

**STATEMENT OF CASE
FOR THE LONDON BOROUGH OF BARNET**

Under Rule 7 of the Compulsory Purchase (Inquiries Procedure) Rules 2007

**THE LONDON BOROUGH OF BARNET
(WEST HENDON MAJOR HIGHWAY WORKS)
COMPULSORY PURCHASE ORDER (No 2a) 2016**

Sections 239(3), 240(2)(a), 246(1), 250(1) and 260(1) of the Highways Act 1980

The Acquisition of Land Act 1981

PLANNING INSPECTORATE REF:

APP/NPCU/CPO/N5090/77105

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**THE LONDON BOROUGH OF BARNET (WEST HENDON MAJOR HIGHWAY WORKS)
COMPULSORY PURCHASE ORDER (No 2a) 2016**

STATEMENT OF CASE FOR THE MAKING OF THE ORDER

1 INTRODUCTION

- 1.1 This Statement of Case is submitted by the London Borough of Barnet (“the Council”) in its capacity as acquiring authority under Rule 7 of the Compulsory Purchase (Inquiry Procedure) Rules 2007.
- 1.2 On 15th September 2015 the Council made The London Borough of Barnet (West Hendon Major Highway Works) Compulsory Purchase Order (No. 2a) 2016 (“the Order”) pursuant to sections 239(3), 240(2)(a), 246(1), 250(1) and 260(1) of the Highways Act 1980 (“the 1980 Act”) and the Acquisition of Land Act 1981 (“**CDA.06**”).
- 1.3 The Council’s purpose in making the Order, and seeking its confirmation by the Secretary of State for the Department for Transport, is to enable the Council to acquire compulsorily the land and the new rights over land included in the Order (“the Order Land”) in order to facilitate the Major Highway Works (as more particularly described in Section 3 below) required for Phase 4 of the West Hendon Regeneration Project.
- 1.4 The Major Highway Works form part of the delivery of the comprehensive regeneration of the West Hendon Estate (“the Estate”) and its immediate environs, through the provision of: up to 2000 residential dwellings; a new two-form entry primary school; community facility; commercial uses and associated open space provision; and improved highway infrastructure (“the Scheme”).
- 1.5 The Scheme forms part of the wider Brent Cross-Cricklewood regeneration area but is being progressed independently. The regeneration proposals will provide significant social, economic and environmental improvements for existing residents.

- 1.6 The Interests subject to the Order are set out in the Order Schedule and are also shown on the Order Map (which identifies the interests to be acquired by plot numbers). A copy of the Order and Order Schedule are reproduced as **CDA.06**. A copy of the Order Map is reproduced as **CDA.07**.
- 1.7 The Order was submitted to the Secretary of State for the Department of Transport on 17th October 2016, but objections have been made to the Order and a public local inquiry is therefore to be held.
- 1.8 This Statement of Case builds on the Council's non-statutory Statement of Reasons (**CDA.08**) which accompanied the making of the Order and also sets out the Council's responses to the objections raised to confirmation of the Order.
- 1.9 The references to documents carrying a "CD" prefix relate to Core Documents to be presented at the inquiry. A list of the Core Documents is set out at Appendix 1 of this Statement of Case.
- 1.10 The Council granted planning permission for the Scheme on 20 November 2013 ("**CDB.37**"). The Planning Permission is part detailed (in respect of Phase 3a) and part outline (Phases 3b, 3c, 4, 5 & 6).
- 1.11 The Scheme, including the Major Highway Works, will be delivered by the Council's development partner, Barratt Metropolitan LLP ("the Developer"), a consortium of Metropolitan Housing Trust and Barratt London.
- 1.12 In accordance with an agreement dated 19 November 2013, and entered into pursuant to section 106 of the Town and Country Planning Act 1990 ("the S106 Agreement") ("**CDB.36**") the Developer is required to carry out the Major Highway Works as part of Phase 4 of the Scheme.
- 1.13 In order to secure the delivery of the Scheme the Council decided to make up to four Compulsory Purchase Orders (CPOs) for the acquisition of third party property and rights. By letter dated 12th November 2015, the Secretary of State for Communities and Local Government confirmed the first CPO for the Scheme (CPO1) ("**CDA.20**") under planning powers, thereby enabling the development of Phases 3b & 3c of the Scheme to proceed.

- 1.14 A second CPO (CPO2) (“**CDA.03**”), again using planning powers is being sought concurrently with the Order. The land falling within CPO2 forms part of the West Hendon Estate (“the Estate”) and comprises the land requirement for the delivery of Phase 4 of the Scheme.
- 1.15 The services of a property surveyor have been procured to commence negotiations for the acquisition of third party freehold and leasehold interests in the Order Land, with a view to purchasing their interests by private treaty.
- 1.16 Compulsory purchase powers are being sought in respect of the Order Land in order to ensure the timely delivery of the Major Highway Works in accordance with the phased delivery of the Scheme, in the event that attempts to acquire all the necessary interests and rights by agreement are not successful.

2 **BACKGROUND**

- 2.1 The West Hendon Estate (“the Estate”) is located to the west of the A5, Hendon Broadway corridor. Access to the Estate is currently achieved via the Perryfield Way one-way gyratory system which connects to the A5. To the east there is a connection to the A41 via the A504 Station Road. Cool Oak Lane connects to recreation grounds and residential areas to the west.
- 2.2 Local highways to the north and south connect via the A5 which is a busy strategic arterial and distributor road. The Council is the relevant highway authority for the A5 which connects to: (i) the A406 North Circular Road (0.75km south) which forms part of the Transport for London Road Network (TLRN); and (ii) the M1 Motorway (Highways England).
- 2.3 Due to the level of congestion and complexity of the A5 corridor, TfL chose to include it in a pilot study undertaken by the Roads Task Force (RTF), which was set up to tackle the challenges facing London’s streets and roads.
- 2.4 Generally the Estate is very well located to the main highway network to provide distribution opportunities for local and longer trips.

2.5 Hendon rail station is located approximately 500m north east of the Estate (providing services between Luton/St Albans and Kent). Hendon Central Underground Station is less than 2km away from the Estate (though it falls outside the assumed acceptable walking distance from the Estate). Four bus routes serve the section of the A5 affected by this Order (32, 83, 142 and 183) providing direct services to and from Hendon Central, Brent Cross, Watford Junction as well as destinations within the London Boroughs of Brent, Ealing and Harrow.

The Regeneration Project

2.6 In July 2001, the Decent Homes Programme was launched, requiring local authorities to ensure that their housing stock offer residents the opportunity of a decent home and promote social cohesion, well-being and self dependence.

2.7 The Council identified the homes within the Estate as failing to meet those requirements, and after consideration of various options decided that proposals to regenerate the Estate (with a proposed new local town square, improved transport links and improvements to the area surrounding the Welsh Harp Reservoir SSSI) would best achieve the delivery of those requirements.

2.8 On 20 March 2008, the Council granted planning permission (ref: W13230A/07) for a standalone 'Pilot Phase 1a' as part of the regeneration proposals. Outline planning permission (ref: W13987/04) for the comprehensive regeneration of the Estate was granted on 1 July 2008 ("the 2008 Permission"), with reserved matters approval (ref: H/04103/08) for Phase 2a Lakeside granted on 22 December 2008.

2.9 Due to the changing economic climate during the period 2008/09 and its impact on the proposals, the Council and the Developer agreed that further development under the 2008 Permission was not possible taking into account the emerging viability and deliverability issues.

Planning Permission for the Scheme

2.10 Following revisions to the Masterplan the Developer submitted the part-detailed part-outline planning application (ref: H/01054/13) ("**CDB.01**") for the Scheme in March 2013. The revised masterplan included highway improvements. Overall the revised proposals require the acquisition of less land, and will result in a reduced

impact on properties fronting Hendon Broadway, compared with the proposals originally envisaged under the 2008 Permission.

- 2.11 Planning Permission for the Scheme (part detailed and part outline) was subsequently granted on 20 November 2013 (“**CDB.37**”) following the completion of the Section 106 Agreement (“**CDB.36**”) which includes a planning obligation on the Developer to deliver the Major Highway Works during Phase 4 of the Scheme.
- 2.12 It is estimated that the Developer will submit a reserved matters application for Phase 4 (including the Major Highway Works) in the first quarter of 2017. The anticipated commencement date for Phase 4 is currently 2018, with completion of the Major Highway Works currently programmed for 2021.

Consultation Discussions with TfL

- 2.13 Pre-application meetings with TfL in relation to the Scheme were held on: 10th September, 26th November, 17th December 2012 and 7th February 2013. TfL were also a party to pre-application discussions with the GLA held on 6th September 2012 and 4th January 2013.
- 2.14 The Council consulted TfL in relation to the planning application submitted for the Scheme. By a letter dated 26 April 2012, TfL provided comment on the Transport Assessment as submitted in support of the planning application. The Developer responded to the comments submitted by TfL in the Addendum Transport Assessment dated June 2013 (“**CDB.17**”).
- 2.15 Overall TfL support the principle of undertaking improvements to the highway network. The Developer and Council have and continue to consult with TfL through the design process to ensure the right solution is delivered.

Community Consultation

- 2.16 The West Hendon Regeneration Partnership Board (the Partnership Board) was formally constituted on 17 June 2014. The Partnership Board acts as a consultative body comprising representatives from residents on the Estate, the Council, the Developer and stakeholders for the purposes of providing feedback

on issues related to the redevelopment, regeneration proposals and future management of the Scheme.

2.17 The Partnership Board open meetings are open to all Estate residents and are held quarterly. The closed meetings are attended by the elected representatives from the Estate, the Council, the Developer and stakeholders and held monthly.

2.18 The Council and the Developer has continued to engage with residents and businesses in respect of the Major Highway Works intended within CPO2a:

- On 6 April 2016 a consultative briefing (closed meeting) was held with the West Hendon Partnership Board regarding the Major Highway Works and the proposal to make this Order. The briefing included details of the Major Highway Works, indicative dates relating to phasing and planning and an outline of the process for CPO2a;
- On 1 June 2016 a Partnership Board (open) meeting was held providing a high level presentation;
- The regeneration newsletter (May 2016), to local Barnet residents and businesses included information that set the context for the Major Highway Works and CPO2a.

2.19 Resident and business community and key stakeholder consultation has contributed positively to decision making, including contributing to a reduction in the scale of the current scheme compared to the original planning consent through removal of Ramsey Close.

2.20 The Council and the Developer are committed to continued public engagement.

3 THE MAJOR HIGHWAY WORKS

3.1 In order to mitigate any impacts on the local highway network arising from the Scheme the Developer is required to complete the Major Highway Works prior to the Occupation of the 1058th residential unit within the Scheme (which is approximately mid-point of Phase 4. The Works have been designed to cater for

the traffic likely to be generated by the complete development though it has been determined that it is required to be fully functioning and operational during Phase 4 of the West Hendon Regeneration Project. The design concept and materials specification for the Major Highway Works was submitted to the Council highways departments and TfL at stage 1 of the Safety Audit in 2016.

3.2 The Major Highway Works, as defined in the Section 106 Agreement (“**CDB.36**”), and shown indicatively on Drawing No GIB006_000-102_02Rev A, entitled Major Highways Works and, Drawing No. GWHPAS-A-SKT-0003 Rev P04 entitled Extent of Major Highway Works (“**CDB.32**”), which comprise the following:

- construction of a new access at Ravenstone Road connecting with West Hendon Broadway comprising two lanes outbound and one lane inbound, and signalisation of the pedestrian crossing over the estate access road;
- improvements to Cool Oak Lane signalised junction with the A5, and improved geometry for vehicles turning left;
- provision of staggered pedestrian crossings with a central island on the northbound A5 approach;
- carriageway widening of the A5 northbound approach to create two lanes ahead and one right turn lane;
- carriageway widening of the A5 southbound approach to accommodate two ahead and one right turn and one left turn lanes together with a staggered pedestrian crossing with a traffic island;
- removal of Perryfield Way gyratory and widening of Station Road to allow two-way flow with two right turn and one left turn lane and including the provision of a staggered crossing;
- provision of a controlled pedestrian crossing north of Borthwick Road on the A5;
- provision of a controlled pedestrian crossing south of Stanley Road including a central island;

- removal of northbound and southbound bus lanes between Cool Oak Lane and Perryfield Way and Garrick Road and Park Road respectively;
- creation of a left-in left-out priority junction with West Hendon Broadway at Milton Road (enforced by means of a central kerbed median strip);
- reversal of one-way traffic flow on both Herbert Road and Wilberforce Road between Station Road and Herbert Road;
- closure of vehicular access to Stanley Road and Borthwick Road;
- provision of a right turn lane into Garrick Road from the A5;
- construction of relayed footways between Ramsey Close and Cool Oak Lane on the A5 and to the junction with Hendon Station along Station Road;
- Bus stand currently located on Perryfield Way to be relocated to Wilberforce Road;
- ancillary associated works.

3.3 The key feature of the Major Highway Works relates to the central section of West Hendon Broadway which will be realigned to accommodate new junctions, the closure of the Perryfield Way one-way gyratory and removal of the Herbert Road Gyratory.

3.4 In order to achieve the closure of Perryfield Way, existing junctions will be replaced with a new signalised junction at The Broadway (A5) north of the existing exit at Perryfield Way and a new left in left out junction south of the existing Perryfield Way entry junction. Direct right turn movements between the A5 and A504 (Station Road) will be introduced and Station Road will be widened to accommodate 2-way flows. In addition, 2-way working from the A5 to the M1 over-bridge will be introduced allowing for the removal of gyratory traffic from Garrick Road, Wilberforce Road and Herbert Road.

- 3.5 The removal of the Perryfield Way one-way gyratory and closure of Herbert Road gyratory is an integral part of the Scheme and is wholly reliant on the ability to widen Station Road to accommodate 2-way traffic flows.
- 3.6 Once completed the new road layout will provide a fully linked signalised layout with 2 lanes for all traffic north- and southbound on the A5 which will also result in the removal of the short sections of bus lanes currently providing some priority for buses along this corridor.
- 3.7 The Order Land is required in order to enable the widening of Station Road to accommodate 2-way traffic flows, the provision of a two lane approach for the A5 northbound and improvements to the Cool Oak Lane junction and the construction of a new access at Ravenstone Road connecting with West Hendon Broadway facilitating two outbound and one inbound lane, signalisation of the pedestrian crossing over the estate access road.
- 3.8 The Order Land is set out in the Order and Order Schedule ("**CDA.06**") and delineated coloured pink and blue on the Order Map ("**CDA.07**"). The Order Land includes the following:
- 2249sqm of land to be acquired to enable the widening of Station Road, realignment of Ravenstone Road and improvements to Cool Oak Lane;
 - New rights to enable oversailing, construction and demolition of adjoining premises at or adjoining No238/238A West Hendon Broadway;
 - New rights permitting the resurfacing of land, laying out as highway of land and diversion of services.
- 3.9 The detailed boundary of the Order Land is shown on the Order Map appended to this Statement. The land coloured pink identifies the land over which the Council seeks to compulsorily acquire third party proprietary interests and rights. The land coloured blue identifies the land over which new rights over land are to be acquired compulsorily.

4 REASONS FOR MAKING THE ORDER

4.1 The Major Highway Works form part of the Regeneration Project. Overall the Regeneration Project will deliver the following aims:

- creation of approximately 2,000 new homes of a variety of types and tenures;
- new linkages through from the estate to West Hendon Broadway and Welsh Harp reservoir;
- new education & community facilities as well as retail and commercial space;
- appropriate landscaping, open space and parking provision;
- the removal of the Perryfield Way gyratory system, thereby resulting in reduced traffic flows through the Estate creating a better environment for pedestrians and vehicular movements;
- Removal of the Herbert Road Gyratory system and return the road to a residential street.

4.2 The road network serving the Estate is congested at the busiest times. The A5 is part of the Strategic Road Network, and traffic flows are typically in the order of 1,300 two-way movements per hour at peak times. There are currently 3 signalised junctions on the A5 connecting to either end of Perryfield Way and Cool Oak Lane. The traffic signals at these junctions are not linked, utilise old equipment and run on independent cycles which makes traffic movement relatively inefficient.

4.3 A key feature of the existing local network is the use of Perryfield Way and Herbert Road as a means of undertaking right turn movements between the A5 south and A504 and, in addition, right turn movements between the A504 and A5 north. Traffic from the A5 north to the A504 is directed via Herbert Road, Garrick Road and Wilberforce Road. All of these movements are convoluted, slow and unsatisfactory for most road users.

- 4.4 Further, as a result of the traffic movements, described above, the volume of traffic on Perryfield Way combines with the one way operation of the road to act as a barrier to pedestrian movement. The result creates an environment that reinforces the isolation of the Estate and an uncomfortable environment for pedestrians and cyclists to navigate.
- 4.5 The existence of the Perryfield Way gyratory and heavy traffic flows forms a barrier that has the effect of cutting the existing Estate from the high street. The Gyratory also acts as a barrier cutting blocks G1 and G2 of the new development from much of the remainder of the Scheme and areas where regeneration has already occurred.
- 4.6 The high volume of traffic passing along Herbert Road, Garrick Road and Wilberforce Road is also inconsistent with their geometry and the predominantly residential nature of these roads.
- 4.7 In order to facilitate access to the completed development a new signalised junction will be created on West Hendon Broadway to Milton Road and Ravenstone Road together with a number of other cycle and pedestrian access routes. Links will be provided to the new estate with a junction at Ravenstone Road and a new left-in, left-out priority junction (enforced by means of a median strip) created on West Hendon Broadway further south at Milton Road. A further link to the recently created new access onto Cool Oak Lane will be provided as part of the delivery of the residential development including a new pedestrian/cycle bridge over the Welsh Harp.
- 4.8 The central section of West Hendon Broadway will be realigned to accommodate these junctions and the closure of the Perryfield Way gyratory will involve the introduction of an all movements junction at the A5 / A504 enabling the removal of gyratory traffic from Garrick Road, Wilberforce Road and Herbert Road. The Major Highway Works also involve the widening and the introduction of 2-way working on the A504 between the junction with Station road and Wilberforce Road.
- 4.9 Two new pedestrian crossings are proposed on West Hendon Broadway, and improved junction alignments provided at the Cool Oak Lane and Station Road junctions. These works are considered to reflect the pedestrian desire lines

identified through the pedestrian surveys (detailed at section 3 of the Transport Assessment submitted in support of the planning application for the Scheme), as well as the anticipated pedestrian desire lines when the development is complete.

- 4.10 The new layout will provide a fully linked signalised layout with 2 lanes for all traffic north and southbound on the A5 which results in the removal of the short sections of bus lanes currently providing some bus priority along this corridor. It is envisaged that the signals would be remotely managed via UTC control and SCOOT controlled to maximise capacity and allow for variation of signal timings.
- 4.11 Split Cycle Offset Optimisation Technique (SCOOT) is a traffic control system for controlled road crossings. SCOOT automatically adjusts the traffic signal delays to adapt to traffic conditions using data from a traffic sensor. Congestion is managed by the system making small, but unnoticeable, changes to the green splits and cycle time in each cycle. This is not possible using fixed time plans as each plan change can take several cycles to stabilise and start working as intended. In addition to the congestion management benefits of SCOOT, real time traffic data can be obtained which provides information on congestion levels and can assist with incident management.
- 4.12 Following completion of the Major Highway Works Herbert Road, Garrick Road and Wilberforce Road will no longer be signed as a through route for A5 to A504 traffic. The roads will remain open to local traffic.
- 4.13 It is proposed that Herbert Road will become one way westbound to avoid rat running between the A5 and the A504 and a left turn only will apply to general traffic at the western end of Herbert Road. Buses however will have the facility to turn right.
- 4.14 Overall the Major Highway Works, as well as accommodating the demands placed on the local road network by the implementation of the Scheme, will also provide a significant overall improvement to the road network and public realm for pedestrians and road users.

5 PLANNING POLICY CONSIDERATIONS

- 5.1 A comprehensive appraisal of the Scheme (including the Major Highway Works) and all relevant planning policy is set out in the Officer's report to the Council's Planning and Environment Committee on 23 July 2013 ("**CDB.34**"). The Secretary of State found in relation to CPO1 that the Scheme substantially accords with the adopted planning framework (DL:12) ("**CDA.20**").
- 5.2 The following paragraphs summarise how the Scheme met key planning policy objectives at the time of the decision.

Principle of the Approved development

- 5.3 The NPPF ("**CDC.01**") seeks to ensure that in the pursuit of sustainable development positive improvements in the quality of built, natural and historic environment as well as in people's quality of life are made (paragraph 9). Section 6 of the NPPF seeks to deliver a wide choice of high quality homes. The NPPF requires the Local Plan to meet its housing needs in "full" for both private and affordable tenures.
- 5.4 London Plan ("**CDC.02**") Policy 2.14 *Areas for Regeneration* encourages London Borough's to identify areas for regeneration and set out integrated spatial policies that bring together regeneration, development and transport proposals:
- The West Hendon Estate and wider area has been identified as a long term regeneration commitment through the Cricklewood, Brent Cross West Hendon SPG and associated saved UDP policies as set out in Appendix A of the Local Plan Core Strategy.
 - Further, it is identified as one of the Borough's major priority estates for regeneration in the Local Plan Core Strategy (Policies CS1 and CS3).
 - It is identified as a failed housing estate that will be subject to long-term regeneration in order to tackle the problems of poor quality housing, physical

isolation, social exclusion and to create revived, mixed tenure neighbourhood providing access to affordable and decent new homes.

5.5 The Barnet Local Plan (Core Strategy) Development Plan Document (“**CDC.03**”) sets out the core objectives of the Local Plan vision developed in accordance with the Council’s Sustainable Community Strategy. These core objectives can be summarised as follows:

- The management of housing growth and the provision of a range of accommodation and tenures;
- Meeting social infrastructure needs and ensuring inclusive and accessible provision to community facilities arising from housing growth, including new and improved primary and secondary schools;
- The promotion of Barnet as a place of economic growth and prosperity;
- The provision of safe, effective and efficient travel;
- The promotion of strong and cohesive communities including designing out crime and reducing anti-social behaviour;
- The promotion of healthy living and well-being;
- Protect and enhance the suburbs;
- Ensure efficient use of land and natural resources by promoting mixed use development of previously developed land and promoting sustainable design and construction; and
- The enhancement and protection of our green and natural open spaces improving access and enhancing the quality.

5.6 The following represents the key ways in which the Scheme will meet those core objectives:

- The replacement of existing sub-standard residential accommodation with new sustainable energy efficient homes. All residential units will be built in compliance with Part L of the Building Regulations 2010;
- Provision of land for a new two-form entry primary school, replacement community centre and nursery with improved facilities and access to the wider community to meet the infrastructure needs arising from the housing growth;
- The provision and enhancement of public open space and improved access to existing areas of open space and recreational facilities including the Welsh Harp and surrounding Metropolitan Open Land;
- Improvements to commercial floorspace as part of an enhanced local centre along West Hendon Broadway;
- Improvements to the local highway network including the removal of the Perryfield Way one-way system;
- Promoting efficient use of land through increasing housing density on the site, benefiting from improved urban design principles;
- Improved connections through the Scheme to the wider West Hendon area, transport links and the surrounding open space; and
- The protection and Enhancement of the Welsh Harp Reservoir SSSI.

5.7 The development therefore accords with the Council's corporate objectives. It has the potential to deliver substantial benefits in terms of housing, social, community and physical improvements. Further specific policy issues relevant to the Major Highway Works are identified below.

Transport Policy & Guidance

National Planning Policy Framework (March 2012)

5.8 Policies for delivering sustainable development and promoting sustainable transport are set out in paragraphs 29 to 41 of the NPPF ("CDC.01"), where it is identified that "transport policies have an important role to play in facilitating

sustainable development but also in contributing to wider sustainability and health objectives”. The NPPF states that “plans and decisions should:

- Take account of whether the opportunities for sustainable transport modes have been taken up, to reduce the need for major transport infrastructure.
- Take account of whether safe and sustainable access to the site can be achieved for all people.
- Take account of whether improvements can be undertaken within the transport network that effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are severe.
- Ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised.”

5.9 The NPPF also states that developments should be located and designed where practical to:

- Accommodate the efficient delivery of goods and supplies;
- Give priority to pedestrian and cycle movements, and have access to high quality public transport facilities;
- Create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians, avoiding street clutter and where appropriate establishing home zones;
- Incorporate facilities for charging plug-in and other ultra-low emission vehicles; and
- Consider the needs of people with disabilities by all modes of transport.

Consideration

- 5.10 The site is well located both in terms of proximity to sustainable transport opportunities and to take advantage of existing transport infrastructure. The scheme has subsequently been developed to make the most of these opportunities and considers the needs of all modes of transport and potential residents and visitors to the site.
- 5.11 Cost efficient measures to accommodate predicted new trips were assessed as part of planning application including an assessment of interim and ultimate traffic conditions that included implementation of the major highway works. This analysis demonstrated that residual cumulative impacts of the development would not be severe with the major highway works being implemented. It is also demonstrated later that interim traffic conditions, before the major highway works are implemented, would not be severe. In both cases the NPPF test was passed.

The London Plan (July 2011)

- 5.12 On determination of the 2013 permission the 2011 London Plan as amended (“**CDC.02**”) was the statutory spatial development strategy for the Greater London area, with a formal end date of 2031. In 2012 minor alterations were made to the plan in order to comply with the National Planning Policy Framework and other changes in national policy. Chapter six of the London Plan sets out the context of integrating transport and development. Policy 6.3 informs an assessment of the effects of development on transport capacity and states:
- “Development proposals should ensure that impacts on transport capacity and the transport network, at both a corridor and local level, are fully assessed. Development should not adversely affect safety on the transport network;
 - Where existing transport capacity is insufficient to allow for the travel generated by proposed developments, and no firm plans exist for an increase in capacity to cater for this, boroughs should ensure that development proposals are phased until it is known these requirements can be met, otherwise they may be refused. The cumulative impacts of development on transport requirements must be taken into account; and

- Transport Assessments will be required in accordance with TfL’s Transport Assessment Best Practice Guidance for major planning applications. Workplace and/or residential Travel Plans should be provided for planning applications exceeding the thresholds in, and produced in accordance with, the relevant TfL guidance. Construction logistics plans and delivery and servicing plans should be secured in line with the London Freight Plan and should be co-ordinated with Travel Plans.”

5.13 The London Plan was updated in 2016. Overall the Council considers the Regeneration Project accords with the updated plan.

Consideration

5.14 The Scheme has been developed in accordance with the aims of the London Plan in terms of sustainable development and the specific transport policies as set out above. The Major Highway Works are integral to delivering a sustainable Scheme.

The Council’s Local Plan, Core Strategy & Development Management Policies, September 2012

5.15 The Key Core Strategy Policy is CS9 (“**CDC.03**”) which sets out a range of objectives to provide safe, effective and efficient travel and requires the delivery of appropriate transport infrastructure in order to support growth and relieve pressure on Barnet’s transport network.

5.16 The Council’s Development Management policy DM17 (“**CDC.04**”) deals with Travel Impact and Parking Standards. In terms of new development DM17 states:

“The Council expects major development proposals with the potential for significant trip generation to be in locations which are or will be made highly accessible by a range of transport modes”

Barnet's Supplementary Planning Guidance, Cricklewood, Brent Cross & West Hendon Regeneration Area Development Framework, December 2005

5.17 The Scheme forms part of the wider Cricklewood Regeneration Area and therefore falls within the Supplementary Planning Guidance, Cricklewood, Brent Cross & West Hendon Regeneration Area Development Framework, December 2005 ("the SPG")("CDC.08"). It is noted that each project is being brought forward independently.

5.18 In terms of transport, the SPG identifies the key features of the regeneration to be improvements to the local road network and new pedestrian bridges over the Welsh Harp, and reiterates parking policy applicable for the site. The overall guidance when considering transport in the regeneration of the area is that:

'The regeneration of the area must be supported by improvements to infrastructure that are sympathetic to movement by pedestrians in addition to other forms of transport'

5.19 This approach has been adopted, with pedestrian priority throughout the Scheme, enhanced crossing facilities of the A5, and improved pedestrian connection to local facilities including new bridge links to leisure facilities and improved footways along Station Road.

5.20 Planning permission has been granted for the Scheme and it is anticipated that transport details relating to outline phases of the Scheme and requiring reserved matters approval can be addressed satisfactorily.

Planning Obligations

5.21 In accordance with the Section 106 Agreement ("CDB.36") the planning obligations relevant to the Scheme are discharged on a phased basis. The Council is satisfied that obligations required at a later date will be fulfilled as the development proposals are progressed. The planning obligations within the Section 106 Agreement most relevant to this Order are the Major Highway Works, and the works set out in Schedule D of the Agreement.

5.22 In accordance with paragraph 4 of Schedule D to the Section 106 Agreement, the Developer has submitted a transport assessment (in respect of the interim highway works) for phases 3b & 3c to the Council for its approval. On 13 May 2015 the Developer entered into an agreement pursuant to section 278 of the Highways Act 1980 to deliver the interim highway works. The interim highways works included in the s278 Agreement have, commenced and do not form part of this Order.

5.23 Further to the planning obligations in the s106 Agreement, the Developer is precluded from: (i) commencing Phase 4 until the Council has approved a detail specification for the Major Highway Works; (ii) permit occupation of any residential unit in Phase 4 until it has entered into a section 278 agreement for the carrying out of the Major Highway Work; and (iii) permit occupation of more than 1058 residential units until the Major Highway Works have been constructed and completed.

6. DELIVERY STRUCTURE AND FUNDING

6.1 The proposed regeneration at West Hendon is an important policy priority for the Council, and it has worked with the Developer to ensure that the necessary funding, approvals and consents and all other matters required for delivery of the regeneration proposals are in place.

6.2 As set out in paragraph 5.18 of this Statement, the Developer has been granted planning permission (part detailed and part outline) for the entire Scheme. Where planning permission is needed to carry out the major highway works this is in place. The Regeneration Project is currently being implemented by the Developer.

The Developer

6.3 BDW Trading Ltd (formerly known as Barratt Homes Ltd until 30 November 2007) trading as Barratt Homes (“Barratt”) is one of the UK’s leading housebuilders, building homes and new communities across the UK. It was established in 1958 and listed on the London Stock Exchange in 1968 and is a constituent of the FTSE 100 Index. For over 30 years Barratt has been at the forefront of regeneration in London.

- 6.4 Barratt has a broad range of regeneration experience and is used to working collaboratively with partners from both the public and private sectors. It has worked with successive government agencies and councils across London to transform derelict or underused sites into quality homes and associated community facilities.
- 6.5 Metropolitan is the brand name for Metropolitan Housing Trust Limited (MHT) and Metropolitan Support Trust (MST). Metropolitan is a leading registered provider of integrated housing services, care & support and community regeneration. It manages over 38,000 affordable homes for rent and sale to those with greatest housing need, along with a range of care and support services. MHT serve more than 71,000 customers across London, the East Midlands and the East of England. It is a member of the g15, which represents London's 15 largest housing associations. The g15 houses one in ten Londoners and builds a quarter of London's new homes.
- 6.6 The Developer has a significant track record of successfully delivering highway works comparable to those included in the Scheme. The majority of new housing developments require the construction of new road networks or new highway links. Barratt's suburban residential development schemes commonly include a significant length of estate road which is usually adopted by the Highway Authority after being delivered by Barratt.
- 6.7 In relation to CPO1, the Secretary of State accepted at DL:21 ("**CDA.20**") the Inspector's finding at IR:611 ("**CDA.19**") that:
- "there is a developer in place with an experienced background in this form of development"*
- 6.8 Accordingly, the Developer is well placed to undertake and deliver the Major Highway Works and additional obligations in Schedule D of the s106 Agreement.

Delivery and Funding

- 6.9 The Council and the Developer entered into a Principal Development Agreement (“PDA”) on 11 August 2006 to secure the delivery of the regeneration of the Estate. The PDA was varied on 5 February 2014 to reflect the Scheme further to the 2013 Planning Permission, and changes commercial updates.
- 6.10 The Scheme will be predominantly financed by the Developer who will achieve a commercial return from the sale of the private and affordable residential units, as well as some commercial units. Therefore Barratt Metropolitan LLP has considered and approved all elements of the scheme falling under this CPO. It is believed to be viable and deliverable, and the LLP remains committed to delivering the West Hendon regeneration as a whole.
- 6.11 In relation to CPO1, the Secretary of State found at DL:21 (“**CDA.20**”) that “there is a reasonable prospect the overall scheme for the regeneration of the West Hendon Estate will proceed”. Since the Secretary of State’s decision the Council and developer have continued to proceed with implementation of the scheme.
- 6.12 The Council and Developer also entered into a CPO Indemnity Agreement (“CPOIA”) on 5 February 2014, under which the Developer undertook to indemnify the Council in respect of costs incurred in promoting, making and securing the compulsory acquisition of the Order Land and the compensation payments arising from those acquisitions.
- 6.13 Completion of the Major Highway Works is currently programmed for 2021.
- 6.14 The Council and the Developer are satisfied that the Major Highway Works will be delivered if the Order is confirmed.

7. THE ENABLING POWERS

Section 239 of the Highways Act 1980

- 7.1 Section 239(3) of the 1980 Act confers power on a local highway authority to acquire land compulsorily for the improvement of a highway.
- 7.2 The Order Land includes the land required to facilitate the widening of Station Road, the provision of a new access at Ravenstone Road connecting with West Hendon Broadway, and provision of a two lane approach for the A5 northbound and improvements to the Cool Oak Lane junction.
- 7.3 In accordance with section 249 of the 1980 Act, the land to be acquired falls 220 yards from the middle of the proposed highway. The Developer has confirmed acquisition of this land is required to deliver the scheme prior to the making of this Order.

Section 240 of the Highways Act 1980

- 7.4 Section 240 of the 1980 Act confers power on a local authority to acquire land required for use by the Highways authority in connection with, the carrying out of works authorised by section 129 (new means of access) that is required in connection with the construction or improvement of a highway.

Section 246 of the Highways Act 1980

- 7.5 The Council intends to acquire 138 sqm of land forming part of the school and premises at 233 West Hendon Broadway situated on the north side of Ravenstone Road under section 246(1) of the 1980 Act for the purposes of providing visibility splays to mitigate the adverse effect that the construction of the new access at Ravenstone Road would otherwise have on the surroundings of the highway.

Section 250 of the Highways Act 1980

- 7.6 Section 250(1) of the 1980 Act enables the Council to acquire and to create new rights over land. Rights that are required include the right to swing a crane jib during construction.

Section 260 of the Highways Act 1980

- 7.7 Section 260 of the 1980 Act confers on the Council a power to include land already acquired through other mechanisms required for particular purpose set out in the section and enables the override of the effects of third party rights.

DCLG GUIDANCE (October 2015) – Compulsory Purchase and the Crichel Down Rules

- 7.8 Government guidance on the use of compulsory purchase powers by an acquiring authority is provided in DCLG Guidance (“**CDA.12**”) which states that a compulsory purchase order should only be made where there is a compelling case in the public interest.
- 7.9 Paragraph 2 of the DCLG Guidance advises that an acquiring authority should ensure that the purposes for which it is making a compulsory purchase order sufficiently justify interfering with the human rights of those with an interest in the land affected. Human Rights considerations are set out in Section 13 of this Statement.
- 7.10 The Council has taken into account the DCLG Guidance in making the Order. The Council is utilising the powers under the 1980 Act in order to deliver the Major Highway Works which in turn will facilitate improvements to safety and flow of highway users and enable the progression of the Scheme.

7.11 JUSTIFICATION FOR THE USE OF COMPULSORY PURCHASE POWERS

- 8.1 The Council is committed to securing the regeneration of the Estate and the wider West Hendon area. The need for its comprehensive redevelopment is supported in adopted planning policy documents including the NPPF, the London Plan and the Barnet Local Plan - Core Strategy. The Council has followed a transparent and

objective decision making process leading up to the decision to exercise its compulsory purchase powers to ensure delivery of the regeneration scheme.

- 8.2 Careful consideration has been given to the inclusion of each parcel of land within the Order Land, and the Council is satisfied that all of the Order Land is required to enable the completion of the Major Highway Works required as part of Phase 4 of the Scheme. Without these Works, Phase 4 cannot be occupied beyond the construction of the 1058th dwelling and the completion of the West Hendon Regeneration Project will be frustrated.
- 8.3 In deciding to exercise its powers under sections 239, 240, 246, and 250 of the 1980 Act, the Council believes that the compulsory acquisition of the Order Land will facilitate the Major Highway Works as part of Phase 4 of the Scheme.
- 8.4 As is set out in Section 10 of this Statement, the Council has contacted all freeholders and long leaseholders within the Order Land inviting them to enter into negotiations with a view to securing acquisition of their interests by agreement. However, due to the number of third party interests within the Order Land, it is unlikely the Council will be able to acquire all the necessary interests by private agreement within a reasonable timescale. These negotiations will continue in parallel with the compulsory purchase process. Compulsory powers are being sought so that, in the event that the Council is unable to acquire all the necessary interests by private agreement within a reasonable timescale, there is certainty that the Major Highway Works can still proceed.
- 8.5 Confirmation of the Order will enable the Major Highway Works to take place in accordance with a managed programme, providing certainty for land assembly and implementation of Phase 4 of the Scheme. Such certainty will contribute towards the achievement of the Council's regeneration objectives for the Estate and wider West Hendon area as set out in adopted policy.
- 8.6 The Council is satisfied that there are no planning or other impediments to the implementation of the redevelopment of the Order Land.
- 8.7 Having regard in particular to the benefits to be achieved from the Regeneration Project, particularly the improvements to the road network for pedestrians and

road users, the Council considers the use of compulsory purchase powers to be necessary and justified. In all the circumstances there is a compelling case in the public interest to make the Order, in order to facilitate the delivery of the Major Highway Works as part of Phase 4 of the Scheme.

9 HUMAN RIGHTS

9.1 The Human Rights Act 1998 (“the Act”) incorporated into the UK domestic law the European Convention for the Protection of Human Rights and Fundamental Freedoms (“the Convention rights”). Section 6 of the Act makes it unlawful for a public authority to act in a manner which is incompatible with a Convention right.

9.2 The Convention rights engaged in the context of a compulsory purchase order are Article 1 of the First Protocol of the Convention and Article 8 of the Convention.

9.3 Article 1 of the First Protocol of the Convention provides:

“Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interests and subject to the conditions provided for by law and by the general principles of international law...”

9.4 Article 8 of the Convention provides:

“(1) Everyone has the right to respect for his private and family life, his home and his correspondence.

(2) There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interest ofthe economic well-being of the country...”

9.5 The Courts have recognised, in the context of Article 1 of the First Protocol of the Convention, that regard must be had to the fair balance which has to be struck between the competing interests of those whose rights are affected and the community as a whole.

- 9.6 Similarly, any interference with the Article 8 Convention rights must be in accordance with the law and, must be necessary and proportionate.
- 9.7 The Council has taken into account the impact of the Order on the Convention rights of those whose interests will be affected by the Order. In view of the factual background to the Order as set out in this Statement, and the compelling justification for making the Order, the Council considers that the exercise of compulsory purchase powers in this case is justified because it is in the public interest, authorised by law and necessary and proportionate in order to achieve the Council's objectives of securing the wider benefits to be achieved from the regeneration of West Hendon.
- 9.8 The Council and the Developer have carried out extensive publication and consultation exercises with residents on the Estate and the wider community on the regeneration proposals. Through the various consultation exercises residents of the Estate and the wider West Hendon community have had the opportunity to make representations to the Council on the regeneration proposals.
- 9.9 If the Secretary of State confirms the Order, the compulsory acquisition of the interests in the Order Schedule will be necessary only if these have not already been acquired by agreement within the timescales required to deliver the Major Highway Works. As explained in Section 10 below, efforts to acquire the relevant interests are ongoing. Further, all those whose interests are compulsorily acquired will be entitled to statutory compensation, such compensation to be determined independently by the Upper Tribunal (Lands Chamber) if it cannot be agreed.
- 9.10 The Council is therefore of the view that there is a compelling case in the public interest for the compulsory acquisition of each and every parcel of land comprised in the Order Schedule. It is also convinced that the public interest to be served by the development and the wider social, environmental and economic benefits to be realised as a result of the regeneration proposals outweigh the necessary interference with the private rights and interests that exist in the Order Land. The Council therefore, believes that in making the Order it has struck a fair and proportionate balance between the interests of those whose Convention rights will be affected and the wider public interest. The CPO1 Inspector accepted that this was the case at IR:637 and the Secretary of State agreed at DL:24 ("**CDA.20**").

10 EFFORTS TO ACQUIRE

10.1 The Developer's surveyor, GVA, has contacted all third party commercial and residential interests identified within the Order Land inviting them to enter into negotiations to acquire those interests by agreement, including payment of appropriate compensation.

Plots 37,38,39,40 &41 Land at 1-3 Station Road (part of Deerfield Site)

10.2 By a letter dated 4 September 2013, the owners of the Deerfield Site ("the Deerfield Owners") served a purchase notice on the Council pursuant to section 137 of the Town and Country Planning Act 1990. The notice asserted that the whole land (i.e. 1-3 Station Road) had become incapable of reasonably beneficial use in its existing state and required the Council to purchase the interests in the land.

10.3 The Council served its Response Notice (dated 2 December 2013) on the Deerfield Owners and the Secretary of State confirming that it was not willing to comply with the notice for reasons set out in an accompanying statement of reasons.

10.4 On 28 January 2014, the Secretary of State for Communities and Local Government issued a letter in which he proposed not to confirm the notice. The Deerfield Owners subsequently requested to be heard at an inquiry which was scheduled to take place on 29 & 30 October 2014. Throughout this process the Council continued negotiations with the Deerfield Owners with a view to acquiring only that part of the land necessary to deliver the improvements to Station Road.

10.5 Having reached an agreement in principle for the acquisition of the land the Deerfield Owners withdrew the purchase notice on 25 September 2014. However, since then, despite numerous attempts by the Council and the Developer it has not been possible to conclude a contract with the site Owners for the acquisition of the land.

Other Landowners

- 10.6 Other landowners have been contacted to open negotiations. Initial discussions have occurred with a number of parties where rights are affected by the acquisition of rights or highway resurfacing and the owners of 229/231 The Broadway.

Plot 44

- 10.7 The residential unit in No.234 is occupied by a protected tenancy. The Developer has discussed relocation with the tenant and proposes to relocate the tenant to a new property in the scheme.

Plots 51, 52, 52, 54, 55 & 56

- 10.8 In January 2017 the Council acquired the land required to undertake junction improvements between Cool Oak Lane and the A5. Negotiations have been on-going for a considerable period of time to ensure that the highways design solution adopted does not conflict with the landowners consented development scheme on the adjoining land.

11. SPECIAL CONSIDERATIONS

- 11.1 There are no special considerations applying to the Order Land. There are no listed buildings or ancient monuments located within the Order Land; the Order Land is not located within a conservation area; and there is no consecrated land, renewal area land, allotment land or open space included in it.
- 11.2 It is acknowledged that the Broadway, also known as Watling Street, is a former Roman Road, however there are no formal historic protections over a road which is widely used.

12 ASSOCIATED ORDERS

- 12.1 Compulsory purchase powers were obtained in order to deliver Phases 3b and 3c pursuant to The London Borough of Barnet (West Hendon Regeneration Area)

Compulsory Purchase Order (No 1) 2014 which was confirmed on 12th November 2015 following a local public inquiry (“**CDA.18**”).

12.2 The Council has made The London Borough of Barnet (West Hendon Regeneration Area) Compulsory Purchase Order (No. 2) 2016 (“**CDA.03**”), utilising its powers under section 226(1)(a) of the Town and Country Planning Act 1990.

13 THE COUNCIL’S REPOSE TO OBJECTIONS

13.1 The Secretary of State has received objections against the confirmation of the Order (“**CDD.01**”). A schedule of objectors is attached at “**CDD.03**” of this Statement of Case. The Developer and Council is contacting all objectors in an attempt to address the concerns raised (“**CDD.02**”).

13.2 The Council’s response to these objections is as follows:

National Grid

13.3 National Grid have raised a number of objections with regard to the scheme. Following initial negotiations the key principles of a protective provisions agreement have been agreed and are currently in the hands of respective solicitors. Completion of the agreement will result in the objection being withdrawn.

Plots 9, 10, 11, 12 &13 Kirit Chotai, Shakuntala Chotai and Pradeep Chotai

13.4 The above named parties have objected to the acquisition of their residential and commercial investment property at 229/231 The Broadway. The objectors occupy the residential unit in No.229, let the commercial unit in 229 on a commercial rent and own the freehold of No.231 which is subject to a long leasehold interest.

13.5 The objectors seek some clarifications in regard to the scheme. They object to the acquisition of their property by compulsion and question the need for the inclusion of their land.

13.6 No.231 is required to deliver the necessary highway alignment and visibility splay for Ravenstone Road which will form a new junction providing access to the Scheme. This will involve demolition No.231. As this forms one unit conjoined with No 229 it is likely not to be possible or viable for No.231 to be demolished in isolation of No.229. Once demolished any parts of 229/231 will form temporary public realm providing pedestrian access to the estate before falling within the footprint of phase 5 of the scheme.

Plots 22 ,23 & 24 London Broadway Car Sales Limited and Jason Cars Limited

13.7 Objections have been submitted in regard to the acquisition of rights in land to the front of properties between 205 and 209 West Hendon Broadway. The rights sought propose to enable the resurfacing of this land together with the adjoining publically maintainable highway as part of the wider public realm improvements across The Broadway.

13.8 Negotiations are on-going regarding the impact of the Regeneration Project on these objectors. The Council and Developer hope to reach agreement in regard to the impact of the Regeneration Project on these objectors.

14. CONCLUSION

14.1 The implementation of the Major Highway Works as part of Phase 4 of the West Hendon Regeneration Project is necessary in order to accommodate the additional demands placed on the local road network as a result of the implementation of Phase 4 of the Scheme, and will result in improvements to highway safety and traffic flow along Station Road and The Broadway. These works will also improve traffic conditions across the predominantly residential Herbert, Garrick and Wilberforce Roads. These works form part of, and will facilitate, the larger transformation of the Estate and the wider area by the removal of a blighted post-war housing and its replacement with a high quality mixed-use development which will create a balanced, mixed and inclusive community this will improve the quality of life of existing and future residents and the wider community.

- 14.2 In order to achieve this, the compulsory acquisition of interests in the Order Land specified in the Schedule to the Order is required so that, if the Council and the Developer are unable to acquire such interests by private treaty, Phase 4 can still be delivered within a reasonable timescale.
- 14.3 The Council, therefore, requests the Secretary of State to confirm the Order.

15. **OTHER INFORMATION OF INTEREST TO PERSONS AFFECTED BY THE ORDER**
- 15.1 Parties affected by the Order who wish to discuss matters with a representative of the Council should contact:
- Simon Bailey
Regeneration Manager
London Borough of Barnet
Barnet House
1255 High Road
Whetstone
N20 0EJ
simon.bailey@barnet.gov.uk
020 8359 7671
- 15.2 Those parties affected by the Order who wish to discuss the purchase of their interest by agreement should contact:
- Michael Walton
GVA
65 Gresham Street
London
EC2V 7NQ
Michael.Walton@gva.co.uk
020 7911 2773
- 15.3 The Royal Institution of Chartered Surveyors (RICS) operates a compulsory purchase helpline which provides initial free advice. Those parties wishing to make use of that service should contact RICS on 024 7686 8555 or via its website:
www.rics.org

16. DOCUMENTS TO BE REFERRED TO IN THE EVENT OF AN INQUIRY

- 16.1 A list of the Core Documents which the Council will be referring to at the Inquiry is attached as Appendix 1. The list is not exhaustive and the Council may also refer to additional documents in order to address any objections made to the Order.
- 16.2 Copies of the Core Documents referred to in this Statement of Case can be inspected during the following times at these locations:

Location	Opening hours
London Borough of Barnet Offices Main Reception – Building 4 North London Business Park Oakleigh Road South London N11 1NP 0208 359 2000	8:30am -5pm Monday to Friday
Hendon Town Hall The Burroughs London NW4 4AX 0208 359 2074	9-5pm Monday to Friday
Barnet House – Planning reception 1255 High Road Whetstone N20 0EJ 0208 359 2000	9-1pm Monday, Wednesday and Friday
Hendon Library The Burroughs London NW4 4AX 020 8359 2628	Monday 9.30am - 8pm Tuesday 9.30am - 5pm Wednesday 9.30am - 8pm Thursday 10am - 8pm Friday 9.30am - 5pm Saturday 9.30am - 5pm Sunday 2pm - 5pm
Housing Office 17 The Concourse Grahame Park London NW9 5XA 020 8359 2900	Monday 9.00am-5.15pm Tuesday 1.00pm-5.15pm Wednesday 1.00pm-5.15pm Thursday 9.00am-6.00pm Friday 9.00am-5.00pm

Documents relating to the Order can be downloaded from the Council's website via the following link:

<http://www.west-hendon.co.uk/CPO1-Public-inquiry/>