



CPO Report to the Secretary of State for Communities and Local Government

by Philip J Asquith MA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Date: 19 December 2017

THE TOWN AND COUNTRY PLANNING ACT 1990

THE ACQUISITION OF LAND ACT 1981

**APPLICATION BY THE COUNCIL OF THE LONDON BOROUGH OF BARNET
FOR THE CONFIRMATION OF THE LONDON BOROUGH OF BARNET (BRENT
CROSS CRICKLEWOOD) COMPULSORY PURCHASE ORDER (NO. 3) 2016**

Inquiry held 5 – 7 and 13 September 2017

File Ref: APP/NPCU/CPO/N5090/76927

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Glossary of abbreviations

AA	Acquiring Authority
BoP	Book of Plans
BXC	Brent Cross Cricklewood Regeneration Scheme
BXN	Brent Cross North
BXS	Brent Cross South
BXS LP	Brent Cross South Limited Partnership
BXT	Thameslink Station
CS	Core Strategy
DCLG	Department for Communities and Local Government
EIA	Environmental Impact Assessment
ITS	Integrated Transport Strategy
LP	London Plan
MML	Midland Mainline
NLWA	North London Waste Authority
PTAL	Public Transport Accessibility Level
RFF	Rail Freight Facility
SPG	Supplementary Planning Guidance
TfL	Transport for London
WHF	Waste Handling Facility

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Land at Brent Cross/Cricklewood

- The Compulsory Purchase Order was made under section 226(1)(a) of the Town and Country Planning Act 1990 (the 1990 Act) and the Acquisition of Land Act 1981 by the London Borough of Barnet Council on 7 September 2016.
- The purposes of the Order are for facilitating development, redevelopment and improvement by way of a mixed-use scheme comprising: commercial, retail, residential, hotel, conference and leisure development; community facilities; car parking, infrastructure and highway works; new rail station, station buildings, railway sidings, rail stabling facilities and associated rail infrastructure; rail freight facilities; a waste transfer facility; and public realm and environmental improvement works, thereby contributing towards the promotion and/or the improvement of the economic, social and environmental well-being of the area.
- When the inquiry opened there were 11 remaining objections and six non-qualifying additional objections. By the close of the inquiry nine remaining objections had been withdrawn.

Summary of Recommendation: That the Order be confirmed subject to modification.

Procedural Matters and Statutory Formalities

1. Prior to the opening of the inquiry, of the 13 Relevant Objections made, those from Solum Group Holdings GP Ltd/Solum Group Holdings Nominee Ltd and DB Cargo (UK) Ltd had been withdrawn.
2. To assist in the smooth and efficient running of the inquiry I held a pre-inquiry meeting to discuss procedural and administrative matters on 7 June 2017 in relation to which a subsequent note was produced¹.
3. At the pre-inquiry meeting Mr John Cox, a non-qualifying Objector, indicated his wish to both ask questions of clarification and to then subsequently cross-examine the Acquiring Authority's (AA) witnesses at the inquiry.
4. At the inquiry Mr Cox, and Mr Michael Mangi (a local resident but who had not submitted an objection to the Order²), provided most of the questioning on matters of clarification of the AA's witnesses' evidence. I also allowed additional questions of clarification from interested persons. Following the conclusion of the second day of the inquiry, Mr Cox wrote³ to indicate that he would no longer be attending the inquiry (and therefore would not be cross-examining any of the AA's witnesses) but that he wished his written objection to remain. He subsequently submitted a supplement to his written objection⁴.
5. By letter of 11 September 2017⁵, addressed to the National Planning Casework Unit and copied to the AA and myself, Ms Naila Choudhury requested the time and opportunity of at least five working days to submit an objection letter and further evidence objecting to the Brent Cross Cricklewood CPOs Nos. 1, 2 and 3

¹ Doc 1

² It had been indicated that Mr Mangi was to ask clarifying questions to assist Mr Cox

³ NQ4/2

⁴ NQ4/1

⁵ Doc 6

(hereafter referred to as CPOs 1, 2 and 3)⁶. A response was made on 12 September on behalf of the AA in which strong opposition to Ms Choudhury's request was set out. This was principally for the reasons that:

- Ms Choudhury was an objector to CPO2 and gave evidence to that inquiry, and in respect of CPO1;
 - she does not own any land proposed to be acquired and/or interfered with pursuant to the present Order. She is not therefore a Qualifying Person for the purposes of CPO3 and was not required to be served with notice of the making of the Order;
 - she did not have a Relevant Objection which would entitle her to have the opportunity to appear before and be heard at the CPO3 inquiry;
 - replacement homes for the Whitefield Estate residential units within CPO1 and 2 (a matter with which she appeared to be principally concerned) will not be delivered on the CPO3 land;
 - the AA had complied with all necessary procedural requirements, including the necessary publication and advertising of the making of the Order and notice of the inquiry;
 - the objection period for CPO3 had long since passed, with the inquiry due to close on 13 September⁷, and there should be no reason to keep it open beyond that; and
 - as the inquiry into CPOs 1 and 2 closed in July 2016 no further evidence could be submitted for that inquiry Inspector's attention.
6. I responded by email⁸ to Ms Choudhury on 12 September concurring with the AA's reasons why I should not accede to her request.
7. In the morning session of the inquiry on 13 September, very shortly before the conclusion of the AA's closing submissions, an emailed letter from Ms Choudhury was received responding to the AA's letter of 12 September⁹. This reiterated her request to be able to submit a detailed objection to the current Order. It referred to an open meeting held between Whitefield residents and officials of the Council and its partners held on 7 September regarding relocation and other matters, and the request for information and clarification. Ms Choudhury acknowledged that the Whitefield Estate does not fall within CPO3 lands. However, because of CPO3's dependence on CPOs 1 and 2 being confirmed, and in light of responses made at the recent open meeting and the fact that other non-qualifying objectors had been allowed to submit objections and evidence to the CPO3 inquiry, these were reasons why she should be permitted to submit a detailed objection to the present Order.

⁶ The London Borough of Barnet (Brent Cross Cricklewood) Compulsory Purchase Order (No. 1) 2015, the London Borough of Barnet (Brent Cross Cricklewood) Compulsory Purchase Order (No. 2) 2015 and the present No. 3 Order

⁷ Erroneously referred to as 14 September in the AA's letter of 12 September

⁸ Doc 8

⁹ Doc 9

8. I granted a short adjournment over lunch for both the AA and myself to study this letter. On resumption, with Ms Choudhury then present at the inquiry, the AA responded to her reiterated request, which she also verbally augmented. This response was on the basis that much of her concern related to matters concerning CPOs 1 and 2, rather than the present Order, and the reasons why a late objection and the prolonging of the inquiry were unacceptable were as set out in the AA's letter of 12 September. Furthermore, in respect of the CPO3 inquiry, the AA noted that no one had been allowed to submit late objections. Only questions of clarification, both oral and written, had been asked, with the timetabling of the inquiry being able to accommodate this.
9. For the reasons given by the AA, I ruled that I was not prepared to accept late objections from Ms Choudhury. Ms Choudhury then requested that the SoS should be asked to reconvene the inquiry for opportunity to be given to consider further objections, a request I stated I would report.
10. The AA drew attention at the pre-inquiry meeting to an error in the Order. Since the Order was made, it had become apparent that the rights description for Plot 36 (the Midland Main Line (MML) Bridge Works) and Plots 37 and 38 (Pedestrian Link Works) had been incorrectly set out; the MML Bridge Works rights should be noted in the Order against Plots 37 and 38, with the Pedestrian Link Works rights noted against Plot 36, as set out in the letter of 24 February 2017¹⁰. Network Rail Infrastructure Limited, as sole landowner of the three plots, was notified of the proposed modification, subsequently confirming that it had no comment to make about the modification. There are no other interests that would be affected if the modification, as requested by the AA, was to be made.
11. The AA confirmed that it had complied with all statutory formalities¹¹. There are no Protected Assets within the Order lands¹².
12. Much of the Order lands are visible from publically-accessible locations and before and during the inquiry I made informal unaccompanied visits to view them. Also, prior to the opening of the inquiry, I made a familiarisation visit accompanied by a representative of the AA and an objector¹³, which included entering onto currently operational railway land. As a result of these various visits, I decided that I did not need to make a further formal accompanied visit.
13. Before and during the inquiry invaluable administrative support was provided by the appointed Programme Officer, Graham Groom, of Persona Associates.

The Order Lands and Surroundings

14. The Order lands form part of a wider Brent Cross Cricklewood regeneration area (BXC), which in total amounts to a site of some 151ha. An extant outline planning permission¹⁴ for comprehensive mixed-use redevelopment exists for the BXC area, with the boundary of the area shown on Book of Plans 1 (BoP 1). In

¹⁰ CD D6

¹¹ See compliance bundle CD E12

¹² Doc 2

¹³ Messrs D Conboy (AA) and J Cox (Objector)

¹⁴ Ref. F/04687/13, dated 23 July 2014, and hereafter referred to as the s.73 permission (CD C4). This follows an earlier 2010 permission, Ref. C/17559/08, for the comprehensive redevelopment of BXC

- broad terms, the BXC is defined to the west by the Edgware Road (the A5) and Midland Mainline railway line, to the east by the A41, and it is bisected east to west by the North Circular Road (the A406). It includes Junction 1 of the M1 (Staples Corner), the existing Brent Cross Shopping Centre and Bus Station to the north of the North Circular Road, as well as the existing Sturgess Park.
15. To the south of the North Circular Road the BXC site includes the Brent Cross South Shopping Park, retail stores, the Whitefield housing estate, three schools, a leisure centre, Brent Cross London Underground Station to the east, parks and playing fields to the south, the Hendon Waste Transfer Station, Claremont Way Industrial Estate and, to the far south, the Cricklewood railway station.
 16. The Order lands are shown in detail on the Order Map¹⁵. Their relationship with the wider regeneration area defined by the s.73 planning permission is illustrated on BoP 19¹⁶. This also shows the relationship of the present Order lands with those subject to the two earlier CPOs (CPOs 1 and 2). These were subject to a public inquiry in May to July 2016, a report on which at the time of writing this present report was with the Secretary of State for consideration.
 17. The Order lands occupy the south-western extremity of the Borough of Barnet, with the neighbouring Borough of Brent to the western side of the Edgware Road.
 18. In summary, much of the present Order lands subject to acquisition in terms of area comprises railway land in the ownership of Network Rail and either is or was used for industrial/storage and distribution uses.
 19. That part of the railway lands to be acquired to the east of the mainline railway tracks incorporates a mixture of uses. These include scrub land, open storage land, and railway sidings. Regarding the latter, the land is used variously for waste recycling and the export of construction waste materials by rail, scrap metal recycling and storage for rail-related equipment in a former intermodal freight facility shed. Plot 13 comprises the Hendon Waste Transfer Station, which incorporates a large warehouse, open storage land and railway sidings.
 20. Plots 7 and 8 (106 Brent Terrace) lie at the southern end of the northern section of Brent Terrace, comprising two warehouse units with associated parking areas. To the north-west is Plot 4, occupied by Cemex UK Operations Limited, which is used for a concrete batching plant.
 21. The railway land to the west of the mainline rail tracks, and accessed from Geron Way, principally comprises a large parcel of open storage land of some 4.87ha that was formerly railway sidings (Plots 27, 28, 29 and 34).
 22. To the west of the railway and south of Geron Way, Plots 21 and 23 comprise a warehouse and associated surface car park. Plot 15, between Geron Way and the railway, is a surface car park directly adjacent to what was a six-screen cinema. Other smaller plots within the Order lands comprise boundary walling and landscaped areas (Plots 17, 32, 33), a small area with vegetation adjacent to the

¹⁵ CD D3

¹⁶ Annotated aerial views of the BXC development site with its existing principal components are at B1 – B8 within AA/BA/4, and the relationship of the CPO3 lands and the illustrative masterplan for the BXC development at A2

railway (Plot 25), land occupied by a telecommunications mast (Plot 26) and sections of highway (e.g. Plots 1, 2, 3, 18, 19, 20 and 22).

23. In addition to land for which outright acquisition is sought, the Order lands include those over which new rights are sought. These include Plots 36, 37 and 38 over operational railway lines (for the purposes of constructing two bridges) and Plot 39, Network Rail land (rights to enter and use land as a temporary construction compound).

The Case for the Council

24. The Council made the Order because: the compulsory acquisition will facilitate the redevelopment of the CPO3 Order Lands (s.226(1)(a)); and redevelopment is likely to contribute to the improvement of the economic, social and environmental well-being of the area (s.226(1A)).

*The Scheme*¹⁷

25. CPO3 is intended to facilitate the BXC development permitted by the s.73 permission. The s.73 permission operates over a number of phases, as described in detail within the Project Synopsis¹⁸. CPO3 is the third compulsory purchase order made to deliver the Scheme. CPOs 1 and 2 were made in 2015 and identified the land necessary to deliver the first phase of the BXC development.
26. Those Orders were drawn so as to enable the works within the first phase to take place and to enable all the later phases to occur¹⁹. The first phase allows for the critical infrastructure works to take place alongside the built form contained within Phase 1 which will provide the commercial basis for funding the works. In particular, Phase 1 North includes the redevelopment and extension of the Brent Cross Shopping Centre including the mixed-use components; it also includes the provision of the residential units to replace those lost through redevelopment of the Whitefield Estate. CPO2 includes the land to provide the additional infrastructure required for Phase 1 South, and plots within the Market Quarter²⁰ to deliver part of High Street South²¹.
27. CPO1 (and the s.73 permission) contains a large area of the strategic highway network along the A406 corridor (the North Circular Road) and extending across the M1 to the boundary of the A5 (Edgware Road), and eastwards to the A41. This reflects the early delivery of the important infrastructure works to be provided within Phase 1 (described as Critical Infrastructure (Phase 1) within the s.73 permission)²².
28. Phase 1 includes very substantial highway works to improve the operation of the key elements of the strategic highway network (including the Gateway

¹⁷ Hereafter reference to the 'Scheme' is to the broad BXC redevelopment

¹⁸ CD E2, pages 6 – 10 and also AA/PA/1, section 4

¹⁹ See the s.73 permission CD C4, e.g. condition 4.1

²⁰ The broad 'quarters' of the BXC development are shown on parameter plan 001 (CD C14)

²¹ A new link road running eastwards from a proposed new Thameslink Station connecting to the heart of Brent Cross South, shown on Fig 32 in AA/BA/1 and CD C14, parameter plans 020 and 022

²² CD C4, pages 173 and 176 for Phase 1

- Junctions²³), as well as the 'Living Bridge'²⁴ (which will transform north-south pedestrian and cycling connectivity as well as deliver a significant improvement to the urban realm). It also includes a new Brent Cross Bus Station (which not only doubles the size of the existing bus station but significantly improves its efficiency) and significant improvements to the public transport services available (for example, three new bus services, improvements to the frequency and capacity of 11 existing bus routes, and additional direct buses to underground and rail stations). CPO2 also delivers essential infrastructure for Phase 1 South and future phases (in particular Claremont Park Road, which will provide access to building plots within the Market Quarter, and School Lane²⁵).
29. Overall, the s.73 permission will establish a sustainable new mixed-use town centre for Barnet and North London including substantial residential, commercial, leisure and retail uses. It doubles the size of Brent Cross Shopping Centre (adding 55,000 sqm of A1 comparison floorspace), and adds leisure, hotel and residential uses at this location. It diverts the River Brent and introduces a pedestrian and cycle way along the naturalised river. A new High Street to the north of the North Circular Road is created, connected to the south of the North Circular by new bridges²⁶, well-related to the new bus station, and the new Brent Cross Main Square.
 30. The Living Bridge will transform pedestrian and cycling accessibility north-south, including providing direct access to the new bus station, and will help the town centre span the North Circular Road. A new Thameslink train station (at the end of the new east-west through-route connecting the scheme to the Thameslink and Brent Cross Underground) is a very significant feature.
 31. The Scheme has evolved with an emphasis placed on connectivity, legibility, urban design, and the creation of a new mixed-use town centre. It is an enormous and revolutionary opportunity for Barnet²⁷.
 32. BXC will provide (largely through Brent Cross South²⁸ (BXS)) in the region of 7,500 new homes and substantial office and other employment development. Cumulatively across the phases, 30% of new housing should be affordable, with a minimum of 15% (with the housing mix and tenure split to reflect strategic policy and local housing needs). This affordable housing provision will include those units of affordable housing lost within the Whitefield Estate. In addition, new

²³ These include the Staples Corner junction of the North Circular Road and the M1 and the A406/A41 junction (AA/PH/1, para 3.25). See also CD C4, page 193 and condition 1.29; and CD C18 at 3.2

²⁴ A new bridge to provide a direct pedestrian/cycling connection between existing and new communities to the south of the North Circular Road and the amenities contained within the northern part of the town centre (see AA/BA/1, Fig 30)

²⁵ CD E2, 4.15

²⁶ The Living Bridge as already described and a replacement Templehof Bridge spanning the North Circular Road, providing greater capacity for cars, buses, pedestrians and cyclists (AA/BA/1, Fig 29)

²⁷ Contrast Fig 20 with Fig 25 in AA/BA/1

²⁸ The area covering approximately 100ha of land to the south of the North Circular Road and which would include parts of the CPO1, CPO2 and CPO3 developments

- urban squares and public open spaces will be created, and the open space of Clitterhouse Playing Fields and Claremont Park radically improved²⁹.
33. Three tiers of open space are to be included³⁰, and the parameters provide that there would be 33.76ha of open space across the scheme (an increase of 8.53ha over the existing provision). Claremont Primary School will be rebuilt and expanded, and Whitefield and Mapledown Schools (affected in later phases) will be re-provided (including an education 'campus'). New health and leisure facilities will be provided (including, for example, a new primary care centre, a drop-in health centre, and library space).
 34. Very significantly, a new Thameslink Station (BXT) will be provided within the Station Quarter³¹. This provides a huge advantage of the scheme, and has been very important to its design and function. As a result of the combination of new services and facilities provided, together with the substantial transport, connectivity and public transport improvements, the new town centre is predicted to have a Public Transport Accessibility Level (PTAL) rating of 5 or more³².
 35. CPO3 follows on from CPOs 1 and 2 and will facilitate the early delivery of the BXT and related rail infrastructure, together with development of the Station Quarter. This drives the comprehensive delivery of the BXC Scheme. CPO3 is the next logical land assembly step to deliver the comprehensive development of BXC. Plan BoP 19 of the Book of Plans, overlays CPOs 1, 2 and 3 on the indicative layout plan (parameter plan 015³³) and shows the huge connectivity improvements thus enabled³⁴.
 36. The comprehensive regeneration of BXC is reliant on the delivery of an Integrated Transport Strategy (ITS). The ITS is fundamental to the sustainable delivery of BXC and formed part of the s.73 permission. It will ensure the quantum of development can be delivered alongside improved connectivity through and within BXC and improvements to the road network so that there will not be additional road traffic delays. This requires a modal shift towards more sustainable transport modes. Self-evidently, the delivery of the BXT and the improved connectivity west-east across the railway lines that will be facilitated by CPO3 is critical to this.
 37. The BXT was originally scheduled for construction within Phase 5 of the BXC. Conditions 4.2 and 4.4 of the s.73 permission permit amendments to the phasing of the BXC development. This is subject to it being demonstrated that the changes are unlikely to have significant adverse environmental impacts compared to those assessed in the s.73 permission, and the amendments do not undermine comprehensive development³⁵. The BXT is now being advanced to Phase 2 (South) so that its many benefits are realised earlier and can help drive the comprehensive delivery of the wider scheme through acting as a catalyst for the realisation of other development plots. An application to re-phase the BXT

²⁹ CD C8

³⁰ CD C14, parameter plan 003

³¹ CD C14, parameter plan 001

³² Accessibility is rated from 0 (worst) to 6B (best)

³³ CD C14

³⁴ See AA/PW/1, pages 8 and 9

³⁵ CD C31

into Phase 2 was made in June 2017³⁶ and the Council has resolved to approve this³⁷.

38. The current Phase 2 of BXC, which is facilitated by the CPO3 development, includes the provision of³⁸:

- new Thameslink Station;
- Rail Freight Facility;
- Waste Handling Facility³⁹;
- Train Stabling facility and sidings;
- A5/Link Bridge (MML Bridge) – over the railway connecting the Edgware Road to the BXC development.
- Station District;
- Station Quarter (West) and Brent Terrace (North);
- Station Square;
- Transport Interchange (interim and permanent);
- Brent Terrace Park;
- Station entrance (east); and
- Spine Road (North) linking the MML Bridge to Station Square and beyond.

39. The new train station will be delivered in two packages reflecting the delivery responsibilities of the joint venture of the Council and its partners (BXS LP)⁴⁰. The western element will be delivered by the Council and comprises the western entrance building, station bridge, concourse, ticketing areas and barriers. The eastern element will be delivered by BXS LP and comprises the eastern entrance building and the transport interchange as the hub of the Station District. The transport interchange will be delivered in an interim form to ensure that there is a proportionate facility for public transport interchange from the date of the station opening (2022)⁴¹.

40. The MML Bridge is a two-way bridge for all traffic (including bicycles) connecting the Edgware Road (A5) across the railway lines to the new town centre. It will allow buses to access the Station Quarter, the new town centre, and the extended shopping centre, avoiding Staples Corner⁴².

³⁶ CD C28

³⁷ CD C32C. Revised phasing is show on the plan at CD C32A

³⁸ See for example BoP 7, 20 and 21; AA/DM/2, Appx B; and AA/PA/1, section 5

³⁹ Within the inquiry evidence, reference has been made variously to a Waste Handling Facility and a Waste Transfer Facility. For consistency, the former has been adopted in this report.

⁴⁰ BXS LP is a joint venture known as the Brent Cross South Limited Partnership between the Council and Argent Related (which is a joint venture itself between Argent and Related Companies) to deliver the Station District development and the wider BXS development)

⁴¹ AA/SS/1

⁴² AA/BA/1, para 6.54

41. The Rail Freight Facility (RFF) is intended to re-provide the function served by the existing rail freight facility. The current requirements have changed since the s.73 permission was granted so that what is now required is a (largely) open air transfer facility (rather than a large enclosed facility for transferring containerised and palletised goods)⁴³. This proposal has been designed in consultation with DB Cargo, which will operate the facility, and which is supportive of it.
42. Regarding the evolution of the RFF, in summary, the 2010 outline permission authorised an intermodal terminal. Such a facility handles containers brought to site by train, the containers being transferred to road trailers for their final, short journey. Network Rail commissioned a freight market study. This concluded in January 2015 that there was no longer demand for an intermodal freight terminal but that there was strong local demand for the importation of aggregate and the export of construction spoil. Network Rail sought a review of this study in April 2016, with the review finding that the earlier conclusions stood⁴⁴. This work involved consultation with end users including DB Cargo, as well as Network Rail, the Rail Regulator and the local users. The proposed RFF will meet current market requirements. This involves having two adjacent sidings of a minimum length of 330m. The only suitable area for this is DB Cargo's Cricklewood Down Sidings (CPO Plots 27 and 34)⁴⁵.
43. The Waste Handling Facility (WHF) will also be a replacement facility⁴⁶. It re-provides the function of the existing Hendon Waste Transfer Station operated by North London Waste Authority (NLWA) and LondonWaste Limited⁴⁷. Again, requirements have changed since the s.73 permission was granted.
44. The s.73 permission permits a facility to enable materials recycling and residual waste treatment, the construction of a 24,700 sqm building, a rail-mounted gantry and a refuse-derived combined heat and power plant⁴⁸. It is no longer intended to provide this.
45. Furthermore, there has been a significant change to strategic waste management in NLWA's area⁴⁹. NLWA currently leases and operates the Hendon Waste Transfer Station. It secured development consent for the North London Heat and Power Generating Station at Edmonton in March 2017. This has changed the requirements for the residual waste management facility within BXC. Edmonton will deal with all residual waste from the seven North London Boroughs. Accordingly, the proposed WHF has been reduced in scale, and will not be rail-linked⁵⁰.
46. The requirements of the new facility have been discussed with NLWA. It will receive various waste streams. Residual waste will be transferred by road to

⁴³ AA/RG/1

⁴⁴ AA/RG/1, section 4; and AA/RG/2, Appx 2

⁴⁵ AA/RG/2 Appx 2, p14

⁴⁶ See BoP 4 for its location

⁴⁷ In the letter withdrawing its objection (Obj 5/1) it is stated that LondonWaste Ltd changed its name on 5 September 2017 to LondonEnergy Ltd

⁴⁸ AA/PA/1, para 5.49 et seq.

⁴⁹ NLWA is the statutory waste authority for the management and disposal of waste across seven north London Boroughs

⁵⁰ It now only requires to occupy development plot 62 as shown on parameter plan 029, rather than, as previously, on both plots 62 and 63 (AA/PA/1, para 5.61)

- Edmonton Eco Park for incineration. Recycling waste will be sent to specialist local recycling contractors. Food waste will be sent to an anaerobic digestion plant at Milton Parc. The facility will be enclosed, and a number of mitigation measures will be adopted⁵¹.
47. The relocated Rail Stabling and Sidings are needed to replace the existing Cricklewood Down Sidings that are required for development of the BXT⁵². The new facilities will be provided at the south-east of the Order lands adjacent to the Thameslink sidings⁵³. They will include a compound to accommodate associated facilities, such as storage facilities, power and fuel supply.
48. The Station District will provide the gateway to BXS; Station Square will be a significant new public square that anchors the western end of High Street South, and has an important role in setting the urban structure. BXS is re-phased so that the first plots developed (Phase 2) will be those to the north of Claremont Park⁵⁴. The relevant applications were made to achieve this in April 2017 and have resolutions for approval⁵⁵. The land within CPO3, including development plots 19 and 20⁵⁶, will form the first plots of the Station District. It is intended to bring these plots forward as part of a refocused Phase 2 to capitalise on the early delivery of the station⁵⁷. This will provide a key part of the business core of BXS.
49. BXS LP will also secure the early delivery (to coincide with the opening of the station) of Claremont Park Road (Part 2) which will connect the new station to Claremont Road to the east and Templehof Bridge to the north⁵⁸. There will be a focus on place-making flowing from the new opportunity and activity associated with the new station, interchange and Station Square. The CPO3 development also includes Spine Road North, linking the MML Bridge to the new transport interchange, Station Square, and onwards to the centre of BXC. Brent Terrace Park includes a neighbourhood park and green corridor, and is likely to be delivered in two phases, with the northern section being delivered alongside Spine Road North⁵⁹.
50. The CPO3 Order lands in their totality will build on the development facilitated by CPO1 and CPO2 and deliver much improved accessibility and connectivity as well as a significant quantum of office and residential floorspace and a clearly defined urban structure and sense of place.

Overview of Justification

51. Land assembly is required to deliver a project that has the full support of Barnet's Local Plan (the Core Strategy⁶⁰) and the London Plan⁶¹.

⁵¹ The proposed site layout is shown on BoP 16 and mitigation measures set out in AA/PW/1, para 4.24

⁵² AA/PW/1, section 4

⁵³ See BoP 4

⁵⁴ See CD C32A

⁵⁵ AA/SS/1, para 5.20

⁵⁶ Development plot numbers are shown on parameter plan 029 (CD C14) and are distinct from the numbering of the plots within the Order

⁵⁷ AA/AG/1, para 4.30 and see AA/SS/1, para 5.37 et seq.

⁵⁸ AA/AG/1, para 4.35

⁵⁹ See CD C14, parameter plan 023

⁶⁰ CD B1

52. The Core Strategy identifies the scheme as the largest and most important development in Barnet and one of London's most important strategic proposals⁶². The comprehensive redevelopment of the Brent Cross-Cricklewood Opportunity Area to create a new town centre is an express policy objective of the Core Strategy⁶³.
53. The London Plan 2016 similarly identifies Cricklewood/Brent Cross as an Opportunity Area⁶⁴. It is identified with an indicative employment capacity of 20,000 and the provision of 10,000 new homes. The delivery of the area's growth potential is an express policy objective.
54. There is a clear logic to the disposition of uses and transport infrastructure across the BXC site⁶⁵. CPO3 focuses on the western side of the wider proposal. Here, industrial uses (the RFF and WHF) are being relocated to the west of the railway (the Railway Lands) to allow the new BXT to be delivered together with the transport interchange to the east of the railway. Around this transport hub will be the Station Quarter with taller buildings and predominantly office uses. This then feeds into the predominantly residential area of Brent Terrace to the south, and connects to the mixed town centre uses of the Market Quarter to the east⁶⁶.
55. The Brent Terrace area will have a new urban park, contained on its eastern side by the existing railway terraces, and on the western side by new, predominantly residential, development (although with some necessary railway uses).
56. The delivery of BXC is entirely central to delivering the priorities set out in the Council's Corporate Plan 2015-20⁶⁷ and Corporate Plan Addendum and Targets 2017/18⁶⁸. BXC is central to increasing housing supply in line with the Council's Housing Strategy⁶⁹ and Growth Strategy⁷⁰.
57. The regeneration of this area is a longstanding objective of the Council. It considers the delivery of some 7,500 homes, a new town centre, a new train station and a new urban environment alongside the proposed community facilities to be crucial to the delivery of the corporate, planning, housing and economic strategies for its area.
58. As a result, the Council has been and remains very proactive in promoting the development through the means available to it, and securing the funding to bring about and maximise the benefits of regeneration⁷¹.
59. The Scheme has outline planning permission. Reserved Matters approval has been granted for Phases 1A (North) and 1A (South)⁷². The re-phasing application

⁶¹ CD A17

⁶² CD B1, page 40

⁶³ See CD B1, Policies CS2, CS6 and C6

⁶⁴ CD A17, Policy 2.13; map 2.4 page 79; and Annex 1, page 358

⁶⁵ AA/BA/1

⁶⁶ AA/BA/1, section 6 especially Fig 37

⁶⁷ CD B11

⁶⁸ CD B12 and AA/CS/1, section 3

⁶⁹ CD B10

⁷⁰ CD B7

⁷¹ See AA/CS/1

⁷² See AA/PA/1, section 4

for the Thameslink development was made in June 2017, with the Council resolving to approve this. There is a clear programme and strategy for obtaining all of the requisite consents for the delivery of the CPO3 development.

60. Phase 1A (North) of the s.73 permission has been implemented⁷³. A number of applications have been made in order to commence delivering the CPO1 and CPO2 developments⁷⁴. There is a detailed implementation programme contained within the s.73 permission. CPO3 will ensure compliance with this programme in relation to the CPO3 development. For example, the re-provision of a new WHF within Phase 1B (South) must be implemented by 28 October 2019⁷⁵.
61. The scheme is a very significant development in terms of area, infrastructure delivery and investment. The s.73 permission deliberately retains flexibility within the certainty of the scope of the s.73 permission⁷⁶.
62. The benefits of the redevelopment scheme are without doubt compelling (and no-one really suggests otherwise). The land included within the Order is necessary to deliver the CPO3 development. Taking the critical test from the CPO Guidance⁷⁷, there is plainly a compelling case in the public interest for securing the land that will enable this scheme to come forward.

CPO Guidance: Particular Factors

Planning: Does the purpose for which the Authority is acquiring the land fit with the adopted Local Plan for the area?

63. The redevelopment of the Order lands and the wider regeneration of the Brent Cross/Cricklewood Opportunity Area are fully supported by and are central to the adopted Local Plan. It is fully supported and endorsed by the London Plan⁷⁸.
64. Redevelopment is entirely supported by national policy. Indeed, s.226(1A) of the 1990 Act restricts the exercise of the power of compulsory acquisition to situations where the development will promote the economic, social and environmental well-being of the area. Those three strands are found within the National Planning Policy Framework (the Framework) as the three core dimensions of sustainable development, to be jointly and simultaneously secured through the planning system.
65. The regeneration of the BXC area is a very good example of how taking a comprehensive approach to regeneration, and so delivering a balance of housing, retail and community uses, a new town centre, substantial public transport and highway infrastructure improvements, can indeed jointly advance these three strands. The difficulty is that where an area requires such a comprehensive approach the joint advancement of these strands can be thwarted by land assembly issues. This is the identified purpose of the power in the CPO

⁷³ AA/PA/1, para 4.34

⁷⁴ CD C34

⁷⁵ AA/PA/1, para 4.35. See also AA/SS/1 section 5.0; AA/AG/1, section 4; and AA/PW/1, section 5 for the programming of development

⁷⁶ Phasing and flexibility are detailed in AA/PA/1, section 4

⁷⁷ CD A10 - *Guidance on Compulsory purchase process and The Crichel Down Rules for the disposal of surplus land acquired by, or under the threat of, compulsion* (DCLG)

⁷⁸ See AA/PA/1 section 6 for policy objectives compliance

guidance: "...a positive tool to help acquiring authorities with planning powers to assemble land where this is necessary to implement proposals in their Local Plan..."⁷⁹.

66. The Framework is also supportive of development which promotes the use of sustainable transport modes, and encourages local authorities to develop strategies to provide for viable infrastructure including large-scale facilities such as rail freight interchanges⁸⁰. This is confirmed in the National Policy Statement for National Networks which states Government policy as being to improve the capacity, capability, reliability and resilience of the rail network at key locations for both passenger and freight movements. The BXT and RFF derive strong support therefore from national policy.
67. Compliance with the development plan was considered through the planning application process. In consideration of the s.73 application in January 2014 the Council concluded that the proposals accorded with the development plan⁸¹. Key aspects of this compliance are summarised below:

a) Core Strategy (CS)

- (i) The delivery of the Scheme is expressly provided for by Policies CS2, CS3 and CS6 and the saved policies of the UDP, particularly C6⁸². The creation of a new town centre is expressly provided for, together with substantial residential, commercial and retail floorspace to extend across the North Circular Road and integrate into the wider area⁸³. The new town centre is to be fully integrated into the regeneration scheme⁸⁴. The importance of the Scheme and its benefits as a means of delivering the area's strategy runs through the CS⁸⁵.
- (ii) The retail strength of Brent Cross Shopping Centre is long established – the UDP (and now the CS) recognised that and provided that a new town centre should be provided to enhance sustainability with a vibrant and viable economy⁸⁶. It noted that what this required was a balance of town centre uses including residential and commercial uses, with leisure facilities, cultural and art facilities, restaurants, hotels and improved public transport access⁸⁷. The need to improve transport infrastructure and public transport accessibility was expressly identified⁸⁸. Policy C7(iii) of the UDP (2006) identified that the Council would seek a new railway station at Cricklewood with integrated facilities for other public transport facilities⁸⁹. The UDP also identified the "vital importance" of the proposed bridges across the North Circular

⁷⁹ CD A10, para 65

⁸⁰ Framework, paras 29, 31 and 35

⁸¹ CD C15 section 8, page 163 and Appx 2, page 443 which contain an assessment of the Scheme against each relevant policy

⁸² CD B1

⁸³ Ibid, page 40, Table 4 and 11.6.2, page 70; and Policy CS6, page 79

⁸⁴ Policy GCrick, page 182

⁸⁵ Ibid, e.g. CS3, CS6, CS7 and CS8

⁸⁶ Ibid, B1, UDP para 12.3.16

⁸⁷ Ibid, para 12.3.16 and Policy C6

⁸⁸ Ibid, Policy C7

⁸⁹ See also para 12.3.21 of supporting text

and from Edgware Roads⁹⁰; provided for a rail-linked waste transfer station serving North London⁹¹; and the upgrade of the rail freight facilities⁹².

b) London Plan 2016 (LP)

- (i) This continues the promotion of the Scheme that was first endorsed by the London Plan 2004⁹³ which confirmed that Brent Cross should evolve into a town centre⁹⁴. Brent Cross Cricklewood is an identified Opportunity Area⁹⁵. The policy⁹⁶ promotes the proactive delivery of the potential of this area as a result, and realising scope for intensification through improvements in public transport accessibility. It supports those strategic policy directions in Annex 1, which for the BXC Opportunity Area has an indicative employment target of 20,000 jobs and a minimum new homes target of 10,000 units. The strategic policy acknowledges the creation of a new town centre with an extended mix of town centre uses to include: new housing with local ancillary services; a new train station with development phased with improvements to public transport and accessibility; and a significant potential for improvement to the public realm, including restoration of the River Brent.
- (ii) Policy 2.16 includes Brent Cross as a Strategic Outer London Development Centre and supports infrastructure investment, additional development capacity, an enhanced public realm, and improving Londoners' access to new employment opportunities. The LP recognises the strategic retail function of the shopping centre and the ability of the wider area to become a Metropolitan Town Centre⁹⁷. It also seeks the improvement of freight distribution, including specifically by promoting movement by rail⁹⁸. The LP identifies a housing need of at least 42,000 net additional homes per annum, with a monitoring target of 2,349 as an annual target for Barnet⁹⁹; and seeks to maximise affordable housing provision subject to viability¹⁰⁰.

c) The Cricklewood Brent Cross and West Hendon Development Framework

- (i) This Supplementary Planning Guidance (SPG) was a collaboration by the Council, the Mayor and the Greater London Authority (with other stakeholder input) with the intention of guiding the design and delivery of the BXC development. It established the key features of a successful scheme as creating a new town centre, a new commercial district, a sustainable community, high quality open space, and improving public

⁹⁰ Ibid, para 12.3.23 and Policy C7(ii)

⁹¹ Ibid, Policy C7(vi)

⁹² Ibid, C7(v)

⁹³ CD A17, Policy 2A.2

⁹⁴ Ibid, para 5.125

⁹⁵ Ibid, Map 2.4 page 64 and Table A1.1 page 358

⁹⁶ Ibid, Policy 2.13

⁹⁷ Ibid, Table A2.2

⁹⁸ Ibid, see Policy 6.14A, 6.14B and 6.14C

⁹⁹ Ibid, Policy 3.3

¹⁰⁰ Ibid, Policy 3.12

transport accessibility through providing a new mainline railway station and public transport interchange, and a new bus station.

- (ii) The SPG noted the importance of ensuring the development is a deliverable solution, and represents a comprehensive approach to the area's regeneration both north and south of the North Circular Road. It also highlighted the issue of east-west severance between the Edgware Road and BXC caused by the railway, and identified the need for what is now the MML Bridge¹⁰¹ as a strategic principle. The SPG sets out key principles for the WHF including: that it be on the western side of the railway, and be designed in consultation with NLWA (at that time including a rail link); and, for the RFF, including that it be to the west of the railway with a primary access from the Edgware Road.
68. At each tier of the development plan there is express policy support for the Scheme, which was worked up to meet the policy requirements and principles of forerunner local plans and policy, notably the 2006 UDP, the London Plan 2004 and 2008, and the Cricklewood, Brent Cross and West Hendon Development Framework (2005).
69. The Scheme not merely fits with the adopted development framework – it is the single largest identified means of delivering the core objectives of the Council and the Mayor of London for an identified Opportunity Area. This is unsurprising – it is hard to imagine any London Borough which would not place at the forefront of its Local Plan the delivery of a scheme that provided 7,500 homes and 78,000 sqm of retail floorspace compliant with retail policy, and the creation of approximately 25,000 jobs, together with the delivery of a new rail station and significant public transport enhancements. The issue, as noted by the SPG, is ensuring the Scheme is delivered.

The Promotion of Well-being

70. Securing the well-being of its area is at the heart of the Council's promotion of the BXC development. The BXC Scheme brings hugely significant social, economic and environmental benefits to Barnet and its inhabitants, and indeed to London.
71. The key benefits start with the condition of the Order lands as they now are. Within a city such as London it is entirely unsurprising that the Order lands have been identified as part of an 'Opportunity Area'. They represent a hugely under-utilised resource.
72. The BXC area is dominated by the existing road network and rail infrastructure. It suffers from relatively poor public transport accessibility and pedestrian and cycle connectivity, and integration with the residential areas nearby is very poor. Movement north-south and east-west across the site is very difficult. The difficulties and shortcomings result in an impermeable and insular urban space¹⁰².
73. However, the disadvantages and problems caused by the current condition and uses of the land present opportunities and the s.73 permission seeks to take best

¹⁰¹ CD B6, page 26

¹⁰² AA/PH/1, section 3

- advantage of those opportunities¹⁰³. The wider scheme regenerates the area and delivers 7,500 homes and creates over 25,000 new jobs, as well as providing a new town centre spanning the North Circular Road. New schools, and community health and sporting facilities will be provided, and new parks and public squares created. Existing open spaces will be enhanced. Integration and connectivity are given priority.
74. CPO3 brings forward the early delivery of the BXT and related rail infrastructure, as well as delivering substantial new mixed-use development within the Station District. The delivery of the BXT alone is a very significant benefit, providing great accessibility enhancements for future residential and business occupiers. As part of the comprehensive regeneration of the area, the package of benefits is highly compelling.
75. CPO3 builds on CPOs 1 and 2, which deliver the critical highways and transport infrastructure to support the regeneration of the area. CPO3 will be a catalyst for the continuation and advancement of the BXC Scheme as well as delivering fundamental elements of it.
76. The context for the assessment of the benefits of the Scheme is provided by the strategic planning framework referred to above. Advancement of sustainable development will be delivered by the Scheme. In addition, the particular benefits that derive from the Scheme are consistent with London-wide and Council strategies and priorities.
77. In this way, the London Housing Strategy¹⁰⁴ identifies two key challenges of supplying new homes and creating jobs. The Council's Housing Strategy¹⁰⁵ seeks increased housing supply, and homes that people can afford. It anticipates a need for 27,500 new homes. The Scheme will deliver 7,500 homes and 25,000 permanent jobs in addition to numerous construction jobs. It is fundamental to the delivery of the Housing Strategy.
78. The Council's Corporate Plan¹⁰⁶ is seeking substantial regeneration and growth within its area. BXC is the central scheme within this plan. The Education Strategy seeks high quality provision and widening local opportunities – the Scheme develops three new schools within two education campuses which re-provides, expands and improves the existing offer.
79. The Council's Growth Strategy¹⁰⁷ sees the Scheme as central to its aim of strategic growth and investment within the Borough.

Key Benefits

80. The Council completed a business case for the regeneration of BXC in order to seek Department for Communities and Local Government (DCLG) funding. The business case monetised the benefits of the Scheme at £2.9bn including employment effects¹⁰⁸ as the benefit to the community flowing from the Scheme.

¹⁰³ CD C14, parameter plan 15 and AA/BA/1

¹⁰⁴ CD A14

¹⁰⁵ CD B10

¹⁰⁶ CDs B11 and B12

¹⁰⁷ CD B7

¹⁰⁸ AA/CS/1, para 6.6

Such assessments come with a number of caveats, but this illustrates the scale of the benefits being delivered through BXC.

81. The key benefits of BXC include:

- a) *New town centre*: the provision of a new town centre brings together the three strands of sustainable development in a way that is only achievable through a large-scale development approached in a comprehensive manner with policy support, as recognised through the Core Strategy and London Plan; and in this case deliberately designed to span the North Circular – presently a bar to connectivity and a scar on the urban realm.
- b) *Housing*: the BXC development will provide approximately 7,500 new homes including a minimum of approximately 1,125 affordable homes (with higher delivery as a target). The LP seeks delivery of 42,000 net additional homes per year across London¹⁰⁹, with a monitoring target for Barnet of 23,489 between 2015 and 2025¹¹⁰. The LP "*recognises the pressing need for more homes in London*"¹¹¹. The CS promotes the BXC Regeneration Area specifically for 5,510 homes by 2026¹¹² as part of the required provision of approximately 28,000 in the plan period¹¹³. All new homes will meet the Lifetime Homes standard, 10% will be wheelchair accessible. Clearly, the delivery of 7,500 homes in this context, and as anticipated by the plan, is a very substantial benefit. Furthermore, BXC will provide the maximum reasonable amount of affordable housing, delivering a minimum of 15% affordable but with a review mechanism by phase such that 30% should be achieved across the whole development (circa 2,250 homes) and up to 50% may be achieved in an individual phase¹¹⁴;
- c) *Highways Infrastructure*: the existing strategic highway network operates well beyond its capacity; it creates a highly vehicle-dominant environment and prevents movement from north to south; it also constrains development. The Scheme (mostly through the CPO1 development) contains very significant investment in improving the operation of the highway network by the substantial works to all of the Gateway Junctions. The proposals also focus on the ability to move north-south, especially on foot and bike (the Living Bridge in particular), and east-west, from the Edgware Road to Station Square, and from there providing clear connectivity through the BXC development, connecting the new rail station to the west through the Market Quarter to the Eastern Lands, (including for public transport)¹¹⁵;
- d) *Retail/Town Centre Uses*: the extended shopping centre provides an additional 55,000 sqm of comparison floorspace out of a total of 78,000 sqm, creating 5,300 full-time equivalent new jobs. The extension also embraces wider town centre uses (including leisure, hotel and residential) which will improve the offer and help create the town centre. The quantum of retail

¹⁰⁹ CD A17, Policy 3.3

¹¹⁰ Ibid, Table 3.1, page 96

¹¹¹ Ibid, Policy 3.3

¹¹² CD B1, Policy CS1

¹¹³ Ibid, Policy CS3

¹¹⁴ CD C17 Schedule 2A, para 1.6

¹¹⁵ See CD C14, parameter plan 001 for the development zones

- floorspace and the balance of mixed uses to create and integrate the town centre have been considered progressively through several local plan processes and evidence bases. The retail floorspace represents a significant investment and will enable the shopping centre to perform its intended sub-regional function effectively;
- e) *Jobs*: The creation of over 25,000 new permanent jobs including 20,000 office jobs and 6,000 retail/end user jobs¹¹⁶;
 - f) *Community Facilities*: three schools are to be re-provided; additional community and leisure uses are to be delivered in accordance with the policy objective of providing a sustainable town centre; and improved primary health care facilities will be provided¹¹⁷;
 - g) *Connectivity*: significant enhancements travelling north-south across the North Circular Road and east-west across the MML railway, and reduction in the dominance of the road infrastructure. The new town centre will spread across the North Circular, and the new bridges and train station will integrate BXS within its surroundings;
 - h) *Public Transport*: through CPOs 1, 2 and 3 there will be a transformation of public transport accessibility of the whole BXC area. The BXT is a fundamental element of this, and will tie in with the transport interchange, the new bus station at the shopping centre, and the new public transport routes as a result of the new road infrastructure, together with transformed pedestrian and cycling permeability and integration;
 - i) *Townscape*: replacement of the current poor townscape experience including the poorly used railway land, and the underused southern area with surface parking and industrial uses, replaced with well-designed and laid out mixed-use redevelopment. There will be a clear network of streets and squares throughout BXC¹¹⁸;
 - j) *Environment*: there will be significant improvement to the urban environment and the character and appearance of the area; the enhanced public transport accessibility will bring environmental benefits;
 - k) *Open Space*: the Scheme creates an additional 8.5ha of open space; it transforms the underused Clitterhouse Playing Fields and Claremont Park; and
 - l) *Remediation*: contaminated land, including particularly the industrial and railway uses on the CPO3 Order lands, will be remediated bringing effective use of previously-developed land and environmental improvement.
82. CPO3 is an important part of this wider development scheme. It is difficult to isolate the benefits of CPO3 from the wider scheme since the delivery of the CPO3 development is a fundamental and integral part of the wider scheme. The CPO1, CPO2 and CPO3 developments are defined by their components in the

¹¹⁶ AA/CS/1, para 6.3

¹¹⁷ AA/BA/1, page 23

¹¹⁸ CD C14, parameter plan 003

Project Synopsis¹¹⁹, although there is a symbiotic relationship between the three in terms of benefits.

83. However, it is possible to identify particular benefits that flow directly from the delivery of development on the CPO3 Order lands:

- a) *Thameslink*: The new station is a very significant investment. By improving the accessibility of BXC this enables the quantum of development proposed across BXC to be delivered sustainably. The PTAL of the BXC area will improve significantly as a result of the new station and the new bridge links east-west across the railway, as well as the new transport interchange, with large tracts of BXS moving from a PTAL of 1 or 2 to 5 and 6¹²⁰. This dramatic improvement will help drive demand for the floorspace being created. BXT is expected to cater for five million passengers per annum¹²¹. It will be served by up to eight trains per hour in the peak and four per hour in the off-peak¹²² and will accommodate 12-car Thameslink trains. These larger trains are part of Thameslink's upgrade and seek to reduce congestion and overcrowding on the Thameslink service, but both Cricklewood and West Hendon stations are too short to accommodate them¹²³. The new station will also provide step-free access (unlike Hendon or Cricklewood). Four platforms will be provided (two on the fast lines and two on the slow lines). Trains will connect with St Pancras, Luton and St Albans and will be able to reach central London within 15 minutes. The benefits of the new station were assessed in the Thameslink Full Business Case, including cost savings of £120m by transferring people from car to train at the station, and £8m a year travel time benefits¹²⁴;
- b) *MML Bridge*: The new bridge connects Edgware Road over the railway to the new Spine Road North, overcoming a substantial barrier to integration, and allowing public transport connections from Edgware Road to the new town centre. It provides for two bus lanes, along with two carriageway lanes, cycle lanes and pedestrian routes¹²⁵;
- c) *Homes*: the Station District will deliver substantial numbers of private and affordable housing;
- d) *Employment*: the Station District will contain a high proportion of business uses, taking advantage of the accessibility through the station and interchange;
- e) *Environment*: The CPO3 Order lands contain a number of industrial uses of low visual quality, and which fragment the area. The Station District and new bridges will integrate the Order lands with the BXC development to the south and east and deliver a significantly improved urban environment. Station Square will be a vibrant public square. The WHF and RFF will be consolidated

¹¹⁹ CD E2

¹²⁰ See AA/PH/1, Fig 3.2 compared with AA/PH/2, Appx K

¹²¹ AA/CS/1, para 6.8

¹²² AA/DC/1, section 6

¹²³ AA/PH/1, para 3.29; and AA/PH/2, Appx D

¹²⁴ Summarised in AA/PH/1, para 5.23 et seq.

¹²⁵ AA/DM, section 6

on land to the west of the railway and will be high quality developments of their type;

- f) *Rail Freight Facility:* Although replacing an existing function and use, the new facility will be modern and controlled to manage effectively potential impacts such as noise, odour and dust. The application¹²⁶ will meet the needs of DB Cargo and the wider market and will provide for vehicular access from the Edgware Road and two rail freight sidings fed from the Hendon freight lines¹²⁷. It will therefore meet current environmental standards and market requirements. Compared to the existing facility the proposal will have a larger area, improved rail access (being direct access off the freight lines with no need to navigate through the passenger sidings), longer sidings meaning the trains need not be split, longer-term tenancies giving greater security of tenure leading to greater investment, and reduced operating costs¹²⁸. The design of the facility will include noise attenuation barriers to protect residential amenity¹²⁹, dust suppression sprinklers, rainwater run-off separation tanks and the establishment of an upper limit on vehicle movements¹³⁰. The design accords with Network Rail's design standards;
- g) *Waste Handling Facility:* This is designed to handle at least 144,000 tonnes per annum of residual waste to meet NLWA's requirements. It will also be a modern facility using up-to-date air filtration systems and waste disposal technology to minimise amenity impacts. It will be a fully enclosed road-to-road waste transfer facility;
- h) *Station District:* The Station District covers part of the Station Quarter and part of the Brent Terrace Development Zones¹³¹. The Station Quarter will be the business core of BXC (accommodating 373,551 sqm of commercial floorspace¹³²), containing the tallest buildings, supported by its very high public transport accessibility. The CPO3 Order lands will deliver a significant quantum of commercial floorspace. The Brent Terrace Zone will provide around 2,000 new homes with retail and community uses, as well as a linear park of approximately 700m in length. The Spine Road connecting the two zones (Spine Road North) will enable a connection to BXC from the west¹³³; and
- i) *Infrastructure:* Improvements to be put in place include those to the A5 Edgware Road junctions with Humber Road and Geron Way, which will address existing traffic issues¹³⁴. At Humber Road traffic capacity will be improved¹³⁵. The overall objective of the ITS is to secure nil detriment for

¹²⁶ Submitted to the Council at the time of the inquiry (CD C38); and CD E2, paras 5.12 - 5.14

¹²⁷ See AA/RG/1

¹²⁸ Ibid, para 6.5

¹²⁹ AA/PW/1, para 4.16

¹³⁰ AA/RG/1, section 7

¹³¹ See CD C14, parameter plan 001; and BoP 6

¹³² AA/SS/1, paras 4.6 to 4.11

¹³³ CD C14, parameter plan 023

¹³⁴ See AA/PH/1

¹³⁵ Ibid, paras 5.13 and 5.14

road users whilst promoting a modal shift. However, there are also localised advantages through the delivery of the CPO3 highway infrastructure.

Delivery

84. The s.73 permission includes a deliverable programme of phasing and implementation. The Council and its development partners are committed to delivering the project in line with this programme.
85. A clear indicator of deliverability is the progress made to date in entering into agreements with development partners to deliver the Scheme, with the consequent commitment of substantial resources by the development partners and the Council, and the progress made in obtaining relevant approvals under the s.73 permission¹³⁶. CPOs 1 and 2 secure the first phase of development and, subject to confirmation of the CPOs by the Secretary of State, that phase is ready to be delivered. The CPO1 and CPO2 developments are scheduled to start on site in 2018.
86. The delivery of the entire BXS scheme is anticipated to take approximately 20 years. Consideration has been given to bringing forward BXS in the most effective way, and steps have been taken to re-phase certain aspects of these proposals and the current timeframe for their delivery¹³⁷. Argent Related has already invested approximately £15m in the project, with total additional investment before a substantive start on site likely to exceed £25m. Resources are available to cover this investment¹³⁸. The project is viable and is expected to remain so, with funding available to implement both the Station District and the wider comprehensive development¹³⁹.
87. BXS LP entered into a Project Agreement with the Council in July 2016¹⁴⁰. This operates to deliver the BXS development. Argent Related will bring funding and investment into the project both directly and from third parties. The BXS development is conditional on BXN becoming unconditional. It is also conditional on the Council placing its first contract in respect of the station works. These conditions are likely to be met, although they can in fact be waived by BXS LP.
88. Phase-wide conditions exist. Put simply, the only condition that could not be waived is the land assembly condition. However, it is not envisaged that other conditions will have to be waived – the parties to the Project Agreement fully expect all conditions to be met within relevant timescales and the project to proceed as quickly as practicable. The First Phase Proposal has already been approved by the Council¹⁴¹, and so the development and infrastructure plots are required to be brought forward in accordance with the approved programme. This first phase (in the Market Quarter) will provide around 1,165 homes across a mix of tenures (and provide the replacement residences for the relocation of the Whitefield Estate), as well as a range of other uses to create a mixed-use sustainable community.

¹³⁶ CD E2, section 5

¹³⁷ AA/AG/1, paras 4.12 – 4.25

¹³⁸ Ibid, para 4.48

¹³⁹ Ibid, para 5.18 et seq.

¹⁴⁰ Ibid, para 5.2 et seq.

¹⁴¹ Ibid, para 5.11

89. Delivering such a large and comprehensive scheme with many different land ownerships and tenures is not straightforward. It requires the use of powers of compulsory acquisition. In this case, the delivery is assisted by a comprehensive planning permission where the whole scheme benefits from outline planning permission, and that permission contains the triggers and phasing parameters to promote the scheme's delivery. Phase 1 (promoted by CPOs 1 and 2) has been designed to front load the critical infrastructure work and prioritise the new town centre, from which the remaining development will benefit and flow. CPO3 builds on this, and the acceleration of the delivery and funding of the BXT is a significant boost to delivery.
90. The Council has been proactive in the promotion of the regeneration of BXC both as landowner and local planning authority¹⁴². As the local planning authority, it has put in place a clear planning policy framework to define the comprehensive regeneration proposals and enable the land assembly process. As landowner and developer, the Council has worked with its development partners, and has resolved to act as developer for BXS. It entered a joint venture partnership in July 2016 (BXS LP) with Argent Related to deliver BXS. The Council has also invested significant capital sums through land acquisition; its land acquisition budget is £44m as at July 2017. It is also investing directly in the critical infrastructure being delivered in the first phases of BXC.
91. The track record and standing of Argent Related LLP is well established, as is the structure and funding of the joint venture BXS LP with the Council that will deliver the Station District of the BXC Scheme facilitated by CPO3¹⁴³.
92. The Council views the BXT as a critical component of the wider development. It forms part of the ITS that delivers a modal shift towards more sustainable modes and justifies the quantum of development as well as making it economically attractive. The Council therefore submitted a Business Case to the DCLG proposing that the public sector build the new BXT and associated infrastructure as an early phase alongside the CPO2 development.
93. The Government approved the Business Case in March 2016, meaning that the £215m (uninflated) cost of the Thameslink project will be publicly funded including through a grant of £97m. The balance will be met from upfront borrowing by the Council to be repaid by ring-fencing the local share of business rate growth delivered by the expansion of the shopping centre as part of the CPO1 development¹⁴⁴. The borrowing is subject to a prudential code, with the necessary tests likely to be met, subject to CPO1 being confirmed¹⁴⁵.
94. The BXS Business Plan was approved by the Council on 24 July 2017¹⁴⁶. Regarding CPO1, this is being delivered through a property development agreement with the CPO1 development partners. In respect of the development of the CPO2 land and the wider scheme to the south of the North Circular Road,

¹⁴² AA/CS/1, section 5

¹⁴³ AA/AG/1, section 5

¹⁴⁴ AA/CS/1, para 7.12 et seq.

¹⁴⁵ Ibid, paras 7.13 - 7.18

¹⁴⁶ Ibid, para 7.23

this will be delivered by a joint venture between the Council and Argent Related¹⁴⁷.

95. Having regards to CPO3, BXT is to be delivered by the Council¹⁴⁸. Works are intended to commence in 2018 and the station will open in May 2022¹⁴⁹. There are a number of consents required to open and operate the new station and Network Rail is leading this process. Although the Council has responsibility for delivering the whole of the BXT element, it may procure individual project requirements¹⁵⁰. Detailed consideration has been given to the Delivery Strategy and the proposed construction sequencing to ensure efficiency and deliverability¹⁵¹. Care and consideration has been given to ensuring a smooth interface between the BXT works and the Station District¹⁵². The station proposals will largely be taken forward through a Reserved Matters application pursuant to the s.73 permission, as will the MML Bridge.
96. The RFF will be provided by DB Cargo pursuant to an agreement with the Council (and the Council has retained rights to step in in the event that DB Cargo does not deliver in line with the agreement to provide an operational facility by 30 June 2018¹⁵³). The RFF is a relatively straightforward scheme to deliver¹⁵⁴. The necessary rail connections are in place. The process issues are in hand and have been the subject of detailed consultation with Network Rail and the Office of Road and Rail. The planning permission will be secured by way of a 'drop-in' application, which has been submitted¹⁵⁵. The proposed site layout is at BoP 17.
97. The WHF is also the responsibility of the Council and will be progressed by way of a 'drop-in' application¹⁵⁶.
98. The Station District will be delivered by Argent Related. The Council will invest its land into BXS LP and Argent Related will act as development manager, procuring the delivery of infrastructure to produce serviced development plots¹⁵⁷. The Station Square, Eastern Station Entrance and interim transport interchange will form part of the Reserved Matters approval for the Station Approach.
99. The relocated rail stabling and sidings will be delivered pursuant to a 'drop-in' application¹⁵⁸. The proposed design has been developed in consultation with Network Rail, Govia Thameslink Railway and East Midlands Trains as well as BXS LP. This will also have an impact on the proposed land uses within Brent

¹⁴⁷ AA/CS/1, section 7; and AA/AG/1, section 5

¹⁴⁸ See AA/PW/1 for the planning strategy and AA/DC/1 for the station delivery strategy

¹⁴⁹ A 'high level' project programme is at AA/DC/2, appx A

¹⁵⁰ AA/DC/1, para 11.4

¹⁵¹ Ibid, section 12

¹⁵² See AA/PH/2, appx J

¹⁵³ AA/CS/1, para 7.9

¹⁵⁴ AA/RG/1, section 9

¹⁵⁵ The term 'drop-in application' is used to mean an application for planning permission within the BXC development site (other than an application pursuant to s.73) in relation to development that is of a type already approved by the s.73 permission but which is not within the parameters of the BXC development approved by the s.73 permission, and which does not undermine the comprehensive delivery of the BXC development.

¹⁵⁶ AA/PW/1, para 5.30 et seq.

¹⁵⁷ See AA/AG/1, section 5 for funding arrangements

¹⁵⁸ AA/PW/1, para 4.28

Terrace¹⁵⁹, which will be considered as part of the master-planning work to accompany the 'drop-in' application.

100. Realistically, there can be, and to date has not been, any challenge to the credibility and capability in commercial or financial terms of the chosen development partners, or to their expertise and track record in delivering projects of this nature. The Thameslink aspect has been the subject of detailed consideration through the Business Case and will be publicly funded. BXS requires private funding through Argent Related, which is very well placed to provide this and is fully committed to the Scheme.
101. The Council has acted diligently and responsibly in the selection of its development partners and each has been put through the appropriate due selection processes. Property development agreements for each CPO have been entered into. The Council and its development partners are committed to these proposals and there can be every confidence that they will deliver them.

Other Consents

102. The work packages required to develop the BXT have to be approved by Network Rail¹⁶⁰. The new building will require Building Regulations approval, controlled by Network Rail and the local authority. The 'Network Change' process must also be followed in relation to the changes to infrastructure capacity and capability¹⁶¹. In relation to each, the Council has taken steps to ensure that this is obtained at the appropriate time. All of the processes are part of the normal design development of a rail project of this nature, and the view of the Council's professional, experienced team on these issues is that the Council will be in a position to deliver the project in a timely manner and without impediment¹⁶².

Comprehensive Development

103. The Council is clear that BXC must be delivered comprehensively¹⁶³. This has been recognised through the evolution of the BXC Scheme and its inclusion in various local plan documents. The master-planning of the BXC site has taken a comprehensive approach which responds to the existing opportunities and delivers across the wider site the balance of uses and built form to create a new town centre¹⁶⁴. This also provides new strategic connections and creates a new connectivity from east to west across the site, from the new BXT in the west to the Brent Cross Northern Line underground station in the east. It is inconceivable that the effective regeneration of Brent Cross Cricklewood could take place without the entirety of the CPO3 Order lands¹⁶⁵.
104. The delivery of the BXT necessitates the relocation of the RFF, the WHF and the rail sidings. The western railway lands are required to deliver the relocated facilities. The land vacated by these uses will provide not only the new station, but also the new Station Square and the integrated commercial and residential

¹⁵⁹ Ibid, para 5.52 et seq.

¹⁶⁰ AA/DM/1, section 9

¹⁶¹ Ibid

¹⁶² Ibid, para 14.3

¹⁶³ AA/PA/1, section 8

¹⁶⁴ AA/BA/1

¹⁶⁵ Ibid, section 7

development, the transport interchange, the MML Bridge and Spine Road North. Thus, the CPO3 lands deliver the critical western portion of the wider BXC, providing it with the significant transport improvements on which it depends to deliver attractive and sustainable high density and high quality development.

105. The s.73 permission is framed and controlled to ensure comprehensive redevelopment. Certainty and control of the various land interests is very important to the delivery of the whole. The s.73 permission contains triggers and timeframes, and confirmation of the Order is necessary in order to allow the comprehensive development of the Opportunity Area to proceed.

The Need for Individual Plots

106. Section 7 of the Project Synopsis provides an overview of the land to be acquired, its principal existing uses and the necessity for land and rights acquisition¹⁶⁶. The following summarises the requirement for the different CPO3 Plots¹⁶⁷.
107. *Land to the east of the railway.* Much of the land to the east of the MML, once decommissioned, will be used as a construction and laydown compound to support the works required to deliver the new BXT and the MML Bridge (Plots 5, 6, 9, 10, 11 and 12). Plot 13 comprises the Hendon Waste Transfer Station, which is directly in the path of the proposed MML Bridge and the Spine Road North.
108. Plots 1, 2 and 3 comprise highway land which is needed for the construction of buildings that will form the eastern part of the Station Quarter Development Zone along its interface with the Market Quarter and the Brent Terrace Development Zones.
109. Plots 4, 7 and 8 at Brent Terrace occupy positions where the development zones of the Station Quarter, Market Quarter and Brent Terrace converge, with some of the land being required for the construction of the Spine Road North.
110. *Land to the west of the railway.* Plots 27, 28, 29, 34 and 35 comprise the Downside Goods Yard of open storage land which will be required for the RFF. Plot 25 is required for the construction of the WHF, with Plot 26 needed for the construction of the MML Bridge.
111. Plots 21, 23 and 24 are required initially to enable abutments and the approach ramp to the MML Bridge to be constructed. Once completed, the northern part of the site will be used for the construction of the WHF and junction improvements. Plots 32 and 33 are needed for junction improvements to be carried out for access to the new RFF.
112. Plot 17 is required in relation to junction improvements at the Geron Way/Edgware Road junction and the widening/realignment of Edgware Road. Plots 14, 15 and 16 are required in connection with the provision of the western station access and parking and drop-off facilities.

¹⁶⁶ CD E2

¹⁶⁷ The Book of Plans contains plans showing the relationship of the CPO Plots to the proposed differing elements of the BXC Scheme (BoP 4, 6, 7, 8, 9, 10 and 18)

113. Plots 18, 19, 20, 22, 30 and 31 are various parts of the public highway and are required for highway and junction improvement works.
114. New rights need to be acquired to enter land for the purposes of constructing the new pedestrian bridge and the MML Bridge over the MML railway (Plots 36, 37 and 38). Rights to enter and use land as a temporary construction compound for the CPO3 development are required in respect of Plot 39. Having regards to this latter Plot, whilst this land would ultimately be required for development as part of the overall BXC Scheme, land acquisition is not sought at this stage as development here would fall within a later phase (currently Phase 4¹⁶⁸).
- Whether the purpose for which the land is being acquired could be achieved by any other means*
115. The BXC Scheme is necessarily a comprehensive redevelopment taking place over many phases, structured through the s.73 permission. It is hard to conceive of any other means of delivering the project other than through a land assembly exercise including use of compulsory powers.
116. No alternative proposals for redevelopment have been proposed for consideration. Retention of the existing uses and plot structure is fundamentally incompatible with the comprehensive regeneration of BXC¹⁶⁹. All of the CPO3 Order lands are required to deliver the CPO3 development, and the integration of this with the wider Scheme is critical to the success of the scheme.
117. The location of the BXT is within the parameters set by the s.73 permission and has been subject to a detailed design process with Network Rail. All of the interests and new rights included in CPO3 need to be acquired at the outset in order to deliver this phase of the project. Piecemeal land assembly would not provide the certainty required to commit to the delivery of the project in the timeframe set out within the s.73 permission¹⁷⁰.

Negotiations

118. The Council has actively sought to acquire land and property required for the scheme since April 2016. In recognition that necessary land assembly was unlikely to be completed through private treaty, the present Order was submitted to the Secretary of State on 9 September 2016¹⁷¹. With the exception of No. 106 Brent Terrace (which the Council purchased on 11 January 2017) and the agreement of terms for the transfer of 2 Geron Way (Plots 21, 23 and 24) all of the CPO3 Order lands are outside the Council's ownership. Whilst making the Order, efforts have continued to acquire by agreement the other interests in property outside the Council's ownership required for the Scheme.
119. CPO3 is different from CPOs 1 and 2 in that the CPO3 Order lands do not contain any residential properties. There are a smaller number of commercial occupiers (and statutory undertakers) of the CPO3 Order lands. In many cases, there has been a prolonged series of negotiations which has led to successful co-

¹⁶⁸ See CD C14, parameter plan 029

¹⁶⁹ See AA/BA/1, sections 4.3 and 7.5; and AA/CS/1, section 8

¹⁷⁰ AA/CS/1, section 8

¹⁷¹ Details of the process and approach to negotiations are at AA/DC/1, section 5 and AA/CS/1, paras 8.14 – 8.17

operation in relocating operators, and indeed designing replacement facilities that meet their needs to their satisfaction. The Council commissioned Sapiens Consultancy to provide specialist support and assistance for affected businesses to find suitable alternative premises¹⁷².

120. The operational requirements of statutory undertakers have been carefully considered including those of Network Rail and Transport for London (TfL). Those interests will be protected as appropriate by asset protection agreements.
121. A substantial area of the CPO3 Order lands is owned by Network Rail. Terms have been substantially agreed with National Rail Infrastructure Ltd and it is anticipated that its interests will be acquired by private treaty.
122. By the close of the inquiry all but two of the relevant objections had been withdrawn as a result of successful negotiations and agreements. Having regards to the two outstanding relevant objections (Palmbest Ltd/Batley's Properties Ltd/ Bestway Wholesale Ltd, and Cemex (UK) Operations Limited) agreements were being finalised¹⁷³.

Other matters raised by the CPO Guidance

123. The CPO Guidance identifies a number of factors that bear on the prospect of the scheme going ahead. It is hard to show a compelling case in the public interest to acquire land compulsorily for a scheme that is unlikely to take place.
124. *Resources:* the deliverability of the scheme is addressed above. The Station District component will be delivered by the CPO3 Development Partners (BXS LP) alongside the CPO2 development. The Thameslink component has obtained funding and will be delivered by the Council. There is accordingly no doubt as to the timing or sources of funding, or that there is a reasonable prospect of the scheme going ahead and the land taken being developed.
125. *Timing:* the BXC Scheme has evolved over many years. It has planning permission and the Reserved Matters for Phase 1 have been secured. The principal bar to delivery is the land assembly. At the time of the inquiry the decision on CPOs 1 and 2 was thought to be imminent, and each of those developments is due to commence on site in 2018. The CPO3 development has been intentionally brought forward to provide a second phase sitting alongside the CPO2 development and integrating with it. There is a detailed strategy for implementation¹⁷⁴. CPO3 is required to deliver the land to enable this to take place.
126. *Land use/Land take:* the Council has a clear idea how the land taken will be used. This is to deliver the BXC Scheme. The land taken is the minimum necessary to deliver the scheme.
127. *Impediments:* the position of the Council is clear. The delivery of the Scheme is central to its development plan and its corporate strategies and the Council has been proactive in seeking delivery of the Scheme. It has also secured key public funding in relation to the delivery of the BXT.

¹⁷² AA/DC/1, para 5.12.3

¹⁷³ AA/INQ/3

¹⁷⁴ See AA/PW/1 section 5; AA/DM/1, section 11; and AA/SS/1, section 5

128. The infrastructure necessary to deliver the Scheme has been considered and secured through the planning process. The Council is entirely confident that there is no impediment to the Scheme in terms of commercial or financial matters.
129. The Scheme has outline planning permission with Reserved Matters approval on various elements¹⁷⁵. There is no reason to think Reserved Matters approvals will not be granted, or that any other planning issue that may arise as the s.73 permission progresses to completion of the various phases is likely significantly to impede delivery.
130. It is in the nature of a large-scale regeneration such as BXC that a scheme evolves over time, and the s.73 permission provides flexibility to enable such evolution to take place. The Compulsory Purchase Guidance recognises the need for this in paragraph 75, and in paragraph 15, where it expects the authority to demonstrate that there are '*no obvious reasons*' why full planning permission should be withheld. Here, that question must be answered in the context of the development plan framework referred to above and against the background of the s.73 permission.
131. All of the land uses forming part of the s.73 permission already have the benefit of an outline planning permission. Where 'drop-in' applications are required they do not introduce new land uses, or seek to alter the principles established by the s.73 permission; rather, they update the permission in relevant respects to meet changed circumstances. They will be the subject of controls through conditions that ensure the development they propose is compatible with the principles and implementation timetable of the s.73 permission.
132. *Last Resort:* the Council and its development partners are continuing to negotiate with all affected parties. This process will continue up until implementation of the compulsory powers. Those powers will only be implemented where acquisition by private treaty has failed.
133. *Duties:* the Council has satisfied itself that the acquisition of the CPO3 Order lands pursuant to a confirmed CPO would comply with its duties under the Human Rights Act 1998 and be proportionate in light of the benefits delivered as a result of that interference. The Council has also informed itself of, and acted in accordance with, its duties under the Public Sector Equality Duty (s.149 Equality Act 2010).

Compelling Case in the Public Interest

134. For the reasons set out above, the Council is satisfied that there is a compelling case in the public interest to confirm the Order. The benefits of the Order sufficiently justify interfering with the human rights of those with an interest in the Order lands.

¹⁷⁵ See CD C34

The Objections

Reference No. Obj 1

Land and premises at 1 Geron Way and Edgware Road, Cricklewood (Plot Nos. 16, 17, 20, 21, 23 and 24)

Palmbest Ltd, Batleys Properties Ltd and Bestway Wholesale Ltd

Owner and beneficiary of interests

135. Palmbest Ltd is the freehold owner of Plot 17 and owner of the subsoil interest in Plot 19. It is also the beneficiary of various rights in respect of Plots 16, 21, 23 and 24. Batleys Properties Limited is the freehold owner of the adjoining land at 1 Geron Way. Bestway Wholesale Limited has premises fronting Plot 20 (part of Geron Way) and this is used as the principal means of access to the premises. All three companies are within the Bestway Group. There was no appearance by the Objector at the inquiry.

136. In summary, the objection is:

- a) there has been insufficient justification for the acquisition of the land, either directly with the Objector or within the Statement of Reasons;
- b) the Council has failed to show conclusively that the compulsory purchase of the Objector's land is justified in the public interest;
- c) there is no planning permission for the WHF, the Order is therefore premature and the Council does not have the ability to implement the scheme;
- d) acquisition for highway works would be contrary to policy which allocates the site as part of the BXC redevelopment area and, specifically, for a WHF;
- e) the works to the Geron Way/Edgware Road junction may result in an interference with customer access. Clarification is needed as to how operations may be disrupted by the works; and
- f) acquisition would prejudice the aspirations for redevelopment of the Objector's site.

Response by the Council¹⁷⁶

137. Plots 17 and 19 are required in relation to the junction and highway improvements to the Edgware Road/Humber Road junction. These are needed to facilitate the traffic movements associated with the WHF and to increase the permeability of the strategic highway network for existing traffic from Dollis Hill¹⁷⁷. The new signalised junction will provide a dedicated right turn lane from Edgware Road to Humber Road, requiring the former to be widened. This necessitates the repositioning of the pavement, part of which would need to be delivered on Plot 17. Without the highway widening the traffic lanes would need to be narrowed and with the mix of light and heavy vehicles on this strategic route the risk of accidents would increase¹⁷⁸.

¹⁷⁶ Summarised in AA/DC/1, section 13

¹⁷⁷ AA/PH/1, para 5.13

¹⁷⁸ Ibid, para 6.3.1

138. The creation of a dedicated right turn lane into Humber Road will mean that businesses on this road would no longer require larger goods vehicles to travel through residential streets in Dollis Hill to gain access¹⁷⁹. This would improve safety for residents and be in the public interest.
139. Plot 17 is an extremely thin piece of land on the Bestway site's boundary with Edgware Road which it is considered would not prejudice the potential future redevelopment of the site. The Objector's planning application now dates from 2008, with the application remaining undetermined and has never been appealed.
140. A traffic management plan would require approval before any works commenced detailing how works, including those to Geron Way, would be undertaken in a manner which minimises impacts on the highway network and balances impact on different users. This would need to ensure access to properties is maintained. It is anticipated that access would be maintained via the northern entrance to Geron Way for the duration of works¹⁸⁰.
141. The s.73 permission provides for the development of a WHF on the Bestway site. However, this type of facility is no longer required on account of NLWA's approach to strategic waste management and the lack of feasibility and viability of a refuse-derived combined heat and power plant¹⁸¹. These changes have allowed the proposals for the new WHF to be reduced in size so that this can now be located on the site to the south of Geron Way. The revised WHF would therefore meet the planning policy objectives of the delivery of a replacement facility accessed from Edgware Road. The change will necessitate a 'drop-in' application and the variation of specific elements of the s.73 permission through an application under s.96A¹⁸².
142. The appropriate test is not whether planning permission has been obtained but whether there is any impediment to permission being secured within a reasonable timescale. The proposed changes regarding the WHF can be accommodated through the appropriate planning processes and there is no reason why permission would be likely to be withheld.
143. Negotiations have continued with the Objector such that at the close of the inquiry an agreement was being finalised, with only a couple of minor points remaining between the parties. Conclusion of an agreement was anticipated shortly after the inquiry's close¹⁸³.

Description

144. Plot 17 is a thin strip of open land associated with 1 Geron Way, immediately adjacent to the footpath on the eastern side of Edgware Road. Plot 20 is a section of Geron Way lying to the north of No. 2, extending from the road's junction with Edgware Road until Geron Road turns in a north-south direction.

¹⁷⁹ Ibid, paras 5.13 and 5.14

¹⁸⁰ AA/PH/1, paras 6.3.5 and 5.17

¹⁸¹ AA/PW/1, paras 4.20 - 4.25; and AA/PA/1, para 5.51

¹⁸² S. 96A – power to make a non-material change to a planning permission. See the schedule of applications relating to the CPO3 lands (CD C33)

¹⁸³ AA/INQ/3

Plot 16 is a small triangular area of overgrown land abutting the eastern side of Geron Way.

145. The main body of the land subject to objection (and over which the Objector has various beneficiary rights) is No. 2 Geron Way (Plots 21, 23 and 24). This comprises a warehouse and associated surface car park to the south side of Geron Way. The property has an internal area of 5,779 sqm and is occupied by Selco Builders' Merchants.

Reference No. Obj 11

Land to the south-west of Brent Terrace (Plots 4 and 5)

Cemex UK Operations Ltd

Owner, occupier and lessee

146. There was no appearance by the Objector at the inquiry. Objection is made on the basis of:

- a) the detrimental effect of the proposals on Cemex's ongoing business;
- b) the inadequate justification for the proposals and lack of consideration of alternative solutions to achieve the objectives of the proposed development which might justify the use of compulsory purchase; and
- c) the authorisation of CPO powers would be premature because the AA has failed to make all reasonable efforts to acquire the property by agreement, as expected under present current guidance.

Response of the Council¹⁸⁴

147. The acquisition of Cemex's interest will require the business either to relocate to alternative premises, consolidate its operation onto an existing site(s), or, in the event of neither of these options being achievable, to close the existing facility and not replace its function or production. In each of these potential scenarios the provisions of the Compensation Code will provide a mechanism for compensation, which is not a matter for current consideration.

148. It is understood that concerns about the lack of consideration of alternative solutions relates to the fact that the RFF does not include a cement batching plant. Further, it is understood that Cemex's view is that this is a lost opportunity. This is in terms of providing a suitable relocation site for an occupier displaced by the Order and for reducing the cumulative transport movements across the Borough/north London as a whole by having aggregate transfer and batching on the same site.

149. Whilst the s.73 permission provides for an intermodal RFF, evidence now indicates that there is insufficient demand for such a facility¹⁸⁵. Consequently, the Council is progressing with the delivery of an aggregate and construction handling facility, which would be subject to a 'drop-in' application, reflecting the change in the nature of the RFF and also the reduced area that it would

¹⁸⁴ Summarised in AA/DC/1, section 6.12

¹⁸⁵ AA/RG/1, section 4

- occupy¹⁸⁶. This would not include the provision of a cement batching plant. Pre-application discussions with the local planning authority have taken place and there is no reason to suggest that there are any planning impediments for the development of an RFF on this basis.
150. The Council and its CPO3 development partners have set out a clear programme as to when vacant possession of the Cemex plant will be required. This has provided the company with as much time as reasonably possible under the delivery programme to remain in operation on its current site. It also gives sufficient time for Cemex to advance its own application for a cement batching facility. Heads of Terms have been issued that, if agreed, will form an agreement that provides Cemex with an assurance regarding the timing of acquisition of its property.
151. The Council cannot procure that Cemex relocates to the new RFF (as the RFF is being delivered and would be operated by DB Cargo, and the Council will have no influence over the operation of the site other than in its role as local planning authority). Nor has the local planning authority expressed any view as to whether planning permission would be granted for a cement batching plant there. The draft Heads of Terms would permit Cemex to identify any suitable site on which to locate and to advance a planning application on that land.
152. The present Cemex site is needed as it occupies a key location within the BXC Scheme, required for a combination of essential components of the CPO3 development and the wider comprehensive regeneration of BXC. These include new buildings and key roads authorised by the s.73 permission. The roads and their alignments are an integral part of the comprehensive masterplan for BXS as they provide a main vehicular route through the site between the new station and Market Square, and permeability north to south¹⁸⁷. The acquisition of the site is a key to the achievement of a fundamental objective of the full integration of new development with the surrounding community and the creation of an attractive urban environment free from undesirable and incompatible uses¹⁸⁸.
153. The land is a key prominent site opposite the proposed BXT, with the potential to provide a building or buildings with a strong visual presence to coincide with the opening of the station¹⁸⁹.
154. The AA has sought to acquire the Cemex site by agreement. For an agreement to be formed, suitable alternative premises have needed to be sourced as the costs of relocation will form the basis of a financial settlement. The relocation of the Cemex existing operation has focussed on the RFF being delivered as part of the overall scheme. However, other potentially suitable alternative sites have been suggested and a consultancy has been introduced to Cemex to assist in the search. The objective has been to construct an agreement that provides Cemex with the necessary security in respect of timing of acquisition and financial undertaking to explore alternative sites and allow the company to control to as great a degree as possible the timing of its relocation.

¹⁸⁶ AA/PW/1, paras 4.12 - 4.17

¹⁸⁷ AA/SS/1, paras 6.4 to 6.14

¹⁸⁸ AA/BA/1, paras 8.1.2, 8.1.4 and 8.1.6

¹⁸⁹ AA/AG/1, paras 7.5 - 7.7

155. Having first had meaningful engagement with Cemex in April 2016, and with no agreement by the time of the inquiry, the case for initiating the compulsory purchase process when the AA did was clearly justified.
156. At the close of the inquiry Heads of Terms had been agreed between Cemex and the AA, with a legal agreement in preparation to formalise these. Once the agreement was completed, withdrawal of the objection was anticipated.

Description

157. The main body of the land subject to objection (Plot 4) is occupied by the Cemex Hendon Plant to the western side of the northern section of Brent Terrace and to the north of its junction with Claremont Way. It measures some 0.25 ha. On the northern portion of the site is a shed of some 185 sqm used for concrete batching operations. The remainder of the site is surfaced and used for parking and the circulation of cement lorries and other vehicles. There is a small electrical substation within the site.
158. Plot 5 is a small triangular area of scrubland lying between the Cemex site and the access road leading to the railway sidings and the Hendon Waste Transfer Facility.

Non-qualifying Objections

159. None of the following Objectors have land or rights within the Order lands.

Shafique Choudhary (NQ1)

160. Given the scale of the Brent Cross Cricklewood development, a public local inquiry would be appropriate. The inquiry should be in Cricklewood so that locals can raise their voices. The successful bidders [sic] should be asked to provide witnesses for cross-examination. As the whole project is based on public transport, how to resolve congestion¹⁹⁰ in the area, along with environmental issues, needs to be looked at and firstly resolved with local residents and others.

Response by the Council

161. No specific objection is made to the CPO. The ITS, approved in consultation with TfL and the local highway authority, has been developed to cater for the additional demand from the development proposals¹⁹¹. An inquiry was held in Cricklewood at which the AA provided witnesses that could be cross-examined.

Alasdair Bethley (NQ2) and Phil Fletcher (NQ3)

162. The Brent Cross development in its present form would be an environmental disaster. As a result of the development there would be an additional 29,000 cars on the roads around Brent Cross, where air pollution levels are already way above European Union legal limits. Air pollution would be exacerbated by the construction of a 385,000 tonne incinerator.

¹⁹⁰ The objection letter refers to 'conjunction' but it is assumed that given the context this is meant to be 'congestion'

¹⁹¹ AA/PH/1, para 6.8.1

163. There has been insufficient consultation with local residents. A public inquiry should be held locally at which the AA's witnesses could be questioned by the public.

Response by the Council

164. As part of the s.73 application process an Environmental Impact Assessment (EIA) was undertaken. This fully assessed the relevant environmental impacts associated with the BXC Scheme, including air pollution. When granting planning permission, the EIA was considered and the Council was satisfied that the environmental impacts of the development would be satisfactory. Planning conditions were inserted to the permission specifically related to air quality and the requirement for mitigation and monitoring. Variations to the s.73 permission, in respect of re-phasing elements of the BXC Scheme, would only be permitted if it is demonstrated that any changes are unlikely to have a significant adverse environmental effect compared with the assessments contained in the original EIA¹⁹².

165. Although, as now, the car will continue to be a mode of transport on which there will be a heavy reliance, the ITS will provide for more efficient public transport, reduce reliance on the private car and encourage users to make the best of all sustainable modes of travel. The improved road and rail network as part of the BXC Scheme will operate more efficiently than the existing network. This will reduce congestion and queuing and so improve levels of pollution and noise compared with that which would otherwise result from the uplift in traffic¹⁹³. The proposed WHF does not now include an incinerator¹⁹⁴.

166. The BXC proposals have been subject to substantial consultation with the public, affected residents, shopping centre tenants and businesses, as well as consultation through the formal planning and CPO processes¹⁹⁵. An inquiry was held in Cricklewood at which the AA provided witnesses that could be cross-examined.

John Cox (NQ4 and NQ4/1)

167. *Unfairness and lack of consultation.* CPO3 is unfair under English common law and this over-rides any suggestion that there is a compelling case to confirm it; the masterplan for an increasingly large area was put together without proper consultation with landowners or the public.

168. There has been a lack of consultation in respect of the proposals for the BXC Scheme, with the Council never operating under the principles of good public consultation. Instead, it has operated a top-down, business-led discussion between just a narrow cadre of 'stakeholders'. It has shown a complete disinterest and inability to work constructively with local communities and the wider public. The Council has failed to operate fairly by reference to a ruling of the Supreme Court (R. (on the application of Moseley (in substitution of Sterling Deceased)) v London Borough of Haringey [2014] [UKSC56]).

¹⁹² AA/CS/1, para 10.13.2 b); and AA/DC/1, para 6.15.3

¹⁹³ AA/CS/1, para 10.13.2 b) and AA/DC/1, paras 6.15.3 – 6.15.9

¹⁹⁴ AA/PA/1, para 9.62

¹⁹⁵ AA/CS/1, para 10.13.2 e); and AA/AG/1, para 7.10

169. There has not been compliance with the Town and Country Planning (General Development Procedure) Order 1995 and the Council has not acted in accordance with the earlier Statutory Instrument 1988:1812, which is still operative in the Town and Country Planning (Development Management Procedure) (England) Order 2010. Supplementary Planning Documents such as the Brent Cross SPG should have been subject to the duty to cooperate test.
170. The development scheme, of which CPO3 is one element, has not been exposed to a lawful, proper and required level of scrutiny over time. This is unfair and a reason why the present Order is not in the public interest. Because the Council relied on only one masterplan when informing the public about the BXC Scheme, and did not bother to consult the public over 16 years in devising the plan, this is unfair under common law.
171. *Un-deliverability and planning difficulties.* There is a high chance that the BXC Scheme will be undeliverable. Progressing with the CPO holds significant reputational and financial risks for the Council. Similarly, the CPO3 scheme has a high chance of being undeliverable and is therefore not in the public interest.
172. *Exclusion of Brent Terrace gardens.* The CPO3 boundary has excluded gardens of Brent Terrace houses¹⁹⁶. The description of what can be built on the CPO3 land, as in the planning permission, has not changed but because of the exclusion of these gardens cannot now be provided within the CPO3 lands. This will inevitably lead to the making of a further Order.
173. *Lack of consideration of alternative transport solutions.* Alternative transport solutions have never been put forward by the AA, with no alternatives to a BXT to solve the needs of Brent Cross Cricklewood ever being studied since 2001. A study report on a possible Dudding Hill passenger service was imminent at the time of the inquiry¹⁹⁷. The inquiry should have been extended for the AA to provide a copy of the report, which could have been of relevance. The AA wants to mislead by omission and the creation of uncertainty in order to protect the current untested plan, which is unfair under common law.
174. *Unfair state aid.* The Order represents an unfair form of state aid and subsidy. The Council has shown inadequate competence in negotiating structures and the financial level of ever-changing s.106 agreements.

Response of the Council

175. *Unfairness and lack of consultation.* Consultation fully in accordance with statutory requirements has been undertaken in relation to all stages of the development plan, planning and CPO processes. This is fully detailed in the evidence provided¹⁹⁸. There is no evidence to suggest the contrary is the case. The Supreme Court judgement [UKSC56] related to a case concerning what level of consultation should be expected of a local authority before it makes a decision

¹⁹⁶ Plots of land lying to the western side of the footpath to the rear of Brent Terrace, many of which are used as additional garden areas (often referred to in evidence as informal allotment gardens) and some of which have been acquired by adverse possession

¹⁹⁷ Rail line maps are at NQ4/5, JC402, pages 4 and 5

¹⁹⁸ CD E2 (Project Synopsis), section 8 especially paras 8.6 – 8.13 and 8.20 – 8.25; AA/CS/1, paras 10.13 e) and 10.14.1 b); AA/PA1, paras 9.26, 9.38 – 9.41; and AA/AG/1, paras 4.23 – 4.24 and 7.10

that would potentially affect all of its inhabitants. In the context of CPO3, the Council has undertaken the necessary exercise through the planning process and the submission of its Statement of Reasons and Statement of Case. There is no evidence that statutory (or common law) requirements concerning consultation on any of the processes that have led to the Order being made have been inadequate¹⁹⁹.

176. Having regards to the assertion that there was no consultation on the evolution of the masterplan for BXC, reference is made to the submissions made by the Council to the CPO1 and 2 inquiry, namely; *"214. Mr Allies has also made clear in evidence that local people were consulted throughout the evolution of the masterplan and that there was 'a continuous sequence of consultation', including as part of the Development Framework process"*²⁰⁰.
177. As to allegations of 'common law unfairness', reference is also made to the Council's submissions made at the CPO1 and 2 inquiry, which apply equally, namely; *"... there is no evidence... that statutory (or common law) requirements concerning consultation on any of the processes that have led to the CPOs being made were inadequate, nor has any cogent submission (as opposed to generalised assertion) been made to that effect to which it would be possible to respond"*²⁰¹.
178. *Un-deliverability and planning difficulties.* The Council's joint venture partnership with Argent Related LLP, which is secured by agreement, will deliver BXS. All the necessary resources are likely to be available for BXS within a reasonable timescale. There are no planning, financial or other impediments to the delivery of either the BXT or the Station District works²⁰². The Council has every belief that both the CPO3 and BXC Scheme will be delivered in full and is committed to playing its part in the delivery of a scheme which has numerous public benefits²⁰³.
179. *Exclusion of Brent Terrace gardens.* The Council has no intention of acquiring garden areas associated with Brent Terrace housing within this Order or any other CPO since there is no need to do so. There is sufficient space to deliver a meaningful linear neighbourhood park without the compulsory purchase of the Brent Terrace gardens²⁰⁴.
180. *Lack of consideration of alternative transport solutions.* The proposal for a new BXT as the most appropriate solution accords with development plan policy and the Local Plan's²⁰⁵ core objective to provide safe, effective and efficient travel. It would also meet the Transport Vision in the Cricklewood, Brent Cross and West Hendon Regeneration Area Development Framework²⁰⁶. In these circumstances, and given there is no evidence that the delivery of the new station is contrary to the public interest, there is no obligation on the Council in

¹⁹⁹ AA/DC/1, para 6.17.12

²⁰⁰ AA/INQ/13, para 14

²⁰¹ Ibid, para 15

²⁰² AA/CS/1, para 10.15.1 c); and AA/PA/1, paras 9.49 and 9.50

²⁰³ AA/CS/1, para 10.15.1 b) and section 7

²⁰⁴ AA/CS/1, para 10.13.2, f); AA/PA/1, para 9.58; and AA/AG/1, paras 7.10 – 7.12

²⁰⁵ CD B1

²⁰⁶ CD B6

- promoting CPO3 to consider alternatives to the new station or to show that there are none which would better meet the travel needs of residents, workers and visitors to BXC²⁰⁷.
181. However, a number of transport alternatives have in the past been considered²⁰⁸, with alternative options discounted for reasons including cost, logistical arrangements with other transport networks, increased congestion and design constraints²⁰⁹. Alternatives were addressed at the time that an application was made to the Treasury to secure the public funding required in order to achieve delivery of the BXT. The approved funding package includes a £97 million Treasury grant. Significant weight should be given to the Government endorsement to the new station through the approved grant in order to bring forward the station's delivery from BXC Phase 5 to Phase 2²¹⁰.
182. One of the alternatives considered was the potential of a rail service using the Dudding Hill Line and this was examined in the Thameslink Station Business Case²¹¹. However, this is not a true alternative to the new BXT, or to any other element of the ITS, but a (potential) complementary project that may or may not take place in the medium to longer term. Because of a number of technical difficulties this option was not promoted as a means of regeneration of the BXC site.
183. In addition, the proposed BXT provides a more direct transport solution for BXC. On the other hand, the suggestion of using the Dudding Hill Line would still require a new station for BXC, together with significant other infrastructure work which may require further compulsory acquisition of land for the provision of additional passenger stations along the line.
184. The new BXT would not prejudice the provision of platforms at Brent Cross should the Dudding Hill Line project come forward²¹². Furthermore, the new station is in any event a transport improvement of high importance which, subject only to confirmation of compulsory powers, is ready to be delivered. The prospect of the reopening of the Dudding Hill Line to passenger trains therefore should not be treated as a consideration in any way militating against the confirmation of the Order²¹³.
185. The prospect of integrating a potential Dudding Hill Line passenger service at the proposed BXT would be a matter for addressing by the promoters of any such scheme. Such a proposal remains at a very early stage, there is as yet no business case, and operational requirements are not yet known. The gestation period for such a rail project is typically around ten years. The prospect of a scheme to reopen the Dudding Hill Line is therefore no reason to delay the

²⁰⁷ AA/INQ/13, para 17

²⁰⁸ These are summarised in CD B14 Section 2, The Strategic Case of the Thameslink Station Full Business Case

²⁰⁹ AA/PH/1, paras 6.4.1 – 6.4.3

²¹⁰ AA/INQ/13, para 20

²¹¹ CD B14

²¹² AA/INQ/13, paras 23 - 26

²¹³ AA/INQ/13, para 22

provision of a funded Brent Cross Thameslink Station that is integral to the success and sustainability of BXC²¹⁴.

186. *Unfair state aid.* The use of the Council's CPO powers to support the delivery of the BXC Scheme is not a form of state aid. There is no favouring of the Council's development partner because the proposed use by the Council of its CPO powers was made clear as part of the competitive European-wide Official Journal of the European Union-compliant procurement process which was undertaken to select a development partner²¹⁵.

Galabina Yordanova (NQ5)

187. The public advantages of the scheme will not benefit existing residents and will be destructive to the character of the environment and the whole community, making people homeless.

188. There has been insufficient consultation in relation to the relocation of existing residents, inappropriate channels of information and lack of dialogue, with the real threat of eviction for residents. Residents have not received suitable independent advice.

189. The Council is not meeting its obligations under the Framework to meet objectively-assessed need and deliver housing which provides people with choice about where they live and the type of accommodation available.

190. The Council has a sufficient amount of land to deliver regeneration without acquiring residential properties and displacing residents.

191. Existing transport links and infrastructure are very good.

192. There is no compelling case in the public interest for the acquisition of land and, as such, the Order is an infringement of the Objector's rights.

193. A public inquiry should be held locally at which the AA's witnesses could be questioned by the public.

Response by the Council

194. No residential properties are proposed to be acquired within the CPO3 lands. The Objector is a resident of a property that is proposed to be demolished as part of the wider BXC Scheme and which is included in CPO2. Her concerns about insufficient consultation on relocation, eviction, lack of dialogue, independent advice, obligations under the Framework and sufficiency of land to deliver regeneration without acquiring properties and displacing residents, were matters more appropriately for consideration in relation to CPO2. Nonetheless, it is clear that existing residents have been consulted and this will continue²¹⁶.

195. Council tenants would only be required to vacate their properties once new replacement accommodation had been constructed²¹⁷. An independent

²¹⁴ Ibid, paras 29 and 30

²¹⁵ AA/CS/1, para 10.15.2; and CD E11

²¹⁶ AA/DC/1, paras 6.16.5 and 6.16.6; AA/AG/1, para 4.2; and AA/CS/1, section 10.14

²¹⁷ AA/DC/1, paras 6.16.7 – 6.16.9; and AA/PA/1, para 9.40

residential adviser has been appointed to represent residents on the Whitefield Estate affected by the BXC development²¹⁸.

196. Regarding infringement of human rights, the Council recognises that the compulsory purchase of land is an interference with the human rights of owners and occupiers of the Order lands but considers that the public benefits deriving from the scheme are of such significance that such interference is justified. The Objector has no property or interests within the Order land that would be affected²¹⁹.
197. An inquiry was held in Cricklewood at which the AA provided witnesses that could be cross-examined.

Gina Emmanuel (NQ6 and NQ6/2)

198. Objection is raised on the basis that the 2010 outline planning permission for BXC was obtained without fair consultation, without considering alternatives or options for various aspects of the development, and without independent verification of the claims made for it. Whilst understanding that the CPO3 inquiry cannot re-open earlier planning decisions, the unacceptable processes used then by the Council are still relevant and affect the CPO3 proposals, the local community and the wider community.
199. *Non-consideration of options.* It is estimated that an additional 29,000 cars per day will use the area even with the new rail and bus stations, the car remaining the most important mode of transport. The Council has never given serious consideration to the options of a new light railway or the extension of the Dudding Hill Line into the shopping centre. The current configuration of the proposed new station precludes any future extension of the Dudding Hill Line in the future, which would provide a valuable orbital link to the Old Oak Common development, the proposed HS2 interchange and for those travelling further west. Air pollution will not be reduced as far as possible, representing a failure to achieve environmental well-being.
200. *Pedestrian/cycling routes.* There is concern as to the adequacy of the provision of pedestrian and cycling routes, particularly the dedicated provision for cyclists. This again represents a failure to achieve environmental well-being. The proposed cycling network does not conform to TfL's London Cycle Design Standards and the MML Bridge and surrounding roads may need to be widened to accommodate segregated cycle lanes.
201. *Public transport concerns.* There will not be dedicated bus routes throughout the development. Where they do not exist there are likely to be bottlenecks and delays, deterring bus use. There will be no rapid transport link between the bus and train stations and the shopping centre. This would represent a lack of connectivity, which cannot be considered to be an ITS.
202. *Green space.* Insufficient detail has been provided to verify that the BXC development will result in the proposed amount of green space being delivered. The poor quality of some of the new spaces (because of air and noise pollution) would be a failure to achieve environmental and social well-being.

²¹⁸ Ibid, para 6.16.14

²¹⁹ Ibid, para 6.16.20

203. *Insufficient consultation.* Meetings with the public have in general resulted in very little new information and in some cases obfuscation. There has been historic inconsistency in meeting statutory consultation and other involvement requirements. There has been information of decisions and changes but lack of community consultation prior to these so that the community has been given no real choice. The only significant change made by the developers in favour of the residents since outline permission was granted in 2010 has been the removal of the Brent Terrace gardens from the Order lands. All other requests for changes have been ignored. Consultation compares unfavourably with that which has taken place regarding the Old Oak Common development. Consultation has been offered as a 'tick box' exercise, leaving communities feeling unfairly treated.
204. *Affordable housing.* The type of housing being delivered within the BXC Scheme would be concentrated on smaller apartments rather than family-sized housing and there would be a potential lack of affordable housing. The forced relocation of existing residents from Cricklewood would result in the Council's ambitions of promoting mixed communities and increasing housing supply not being met.
205. *WHF and incinerator.* There are no guarantees that air filtration technology for the replacement WHF will be effective. Despite mitigation, it is likely that noise levels will be increased and air quality reduced for residents living close by. The provision of an incinerator would be inappropriate in a densely-populated residential area.
206. *Independent verification of commercial figures and concerns regarding measurements.* Claims have been made regarding both employment figures and the cost of the new station but these have not been independently verified. It is claimed that there will be more green space under the BXC development but there seems to be confusion between open space, public space and green space. The quality of some of these proposed spaces is questioned. It is also queried whether measurements within the Brent Terrace Zone are accurate and whether the development now proposed there could be accommodated.
207. *Adequacy of space to the rear of Brent Terrace.* It is questionable whether there is sufficient space within the Order land to provide the proposed residential development, spine road and linear park without requiring the allotment gardens at the rear of Brent Terrace. This might therefore require the necessary compulsory purchase of these gardens in the future. The AA is unable to say how wide the linear park would be and therefore whether there would be sufficient space to deliver a meaningful park, particularly as this would be adjacent to a four-lane spine road that would have noise, air pollution and safety impacts.
208. The Council is now proposing changes regarding land in the Brent Terrace Zone, (together with the WHF and the RFF) which will necessitate 'drop-in' planning applications. So far as the Brent Terrace Zone is concerned, this would contain some of the largest proposed residential blocks in the BXC development and any redistribution of units may cause a more serious impact than is supposed.
209. *Funding.* The funding burden on the taxpayer in respect of realisation of BXC has increased (for example, necessitating a £97m Treasury grant to secure the BXT provision). There are no updated figures to March 2017, as required by the

Treasury's Green Book guidance to councils, to show how the funding burden has increased. The AA is being less than careful with the public purse.

210. *Re-phasing.* The re-phasing for the CPO3 lands will cause Brent Terrace to be developed to the east and west simultaneously whereas previously this was not the case. This is likely to cause physical and mental health and well-being problems for residents as a result of noise, dust etc.
211. *Concerns regarding the Council's asset management.* The Council has a chequered history of management of public land assets. Democratic accountability is not clear as to how the services provided and held within the land assets covered by CPO3 will be assured and who will be held ultimately accountable for them. Had consultation, engagement and negotiation taken place in line with CPO guidance, these matters would have been unpicked.
212. *Governance arrangements.* The governance arrangements for the joint venture between the Council and Argent Related have not been placed in the public domain, so the community is unable to gauge whether the Council is able to protect the interests of Barnet residents.

The Council's response

213. Detailed responses to questions of clarification at the inquiry from Ms Emmanuel are provided in AA/INQ/5.
214. *Non-consideration of options.* As already noted in paragraph 164 above, the EIA carried out as part of the s.73 application process fully assessed all relevant environmental impacts and appropriate mitigation measures associated with the BXC development. The permission contains conditions to control the environmental impacts²²⁰. The issue of the potential use of the Dudding Hill Line is addressed in paragraphs 182 – 185 above in response to the objection by Mr Cox.
215. *Pedestrian/cycling routes.* The scheme for the pedestrian and cycle network is still being progressed but the principle of the network will be aligned with that set out in the BXC Transport Assessment²²¹.
216. *Public transport concerns.* Public transport improvements are the key to the sustainability of the BXC regeneration proposals. The ITS was developed to satisfy the transport needs and mitigate the impacts of the proposed development. The improved road and rail network will operate more efficiently than the existing network. This will reduce congestion and queuing and so improve levels of noise and pollution over those which would otherwise occur with the uplift in traffic²²².
217. *Green space.* There will not only be an increase in the quantum of open space through the provision of new parks and urban spaces but also existing open spaces at Clitterhouse Playing Fields and Claremont Park will be improved. Whilst the exact size of individual open spaces will be determined through the

²²⁰ AA/PA/1, paras 9.27 - 9.28; AA/DC/1, paras 6.15.3 – 6.15.9; and AA/SS/1, paras 4.15 – 4.17

²²¹ AA/PH/1, para 6.4.5; and CD C5

²²² AA/DC/1, paras 6.15.3 – 6.15.9; and AA/PH/1, para 6.6.1

- detailed design process, the parameters and principles approved in the s.73 permission ensure that a minimum size is achieved for each. Condition 2.3 of the permission requires detailed and precise site measurement survey work to establish the extent of existing green space. This has been carried out²²³.
218. *Insufficient consultation.* The BXC proposals have been subject to substantial consultation, as addressed in paragraphs 175 – 176 above in response to the objection by John Cox²²⁴.
219. *Affordable housing.* The mix of housing types, sizes and tenures is considered appropriate. The exact amount of affordable housing to be delivered in each phase of the BXC is subject to a Viability Review Mechanism. Given the size, complexity and duration of the delivery of BXC, this provides an entirely appropriate method of ensuring new housing is delivered and that affordable housing is maximised²²⁵.
220. *WHF and incinerator.* As part of the planning approval process the Council will require detailed specifications of the proposed air filtration system to be installed in the proposed WHF. Conditions imposed on a permission would ensure such details are submitted, the requisite system installed and subsequently operated. No incinerator is proposed for the WHF²²⁶.
221. *Independent verification of commercial figures and concerns regarding measurements.* As noted in paragraph 217 above, Condition 2.3 of the s.73 permission requires a detailed and precise site measurement survey in respect of all existing open spaces and to ensure that the resulting data are incorporated as appropriate into the plans and documents submitted as part of the relevant Reserved Matters and Other Matters applications. This condition has been discharged. A baseline measurement has been produced against which the approved parameters and principles relating to the provision of new and additional open space can be measured as the development proceeds²²⁷. The figures in the full Business Case for securing funding for the BXT were quality-assured by the DCLG as part of its work to confirm the grant for the station²²⁸.
222. *Adequacy of space to the rear of Brent Terrace.* The provision of neighbourhood park facilities in a linear form, together with a north-south spine road and other development, will be subject to detailed design and applications for Reserved Matters approval. At that time matters such as layout will be assessed as part of the planning process. The flexibility that the s.73 permission parameters and controls give, including limits of deviation for roads, and the setting of maximum rather than fixed or minimum floorspace amounts, provide scope to ensure the minimum open space requirements can be met. These objectives can be achieved within the Order lands without any subsequent need for the compulsory purchase of Brent Terrace gardens²²⁹.

²²³ AA/CD/1, paras 6.15.12 – 6.15.14; and CD E2, paras 4.76 – 4.77

²²⁴ See also AA/CS/1, para 10.13.2 e); and CD E2, paras 8.4 – 8.34

²²⁵ AA/CS/1, para 10.13.1 g); and AA/PA/1, paras 9.32 – 9.35

²²⁶ AA/PA/1, para 9.36; and AA/PW/1, paras 4.24 – 4.25

²²⁷ AA/PA/1, para 9.31

²²⁸ AA/CS/1, para 6.5; and AA/DC/1, para 6.15.24

²²⁹ AA/SS1, paras 6.16 – 6.21; AA/AG/1, paras 7.10 – 7.14; AA/PA/1, paras 9.53 – 9.59; and AA/INQ/13, paras 32 – 35

223. *Funding.* The Council does not accept that an updated funding package needs to be calculated as at March 2017. The full Business Case for the grant from the Treasury for the Thameslink works has been approved. The Grant Funding Agreement and Funding Letter between the DCLG, the Greater London Authority and the Council was signed in January 2017²³⁰.
224. *Re-phasing.* Conditions attached to any Reserved Matters, or 'drop-in' permissions, would ensure that residential amenity concerns would be fully taken into account and safeguarded in the planning process.
225. *Asset management and governance arrangements.* The Council entered into a Project Agreement with BXS LP in July 2016. Under the Project Agreement there are a number of conditions precedent that must be met prior to the draw-down of land and the implementation of the Station District of the CPO3 development. BXS LP has developed a business plan which sets out mechanisms for delivering the project through commercially-viable phased development. An updated business plan has been submitted to the Council and sets out a strategy for delivering BXS over the next 15 – 20 years²³¹.

Additional correspondence submitted during the inquiry

Naila Choudhary (Docs 6 and 9)

226. Correspondence from Ms Choudhary has been referred to in paragraphs 5 - 9 above.

The Residents' Community Association of the Cricklewood Railway Terraces Conservation Area (Doc 4)²³²

227. The Association is not an objector to the Order but has concerns about the decision-making process in regard to the location, implementation and design of the proposed RFF on land to the north of the terraces. It does not consider it appropriate for the AA to mitigate harm to the interests of Cemex by entertaining the possibility that the business could relocate to the new RFF. Little weight should be attached to any suggestion that Cemex could consider relocation to the RFF in such close proximity to the railway cottages. The s.73 permission is for a facility that is enclosed and for clean industry. The now-proposed facility is open air and for dirty industry. Development should not be allowed at the expense of blighting this residential area.
228. The existing HGV data in relation to the RFF, WHF, the use of the A5 and Cricklewood Lane should be scrutinised very carefully since it is not believed that they are based on sound evidence.

The Council's response

229. The land uses which are now proposed to take place on the Order lands are authorised by the s. 73 permission. Feedback received via consultation regarding the nature of the RFF site was that market demand confirmed a need for an

²³⁰ AA/CS/1, para 7.12; and AA/INQ/13, para 21

²³¹ AA/AG/1, paras 5.1 – 5.15

²³² The Association represents the residents of around 200 terraced former railway workers' cottages situated outside the Order lands, shown on parameter plan 001 (CD C14) to the south of the Railway Lands

aggregate-based facility, not an intermodal one as originally permitted by the 2010 permission. The design, purpose and scale of the RFF have been determined by reference to these industry needs²³³.

230. The AA is not promoting or supporting a concrete batching plant as part of the CPO3 development. Nor is it seeking to encourage the relocation of Cemex to the proposed RFF. The relocation of the Cemex operation to the RFF would require a specific planning permission²³⁴.
231. At the time of the inquiry an application for the RFF had been submitted and was with the Council, as local planning authority²³⁵. This does not include proposals for a concrete batching plant. There are important matters in terms of amenity impacts to be considered in respect of the application. These are matters of detailed design for the application process and not, as the Residents' Association rightly recognises, for the Order-making process.
232. Having regards to detail, some of the aggregate bins are to be covered and dust mitigation measures would be installed. The proposals provide only for car parking and use of an existing building for welfare facilities closest to the residential terraces, with bunding and acoustic fencing to be included²³⁶.
233. Analysis in a transport report, submitted as part of the RFF planning application, shows that no capacity problems are envisaged and that the number of proposed traffic movements agreed with DB Cargo, as operator of the RFF, would be significantly lower than that tested. The traffic analysis is robust and has been undertaken based on best practice, with verifiable observed data included²³⁷.
234. In the context of the Order-making process it is necessary for an AA to show that a scheme is unlikely to be blocked by any physical or legal impediments to implementation, including any need for planning permission. There should be no obvious reason why planning permission should be withheld²³⁸. There is nothing to suggest that there is an obvious reason why the current proposal for the RFF is likely to have to be refused²³⁹.

Alison Hopkins (Doc 5)

235. There is concern amongst residents in Dollis Hill regarding the proposal to enable right-turning from Edgware Road (A5) into Humber Road. This will directly affect residents in Dollis Hill adjacent to the proposed CPO3 development. To allow right turns into Humber Road will encourage 'rat-running' in Dollis Hill in order to reach the North Circular Road. More traffic will be pushed into Dollis Hill rather than less. The A5 Corridor Study has been based on totally inaccurate traffic figures and flawed traffic assessments. The right turn for southbound vehicles on the A5 is not needed to facilitate movements, nor is it needed for the proposed WHF.

²³³ AA/RG/1, section 4

²³⁴ AA/INQ/8: Mr Conboy's oral response to questions

²³⁵ CD C38; CD E2, paras 5.12 – 5.14; and AA/INQ/8

²³⁶ AA/RG/1, para 6.2; and AA/INQ/13, para 41

²³⁷ AA/INQ/13

²³⁸ CPO Guidance, para 15

²³⁹ AA/INQ/13, paras 41- 43

236. The proposal to close access to the A5 from Oxgate Lane would mean even more cars and lorries using Humber Road. The Council's plans are in direct contravention of the aspiration of the London Plan to enhance the quality of life in outer London for present and future residents.

The Council's response

237. A four-arm junction arrangement at Humber Road has approval under the s.73 permission as a Gateway Junction and the principle of a right turn into Humber Road is therefore already established²⁴⁰. The proposed junction is seeking to improve connectivity between the Edgware Road and Humber Road with a safe, controlled environment. It has been designed taking into account representative traffic flows on the road network, will enhance capacity, and has received officer support from the neighbouring Brent Council.

238. Modelling of traffic movements for the A5 corridor has been based on a licensed traffic model that has been audited by TfL and accepted as appropriate²⁴¹.

239. The scheme would not increase 'rat-running' and would reduce any tendency for this along Humber Road. There will be no change to the existing vehicle restrictions along Humber Road so HGVs should not be using it as a primary route through the area²⁴².

240. No changes are proposed to Oxgate Lane as a result of the CPO3 proposal. However, access from Oxgate Gardens to Edgware Road would be restricted, and this is likely to result in traffic from Oxgate Gardens using both Dollis Hill and Humber Road to access Edgware Road. However, traffic modelling indicates that the Humber Road junction would have adequate capacity for the residents of Oxgate Gardens and Humber Road to use the proposed Humber Road junction²⁴³.

***David Arditti, Co-ordinator, Brent Cyclists (London Cycling Campaign)
(Doc 3)***

241. Plans²⁴⁴ show that there would be an undivided footway/cycleway on either side of the road crossing the MML Bridge. This would be inconsistent with TfL's London Cycle Design Standards. Proper dedicated provision should be required, which may affect the necessary width of the bridge.

The Council's response

242. It is not proposed that cyclists will have a dedicated separate area from pedestrians on the MML Bridge, but they will both be separated from vehicular traffic. The s.73 permission provides for a choice of means of cycling over the bridge and the approach to be taken would not be inconsistent with the London Cycle Design Standards, which include provision for situations where integration with other users is necessary. Whilst the MML Bridge detailed design will be

²⁴⁰ AA/INQ/12; AA/PH/1, para 5.10; and BoP 11

²⁴¹ AA/INQ/12

²⁴² Ibid

²⁴³ Ibid

²⁴⁴ BoP 13

subject to a Reserved Matters application, there is more than adequate space within the proposed footways/cycleways to meet the Design Standards²⁴⁵.

Unopposed Lands

243. The description of the unopposed lands is as set out in paragraphs 107 - 114 above. The Council's general case applies to these.

²⁴⁵ AA/INQ/11

Conclusions

The numbers in parentheses [] refer to paragraphs in the preceding part of this report on which the conclusions below have been based.

244. The Order is made for the purpose of securing the acquisition of land necessary to facilitate the realisation of the wider, multi-phased Brent Cross Cricklewood (BXC) comprehensive redevelopment scheme. In total BXC extends to some 151ha, with development phased and delivery likely to take place over about 20 years. [14, 24, 86]

The planning framework

245. The BXC Scheme is compliant with the development plan, the Council's Local Plan identifying it as the largest and most important development in the Borough and one of London's most important strategic proposals. It is fully supported and endorsed by the London Plan. Support for the Scheme is also provided by the Council's Corporate Plan, Housing, Education and Growth Strategies and by Supplementary Planning Guidance. There are thus both clear strategic and detailed frameworks in place which drive the requirement for land assembly to realise a policy-compliant development scheme, in accordance with paragraph 74 of the CPO Guidance. [51, 52, 56, 57, 59, 63, 67 - 69, 77- 79, 90]

246. The BXC Scheme benefits from outline planning permission (the s.73 permission), with Reserved Matters approval granted for early phases of development. The s.73 permission is framed and controlled with triggers, phasing parameters and flexibility built-in to ensure the realisation of comprehensive development. Although some concerns have been expressed as to the nature and scope of public consultation in respect of the planning process, permission is extant and there has been no challenge to the legitimacy of this. No direct criticism of consultation in respect of the making of the Order itself, or challenge to the AA's compliance with the statutory formalities, has been made. [11, 59, 61, 67, 89, 105, 129, 130, 163, 167 - 170, 175 - 177, 188, 194, 198, 203, 218]

Well-being

247. Well-being is promoted by the Scheme by providing significant social, economic and environmental benefits to an area identified as an 'Opportunity Area' in both the Council's Core Strategy and the London Plan. Currently, the area is dominated by existing road and rail infrastructure but with relatively poor public transport accessibility and pedestrian and cycle connectivity. Integration with nearby residential areas is poor. Movement across the site is very difficult, giving rise to an impermeable and insular urban space which has a number of industrial uses of poor visual quality. [52, 53, 67, 71, 72, 80, 83 e)].

248. The existing planning permission for the Scheme seeks to take the opportunities presented to overcome the problems and disadvantages of the area. The key benefits of the BXC Scheme are numerous. These include: the provision of a new town centre and the addition of some 78,000 sqm of retail floorspace of which about 55,000 sqm would be an addition to the existing Brent Cross Shopping Centre; around 7,500 new homes (including affordable provision); the creation of over 25,000 permanent jobs; improvements to public transport, rail and road infrastructure and connectivity; additional community facilities, including the re-provision of three schools; enhancements to the environment and townscape, with additional open space provision; the

remediation of contaminated land; and the effective use of previously-developed land. The BXC Scheme would fulfil an economic, social and environmental role - the three core dimensions of sustainable development as set out in the National Planning Policy Framework. [28 - 34, 64, 69, 77, 80, 81]

249. CPO3 is the third compulsory purchase order made in pursuance of the BXC Scheme, a decision on whether CPOs 1 and 2 should be confirmed being awaited at the time of the inquiry. The Order lands are a fundamental and integral part of the wider development scheme. It would be difficult to separate delivery of the various development components on the Order lands from those on the rest of the BXC site given the symbiotic relationship with the lands subject to the other Orders. [82]
250. Development on the CPO3 lands would have several specific benefits. These include: the provision of a new Thameslink Station (BXT), increasing accessibility to BXC and allowing development to be delivered sustainably; the provision of the Midland Mainline (MML) Bridge, which will increase integration and allow public transport connections from Edgware Road to the new town centre; the development of significant commercial and residential development in the Station District; environmental and road infrastructure improvements; and the re-provision and re-siting with modern facilities of a Rail Freight Facility (RFF) and a Waste Handling Facility (WHF). [83]
251. The BXC Scheme is to be delivered comprehensively, as recognised through its master-planning. The CPO3 lands provide for the delivery of the critical western portion of the wider BXC Scheme. This will secure significant transport improvements on which the overall scheme depends to deliver sustainable, high density and quality development. [35, 104]
252. CPO3 will enable the early delivery of the BXT and related rail infrastructure, together with the development of the Station Quarter, driving forward the comprehensive realisation of the BXC Scheme. The Integrated Transport Strategy is critical to the sustainable delivery of the BXC Scheme. Delivery of the BXT, and improved connectivity west to east across the railway lines, will facilitate this. To be a catalyst for other development plots it is proposed that the development of the BXT be brought forward from Phase 5 to Phase 2 in the phasing programme. At the time of the inquiry an application had been submitted in accordance with conditions of the s.73 BXC permission to authorise this. [35 - 37, 49, 50, 92]
253. The AA has a clear idea how the land to be taken would be used, in accordance with paragraph 13 of the CPO Guidance. All the Plots within the Order lands, whether for outright acquisition or for the acquisition of rights, are required to allow the realisation of the differing components which contribute to the overall BXC Scheme. The land-take is the minimum necessary to deliver the Scheme. [106 - 114, 126]

Delivery and Resources

254. The early delivery of the BXT is a critical component of the wider development, with works intended to start in 2018 and the station opening in 2022. An approved Business Case has secured a £97m Government grant to what will be a publically-funded component project delivered by the Council. [39, 92, 93, 95, 124]

255. The AA has entered a Project Agreement with its development partner, Argent Related, to form a joint venture (BXS LP) to deliver the Brent Cross South (BXS) component of the overall BXC Scheme. The track record of Argent Related is well established as is the structure and funding of the joint venture. There has been considerable investment by the AA in land acquisition. [39, 87, 90, 91]
256. There is an approved Business Plan for BXS, and the wider scheme to the south of the North Circular Road will be delivered as the BXS joint venture. The RFF is to be provided by DB Cargo, with a 'drop-in' planning application having been made. The relocation of rail stabling and sidings to the eastern side of the main rail lines will also be subject to a 'drop-in' application, as will the relocated WHF. Other consents in relation to works for the BXT will need to be approved by Network Rail as part of the normal design development of a rail project of this nature. No evidence has been provided to suggest that these consents would not be forthcoming. There is a detailed strategy for implementation of the BXC Scheme and there is a reasonable prospect of this going ahead and the land being developed. [96 - 99, 102]
257. Overall, in accordance with paragraphs 13 and 14 of the CPO Guidance, substantive information has been provided as to funding sources for acquisition and for implementing the scheme for which the Order lands are required. There is no cogent evidence to challenge the credibility in commercial or financial terms of the chosen development partners. Nor is there challenge to their expertise or track record in the delivery of projects of this nature. There is no evidence to suggest that that part of the BXC Scheme relating to lands subject to the Order would not be adequately resourced and delivered within a reasonable timescale. [94, 101, 171, 174, 178, 186, 221]

Alternatives

258. No alternative proposals to the overall BXC Scheme have been put forward within the context of consideration of CPO3. Retention of some of the existing uses and plot structures within the Order lands would be incompatible with the proposed comprehensive regeneration. All of the Order lands are necessary to deliver the CPO3 development and are integral to the success of the wider BXC Scheme. [116, 117]
259. Having regards to transport solutions, the AA considers the proposal for the new BXT is the most appropriate and has policy support. I accept that in these circumstances, and given there is no evidence that the delivery of the station would be contrary to the public interest, there is no obligation on the AA to consider alternatives or to show that other solutions might better meet the needs of BXC. [180, 199]
260. However, in formulating the present proposals consideration was given to a number of transport alternatives. These included the potential of a rail service using the Dudding Hill Line. Its use would not be a true alternative to the proposed BXT but instead might be a potential complementary project that may or may not take place in the medium to longer term. [182]
261. The BXT would not prejudice the provision of platforms at Brent Cross should a proposal for the Dudding Hill Line come forward and subsequently be addressed. There is no reason for delaying the provision of a funded and deliverable BXT now, particularly given the lengthy period that would be likely for a Dudding Hill

Line scheme to be realised. As such, a potential rail service using the Dudding Hill Line does not represent a reasonable alternative to this component of the CPO3 development. [184, 185]

Impediments

262. All of the land uses forming the BXC Scheme in respect of which the Order lands are required benefit from outline planning permission. However, Reserved Matters and separate 'drop-in' approvals for differing elements will be necessary. Such applications would not alter the principles established by the extant outline permission but would update it to meet changes in circumstances. These include those for the station, the RFF, WHF and the relocated rail stabling and sidings. Some concerns have been raised as to the latter three components. However, these relate principally to possible impacts on amenity and are matters that would be addressed through consideration of applications as part of the planning process. [83 f) and g), 131, 205, 207, 227, 231, 232]
263. In respect of the WHF and the RFF, mitigation to provide environmental safeguards would be necessary components. Having regards to the rail stabling and sidings and the associated provision of a linear park, spine road and residential development to the rear of Brent Terrace, the AA expresses confidence that these are achievable given the flexibility provided by the s.73 permission parameters and controls. Despite details of these components yet to be approved, in accordance with paragraph 15 of the CPO Guidance, I agree with the AA that there are no obvious reasons why permission might be withheld for these or other elements of the BXC Scheme relating to the Order lands. [129, 220, 222, 231 – 234]
264. The AA has undertaken negotiations with the parties whose land and interests would be affected by the Order. These have taken place in parallel with the making of the Order. Compulsory purchase is intended as a last resort to secure the assembly of land for the implementation of projects. However, in line with paragraph 2 of the CPO Guidance, the initiation of the compulsory purchase process was a sensible strategy to avoid the loss of valuable time in the event of unsuccessful negotiations. [118, 119]
265. By the close of the inquiry negotiations had allowed all but two of the remaining objections to the Order to be withdrawn as a result of successful private agreements being reached. Negotiations in respect of the two outstanding remaining objections were well advanced such that there was confidence that agreement would be reached shortly after the end of the inquiry. The AA has indicated that implementation of a confirmed Order would only take place where acquisition by private treaty had failed. [118, 119, 122, 132, 143, 156]
266. Against this background, I therefore consider there to be no obvious impediments to prevent the development for which the Order lands are required going ahead.

Remaining objections

267. *Palmbest Ltd, Batleys Properties Ltd and Bestway Wholesale Ltd.* Plot 17, of which Palmbest Ltd is the freehold owner, and Plot 19, of which it is the owner of the subsoil interest, are required to provide the Edgware Road/Humber Road junction improvements. These would involve the provision of a right turn lane to Humber Road to improve in a safe and controlled manner capacity and

- connectivity to Humber Road businesses, with corollary benefit for residents in Dollis Hill. The principle of such a junction is already established through approval under the extant s.73 planning permission. I am satisfied that acquisition is required to allow these beneficial improvements. [83 i), 137, 138, 237]
268. The proposed relocation of a WHF to land to the south of Geron Way would require highway alterations to Geron Way which could involve temporary closure or restriction to traffic whilst these were carried out. The WHF would be a smaller facility than originally envisaged to be located on the Bestway site (since a refuse-derived combined heat and power plant would not be included as it is deemed to be neither feasible nor viable). This would continue to meet the planning policy objectives of the delivery of a replacement facility accessed from Edgware Road. Authorisation of this facility would be subject to a 'drop-in' planning application and an application under s.96A of the 1990 Act. [44, 45]
269. Access to the Objectors' business could be safeguarded through a traffic management plan and/or continued access from the north along Geron Way. In the event that the foreshadowed agreement on acquisition is not reached, I am satisfied that the compulsory acquisition of the lands subject to objection is justified in the public interest. [135 - 143]
270. *Cemex UK Operations Ltd.* The existing Cemex cement batching plant site (Plots 4 and 5) needs to be acquired as it occupies an important location within the wider BXC Scheme where new building and key roads authorised by the s.73 outline planning permission would be located. Proposed development on the site would be an integral component in the creation of a well-linked, attractive environment close to the proposed BXT. [152]
271. I am satisfied that the AA has made reasonable efforts to assist the Objector in its search for alternative premises, particularly in light of the fact that the proposed RFF (in respect of which a 'drop-in' planning application had been submitted to the Council shortly before the opening of the inquiry) does not include a concrete batching plant. In the event that acquisition by agreement (which was predicted at the time of the close of the inquiry) is not reached, compulsory purchase would be justified in the public interest in order to avoid compromising the considerable social, environmental and economic benefits to be derived from the BXC Scheme. [147 - 156]

Other matters

272. I have had regard to the Human Rights Act 1998 and, in particular, Article 1 of the First Protocol of the European Convention on Human Rights. The purposes for which the Order was made sufficiently justify what would be the proportionate interference with the human rights of qualifying persons under s.12(2A) of the Acquisition of Land Act 1981. [192, 196]
273. In conducting the inquiry and in producing this report due regard has been paid to the Public Sector Equality Duty contained in the Equality Act 2010 (s.149).
274. I do not consider there is any cogent justification for the inquiry to be reopened to provide an opportunity for the consideration of further objections to the Order, as requested by a non-qualifying person who wished to lodge late objections. [5 - 9]

275. Because of an error in referencing rights descriptions in the Order, and as requested by the AA, it will be necessary to modify the Order to correctly identify the Plots that would relate to the MML Bridge Works and the Pedestrian Link Works. [10]

Overall conclusions

276. Confirmation of the Order will enable the redevelopment of the CPO3 Order lands in line with, and as part of, the overall realisation of the BXC Scheme. Redevelopment of these lands is likely to contribute clearly and positively to the improvement of the economic, social and environmental well-being of the area. There would be compliance with both s.226(1)(a) and s.226(1A) of the 1990 Act. There are no obvious impediments to the development which compulsory purchase would seek to facilitate.

277. Overall, there is a compelling case in the public interest for confirmation of the Order. The benefits of the Order sufficiently justify interfering with the human rights of those with an interest in the Order lands.

Recommendation

278. I recommend that the London Borough of Barnet (Brent Cross Cricklewood) Compulsory Purchase Order (No. 3) 2016 be confirmed subject to the modification set out in paragraph 10 of this report.

Philip J Asquith

INSPECTOR

APPEARANCES

FOR THE ACQUIRING AUTHORITY

Neil King QC and Guy Williams of Counsel

instructed by Eversheds
Sutherland (International) LLP

They called:

Bob Allies

Partner, Allies and Morrison

Cath Shaw

Deputy Chief Executive, London
Borough of Barnet Council

André Gibbs

Chief Operating Officer, BXS DM
Limited

Peter Alsop

Brent Cross Planning and
Transport Manager, RE (Regional
Enterprise) Ltd

David McCallum

Infrastructure Design Manager for
BXT and Technical Director,
Capita Real Estate

Philip Hardwick

Senior Transport Planner, Capita
Real Estate and Infrastructure

Ralph Goldney

Managing Director, Railfreight
Consulting

Paul Woods

Director GL Hearn Limited

Simon Slatford

Senior Director, Lichfields

David Conboy

Head of Compulsory Purchase, GL
Hearn Limited

OBJECTORS AND INTERESTED PERSONS²⁴⁶

John Cox

Non-qualifying objector

Gina Emmanuel

Non-qualifying objector

Michael Mangi

Local resident

Jessica Howey

Local resident

Marlene Wardle

Local resident

²⁴⁶ Those who asked questions of clarification of the Acquiring Authority's witnesses, or questions more generally

Paul Hoskins

Local resident

Christopher Miller

Local resident

Naila Choudhary

Local resident

DOCUMENTS

CORE DOCUMENTS

A. LEGISLATION, GOVERNMENT AND OTHER CENTRAL AND REGIONAL GUIDANCE

1. The Local Government (Miscellaneous Provisions) Act 1976 (extracts)
2. Highways Act 1980 (extracts)
3. Acquisition of Land Act 1981 (as amended) (extracts)
4. Town and Country Planning Act 1990 (extracts)
5. Human Rights Act 1998 (extracts)
6. Planning and Compulsory Purchase Act 2004 (as amended) (extracts)
7. Equalities Act 2010 (Extracts)
8. National Planning Policy Framework (2012)
9. National Planning Policy for Waste (2014)
10. DCLG Guidance on compulsory purchase, and the Crichel Down Rules for the disposal of surplus land acquired by, or under the threat of, compulsion (October 2015)

Regional Guidance

11. Regional Planning Guidance 3 1996 (Extracts)
12. Draft North London Waste Plan (July 2015)
13. Greater London Authority Strategic Housing Market Assessment (2013)
14. Homes for London - London Housing Strategy June 2014
15. London Cycling Design Standards 2014
16. Housing Supplementary Planning Guidance (GLA, March 2016)
17. The London Plan 2016 (Extracts)
18. The Department for Transport's 'Rail freight Strategy' September 2016

B. LONDON BOROUGH OF BARNET DEVELOPMENT PLAN, PLANNING POLICY, CORPORATE STRATEGY AND OTHER DOCUMENTS

1. Barnet Local Plan Documents (Core Strategy (September 2012), including Saved Policies from Chapter 12 of Barnet's UDP (May 2006), and Development Management Policies (September 2012))
2. Barnet Transport Strategy 2006-2016 (April 2006)
3. Barnet Council The Three Strands Approach (2008)
4. Barnet Draft Local Implementation Plan (November 2011)
5. Barnet Joint Strategic Needs Assessment 2011- 2015
6. Cricklewood Brent Cross and West Hendon Regeneration Area Development Framework (extracts) (December 2005)
7. A Growth Strategy for Barnet 2012
8. Health and Wellbeing Strategy 2015-2020
9. Entrepreneurial Barnet (2015 – 2020)
10. Barnet Housing Strategy 2015-2025
11. Barnet Corporate Plan 2015–2020 (April 2015)
12. Barnet Corporate Plan 2015–2020 (2016 Addendum and Targets)
13. Assets Regeneration and Growth Committee Commissioning Plan 2015 -2020
14. Thameslink Station Full Business Case (Capita, December 2015 Revision C)
15. BXC Regeneration Full Business Case - Executive Summary

C. PLANNING PERMISSION AND RELATED DOCUMENTS

Application Documents and Decision Notices

Documents relating to Planning Application C17559/08 (the 2010 Permission)

1. Barnet's Planning & Environment Committee Report (C17559/08) dated 18-19 November 2009
2. Barnet's Planning & Environment Committee Report (C17559/08) dated 29 July 2010
3. Decision Notice C17559/08 dated 28 October 2010

Documents relating to Section 73 Planning Application F/04687/13 (the s.73 Permission)

4. Planning Permission F/04687/13 dated 23 July 2014
5. Section 73 Planning Permission Consolidated Transport Assessment, Main Report dated September 2013
6. Planning Statement Addendum dated October 2013
7. Extract from Appendix V of the Consolidated Transport Assessment (Volume 2, AECOM, October 2013) (see attached extract)
8. Revised Design & Access Statement dated October 2013
9. Environmental Statement dated October 2013
10. Revised Public Realm and Open Space Strategy dated October 2013
11. Revised Design Guidelines dated October 2013
12. Regeneration Strategy Addendum dated October 2013
13. Revised Development Specification & Framework (Including Zonal Floorspace Schedule) October 2013
**For Parameter Plans see CD C14
14. Parameter Plans 001-029 October 2013
15. Officer's Recommendation Report to the Planning & Environment Committee dated 30 January 2014
16. Residential Relocation Strategy dated August 2015
17. Section 106 Agreement dated 22 July 2014
18. Deed of Variation dated 22 January 2016 to the Section 106 Agreement dated 22 July 2014

Documents relating to Planning Application F/05552/14 (Reallocation of Plots 53 & 54)

19. Planning Decision Notice dated 2 February 2015 in respect of Condition 4.2 to re-allocate Plots 53 and 54 from phase 1 (South) to phase 1 (North)

Documents relating to BXN Critical Infrastructure Re-Phasing Application 16/7489/CON

20. Officer's Recommendation Report to the Planning Committee dated 22 February 2017

Documents relating to BXS Re-Phasing Application 17/2694/CON

21. Application Form and Cover Letter dated 25 April 2017
22. Environmental Statement of Compliance (including Parameter Plans and Revised Indicative Construction Programme) dated April 2017
23. Explanatory Report dated April 2017
24. Conditions 2.4 and 2.5 Submission dated April 2017
25. Submission dated 25 April 2017 made under Condition 1.30 to update the

Glossary of the s.73 Permission by BXS Limited Partnership following submission of Re-phasing Application

26. Officer's Recommendation Report to the Planning Committee in respect of Condition 2.4, 2.5 and 4.2 (Relating to re-phasing Development Plots and items of Critical Infrastructure within and between Phase 1A (South), Phase 1B (South), Phase 1C and Phase 2 (South) dated 22 June 2017

Documents relating to BXT Re-Phasing Application

27. Cover Letter to LB Barnet dated 7 June 2017
28. Re-Phasing Condition 4.2 Application form dated 7 June 2017 (Ref: 17/3661/CON)
29. Re-Phasing Conditions 2.4 & 2.5 Application form dated 6 June 2017 (Ref: 17/3657/CON)
30. Re-phasing Condition 4.4 Application form dated 7 June 2017 (Ref: 17/3658/CON)
31. Planning Explanatory Report relating to Re-Phasing Development Plots and items of Critical Infrastructure within and between Phase 1A (South), Phase 1B (South), Phase 1C, Phase 2 (South), Phase 4 and Phase 5 to form two new sub-phases within Phase 2 (South) (including Parameter Plans and Updated Indicative Construction Programme) dated 7 June 2017
32. Environmental Statement of Compliance dated 7 June 2017
- 32A. Follow up submission in relation to the BXT Re-Phasing Application dated 10 August 2017
- 32B. Follow up submission in relation to the BXT Re-Phasing Application dated 21 August 2017
- 32C. Officer's Delegated Report to approve the BXT Re-Phasing Application dated 23 August 2017

Other Documents

33. List of Planning Applications relating to the CPO3 Development
34. List of Planning Applications relating to the wider BXC Development
35. LB Barnet Planning Permission (Ref: 15/06518/RMA) dated 5 February 2016
36. Section 96A Application documents dated 21 July 2017 relating to non-material amendments to the s.73 Permission
37. Draft Deed of Variation to the Section 106 Agreement dated 22 July 2014
38. Railfreight facility 'drop-in' application cover letter and red line boundary plan

D. COMPULSORY PURCHASE ORDER (NO.3) AND RELATED DOCUMENTS

1. Officers' report to the Assets, Regeneration and Growth committee on 5 September 2016 and minutes of resolution and LB Barnet Assets, Regeneration and Growth Committee Report dated 17 March 2016
2. Order & Schedule
3. Order Map
4. Statement of Reasons
5. Statement of Case
6. Letter to Secretary of State for Communities and Local Government from Eversheds Sutherland (International) LLP dated 24 February 2017 relating to the swap of rights for Plots 36, 37 and 38

E. MISCELLANEOUS

1. Glossary of Terms
2. Acquiring Authority's final Project Synopsis
3. LB Barnet's Policy and Resources Committee Report dated 17 May 2016

4. LB Barnet Assets Regeneration and Growth Committee Report dated 24 April 2017 – Brent Cross Cricklewood Update Report
5. LB Barnet Assets Regeneration and Growth Committee Report dated 30 November 2015 – Brent Cross Cricklewood Project Update
6. Property Development Agreement dated 11 July 2016 (redacted)
7. BXS Project Agreement dated July 2016 (redacted)
8. Principles for a Human City (Argent St George) July 2001
9. LB Barnet Assets Regeneration and Growth Committee Report dated 24 July 2017
10. Greater London Authority Regeneration of Southall Gasworks CPO S.19 Decision Letter and Inspector's Report
11. LB Barnet Assets Regeneration and Growth Committee Report dated 17 March 2016 – Brent Cross Cricklewood Update Report
12. Letter to the Inspector dated 31 August 2017 with enclosed CPO3 Compliance Bundle

Acquiring Authority's witness evidence

AA/BA/1	Bob Allies statement of evidence
AA/BA/2	Bob Allies Powerpoint presentation
AA/BA/3	Bob Allies summary statement of evidence
AA/BA/4	Bob Allies illustrative material
AA/CS/1	Cath Shaw statement of evidence
AA/CS/2	Cath Shaw summary statement of evidence
AA/AG/1	André Gibbs statement of evidence
AA/AG/2	André Gibbs appendices to statement of evidence
AA/AG/3	André Gibbs summary statement of evidence
AA/PA/1	Peter Alsop statement of evidence
AA/PA/2	Peter Alsop summary statement of evidence
AA/DM/1	David McCallum statement of evidence
AA/DM/2	David McCallum appendices to statement of evidence
AA/DM/3	David McCallum summary statement of evidence
AA/PH/1	Phil Hardwick statement of evidence
AA/PH/2	Phil Hardwick appendices to statement of evidence
AA/PH/3	Phil Hardwick summary statement of evidence
AA/RG/1	Ralph Goldney statement of evidence
AA/RG/2	Ralph Goldney appendices to statement of evidence
AA/RG/3	Ralph Goldney summary statement of evidence
AA/PW/1	Paul Woods statement of evidence
AA/PW/2	Paul Woods appendices to statement of evidence
AA/PW/3	Paul Woods summary statement of evidence
AA/SS/1	Simon Slatford statement of evidence
AA/SS/2	Simon Slatford summary statement of evidence
AA/DC/1	David Conboy statement of evidence
AA/DC/2	David Conboy summary statement of evidence

Acquiring Authority's documentation provided at the inquiry

AA/INQ/1	AA's opening submissions
AA/INQ/2	Schedule listing responses to objections in the AA's evidence
AA/INQ/3	Remaining objector tracker
AA/INQ/4	List of appearances
AA/INQ/5	AA's responses given orally on 6 September 2017 to the questions submitted in writing by Gina Emmanuel
AA/INQ/6	CPO Indemnity Agreement dated 5 September 2017
AA/INQ/7	Deed of undertaking in respect of the London Borough of Barnet (Brent Cross Cricklewood) CPO (No 3) 2016 to A D Food & Wine Limited
AA/INQ/8	AA's response to the letter dated 8 September 2017 from the Residents' Community Association of the Railway Terraces Conservation Area
AA/INQ/9	Note from Peter Alsop in response to a question from John Cox concerning the relationship between Regional Enterprise Ltd and the Council
AA/INQ/10	Note from Simon Slatford on housing mix in response to a question from Mr Mangi
AA/INQ/11	AA's response to e-mail dated 7 September 2017 from Brent Cyclists
AA/INQ/12	Response by Philip Hardwick to representations by Alison Hopkins
AA/INQ/13	AA's closing submissions

Book of Plans

BoP1	BXC 000 Site Plan showing s.73 permission red line boundary
BoP2	Composite CPO1, 2, and 3 boundary plan 2
BoP3	Composite CPO1, 2 and 3 boundary plan
BoP4	Brent Cross Thameslink and Brent Cross South overlaid on CPO3 boundary
BoP5	Section 73 permission landscape plan
BoP6	CPO3 boundary overlaid on Parameter Plan 001 (Development Zones)
BoP7	CPO3 boundary overlaid on Parameter Plan 002 (Transport Infrastructure)
BoP8	CPO boundary overlaid on Parameter Plan 003 (Public Realm and Urban Structure)
BoP9	CPO boundary overlaid on Parameter Plan 015 (Indicative Layout Plan)
BoP10	CPO3 boundary overlaid on Parameter Plan 029 (Indicative Phasing Plan)
BoP11	Approved highway plan P/D111870/H/100/1017 Rev E
BoP12	Approved highway plan P/D111870/H/100/1018 Rev C
BoP13	Approved highway plan P/D111870/H/100/1019 Rev E
BoP14	Approved highway plan P/D111870/H/100/1022 Rev C
BoP15	Approved highway plan P/D111870/H/100/1025 Rev C
BoP16	Site layout for proposed Waste Transfer Facility
BoP17	Rail Freight Facility general site layout Ref: BXT-CAP-0000-D-DR-C-0022
BoP18	CPO3 boundary overlaid on proposed Parameter Plan 029 (Indicative Phasing Plan) reflecting BSX and BXT phasing changes
BoP19	CPO1, 2 and 3 boundary overlaid on Parameter Plan 015 (Indicative Layout Plan)
BoP20	Drawing 1 of 2 showing new train station at platform level
BoP21	Drawing 2 of 2 showing new train station at concourse level
BoP22	Plan showing the CPO1, 2 and 3 and s.73 permission boundaries

Objections

Obj 1	Palmbest Ltd, Batleys Properties Ltd and Bestway Wholesale Ltd
Obj 2	Royal Mail
Obj2/1	Letter of withdrawal of objection on behalf of Royal Mail Group, dated 13 September 2017
Obj 3	DB Cargo (UK) Ltd dated 13 September 2017

- Obj3/1 Letter of withdrawal of objection on behalf of DB Cargo (UK) Ltd, dated 4 August 2017
- Obj 4 North London Waste Authority
Obj 4/1 Letter of withdrawal of objection on behalf of North London Waste Authority
Obj 4/2 Statement of evidence (Andrew Lappage), not adduced
Obj 4/3 Annex to Statement of evidence (Andrew Lappage), not adduced
Obj4/4 Summary Statement of evidence (Andrew Lappage), not adduced
- Obj 5 Londonwaste Ltd
Obj 5/1 Letter of withdrawal of objection on behalf of LondonEnergy Ltd (formerly LondonWaste Ltd), dated 12 September 2017
Obj 5/2 Statement of evidence (James Kendall), not adduced
Obj 5/3 Annex to Statement of evidence (James Kendall), not adduced
Obj 5/4 Summary Statement of evidence (James Kendall), not adduced
- Obj 6 Solum Group Holdings GP Ltd & Solum Group Holdings Nominee Ltd
Obj 6/1 Letter of withdrawal of objection (undated) on behalf of Solum Group Holdings GP Ltd & Solum Group Holdings Nominee Ltd
- Obj 7 National Grid
Obj 7/1 Letter of withdrawal of objection on behalf of National Grid Electricity Transmission PLC and Cadent Gas limited, dated 11 September 2017
- Obj 8 Timeguard Ltd
Obj 8/1 Letter of withdrawal of objection on behalf of Timeguard Ltd, dated 11 September 2017
- Obj 9 UK Power Networks
Obj 9/1 Letter of withdrawal of objection from UK Power Networks, dated 8 September 2017
- Obj 10 GB Railfreight
Obj 10/1 E-mail letter of withdrawal of objection on behalf of GB Railfreight Limited, dated 13 September 2017
- Obj 11 Cemex UK Operations Ltd
- Obj 12 Network Rail Infrastructure Ltd
Obj 12/1 Letter of withdrawal of objection on behalf of Network Rail Infrastructure Ltd, dated 13 September 2017
Obj12/2 Letter of withdrawal of representations on behalf of Network Rail Infrastructure Ltd made pursuant to s.16 and Schedule 3 Part II of the Acquisition of Land Act 1981
- Obj 13 AD Food and Wine Ltd
Obj 13/1 Note regarding objection by A D Food & Wine, dated 12 September 2017
Obj 13/2 Letter of withdrawal of objection from A D Food & Wine, dated 13 September 2017

Objections from non-qualifying persons

- NQ1 Shafique Choudhary
NQ2 Alisdair Bethley
NQ3 Phil Fletcher, Barnet Friends of the Earth
NQ4 John Cox
NQ4/1 Statement from John Cox, dated 11 September 2017

NQ4/2	E-mail from John Cox stating that he no longer wished to appear at the inquiry but that his documents should be treated as a written objection
NQ4/3	Volume 1 Documents JC101 to JC121
NQ4/4	Volume 2 Documents JC122 to JC307
NQ4/5	Volume 3 Documents JC401 to JC516
NQ5	Galabina Yordanova
NQ6	Gina Emmanuel
NQ6/1	Written questions of clarification from Gina Emmanuel
NQ6/2	Gina Emmanuel CPO3 summary statement

Other documents

- Doc 1 Note of the Pre-inquiry meeting, 7 June 2017
- Doc 2 Protected Assets Certificate, dated 31 August 2017
- Doc 3 E-mail from David Arditti, dated 7 September 2017, regarding cycle paths on the MML Bridge
- Doc 4 E-mail letter from The Residents Community Association of the Cricklewood Railway Terraces Conservation Area, dated 8 September 2017
- Doc 5 E-mail letter from Alison Hopkins, dated 11 September 2017, regarding highway matters relating to Humber Road, Cricklewood
- Doc 6 E-mail letter to the Planning Casework Unit from Naila Choudhury, dated 11 September 2017
- Doc 7 E-mail response by the AA, dated 12 September 2017, to the letter from Naila Choudhary of 11 September 2017
- Doc 8 E-mail from the Programme Officer to Ms Choudhury with the Inspector's response to her request to submit late objections
- Doc 9 Letter from Naila Choudhury, dated 13 September 2017, repeating the request to submit late objections