exhibitions where the public could view plans for the sidings applications for the first time and an update on the new Brent Cross West station. The local community and key stakeholders had the opportunity to meet the delivery team, ask questions and share views during the consultation events.
- 5.7.23 In total, three events were held. A localised event was held at Claremont Free Church on 21 June for nearest line side communities to the BXT site including Claremont Road, Clitterhouse Crescent and Brent Terrace.
- 5.7.24 Two additional public invitation events were held 26 June 2018 in Barnet and 3 July in Brent. The first sidings planning application for the replacement drivers’ accommodation is currently open for formal public consultation on the Barnet Council planning portal.
- 5.7.25 It is expected that the second sidings planning application for the realignment of the rail track to serve the new Brent Cross West station and Midland Mainline will be submitted to the Local Planning Authority for determination in the coming weeks.

Brent Cross West Station

- 5.7.26 During the summer public consultation events, the issue of full accessibility was raised and whether the new station would be wheelchair accessible from pavement to train with level roll on access.
- 5.7.27 The current Brent Cross Thameslink team design is fully compliant with Network Rail's standards and design guidelines which requires accessibility from pavement to platform. Due to the complex mixed use of the Midland Mainline and the restrictions of permitted derogation from Network Rail standards, the BXT team has written to Network Rail to seek guidance on how the aspiration of a fully accessible station can be achieved.
- 5.7.28 It is currently not clear what may be possible as this determination is usually considered at detailed technical design stage which is undertaken post planning consent.
- 5.7.29 The Council and BXT team remain committed to seeking the best possible solution for all customers. We will be working with the key delivery partners and the Consultative Access Forum to set up a series of meetings with Network Rail and passenger train operating company GTR to explore options prior to submission of the station planning application for determination.

Waste Transfer Station

- 5.7.30 Additional information for the replacement waste transfer station has been available for public consultation during July and August on the LBB planning portal. Ward councillors were invited to briefings on the detail. The BXT team and key specialists met on site with residents' groups and interested individuals to talk through the planning application and address concerns.

Rail Freight Facility

- 5.7.31 DB Cargo as operators of the Rail Freight Facility, is due to meet with residents this month to set out its proposed schedule of construction. Previously they have committed to undertake regular engagement with residents to keep them informed of progress of build and future operation of the site.

6. BACKGROUND PAPERS

- 6.1 Assets, Regeneration and Growth Committee, 17 March 2016, item 14, Brent Cross Cricklewood Compulsory Purchase Order (No.3), <https://barnetintranet.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://barnetintranet.moderngov.co.uk/ieListDocuments.aspx?CId=696&MId=8312&Ver=4>
- 6.3 Assets, Regeneration and Growth Committee, 24 April 2017, Brent Cross Cricklewood Update Report <https://barnetintranet.moderngov.co.uk/ieListDocuments.aspx?CId=696&MId=8641&Ver=4>

- 6.4 Assets, Regeneration and Growth Committee, 24 July 2017, Brent Cross Cricklewood Update
<https://barnet.intranet.moderngov.co.uk/ieListDocuments.aspx?CId=696&MId=9337&Ver=4>
- 6.5 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>
- 6.6 Assets, Regeneration and Growth Committee, 27th November 2017, Brent Cross Cricklewood Update Report,
<https://barnet.intranet.moderngov.co.uk/ieListDocuments.aspx?CId=696&MId=9435&Ver=4>
- 6.7 Assets, Regeneration and Growth Committee, 12th March 2018, Brent Cross Cricklewood Update Report,
<https://barnet.intranet.moderngov.co.uk/ieListDocuments.aspx?CId=696&MId=9083&Ver=4>

Assets, Regeneration and Growth Committee, 14th June 2018, Brent Cross Cricklewood Update Report,