

Legal Services to Barnet and Harrow Councils
Director – Hugh Peart

By Special Delivery

3 July 2014

National Planning Casework Unit
5 St Phillips Place
Colmore Row
Birmingham
B3 2PW

Our ref: KXH/EBA-EC-011530

Your ref:

EBA-EC-011530 / 01017170

Dear Sirs

Application for Certificates Pursuant to Sections 19 & 28 Acquisition of Land Act 1981 ("the 1981 Act") in respect of The London Borough of Barnet (West Hendon Regeneration Area) Compulsory Purchase Order No 1 2014

The London Borough of Barnet ("the Acquiring Authority") has submitted The London Borough of Barnet (West Hendon Regeneration Area) Compulsory Purchase Order No 1 2014 ("the Order") to the Secretary of State for confirmation. This letter constitutes an application by the Acquiring Authority for the following certificates:

1. Plot 42 - Section 19(1)(b) of the 1981 Act

This application is made on the basis that the land to be acquired does not exceed 209 square metres (250 square yards) and that the giving in exchange of other land is unnecessary. The land falls within the demise of a 120 year lease dated 27 July 1983 between the British Waterways Board (now Canal & River Trust) and the London Borough of Barnet. Under clause 2(5)(a) of the lease, the Acquiring Authority covenanted to use the demised land as an open space for public amenity or as a Local Nature Reserve.

Members of the public have access to the land and have been known to use it (together with other land nearby) for the purpose of feeding the wildlife on the reservoir. The wider open space area is used for recreational activities such as walking and informal sports.

The land subject to this application lies to the West of the Cool Oak Lane Bridge and is identified more accurately in the Schedule to the Order and the Order Map under Plot Number 42. The Acquiring Authority is seeking to acquire all interests in approximately 205 square metres of open space land forming part of the Brent Reservoir Site of Special Scientific Interest and a Site of Importance for Nature Conservation and the Brent Reservoir/Welsh Harp Local Nature Reserve. The application is therefore made on the basis that the land does not exceed 209 square metres in extent.



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The plan Open Space Brent Reservoir North of Cool Oak Bridge, Cool Oak Lane shows the land subject to this application in the context of the area of open space of which it forms part as a whole. Taken as a whole, the open space extends beyond the Borough boundary into the neighbouring Borough of Brent and includes:

- Woodfield Park;
- West Hendon Playing Fields;
- the Welsh Harp Open Space; and
- Silver Jubilee Park.

Considering the open space in this context, the giving of exchange land is unnecessary in the interests of the public because the loss of 205 square metres of it, in the location proposed, will neither represent a material loss of open space in itself, nor will it materially affect the functioning and attractiveness of the open space as a whole.

The purpose of the acquisition is to enable the construction of the landing strips for a new pedestrian / cycle bridge adjacent to the existing Grade II listed vehicular bridge.

Further information relating to the acquisition of open space plot 42 is provided in section 11 of the Acquiring Authority's Statement of Reasons.

2. Plot Numbers 41A, 41B, 43 & 43A – Schedule 3, Paragraph 6(1)(a) of the 1981 Act

This application is made on the basis that the land, when burdened with the new rights, will be no less advantageous to those persons in whom it is vested and other persons, if any, and to the public, than it was before.

The land falls within the demise of the aforementioned lease, whereby the Acquiring Authority covenanted to use it as an open space for public amenity or as a Local Nature Reserve. Members of the public have access to the land and have been known to use it (together with other land nearby) for the purpose of feeding the wildlife on the reservoir. The wider open space area is used for recreational activities such as walking and informal sports.

The land subject to this application lies to the West of the Cool Oak Lane Bridge and is identified more accurately in the Schedule to the Order and the Order Map as Plot Numbers 41A, 41B, 43 & 43A. The Acquiring Authority is seeking to acquire the rights to enter and remain on approximately 292 square metres of open space land forming part of the Brent Reservoir Site of Special Scientific Interest and a Site of Importance for Nature Conservation and the Brent Reservoir/Welsh Harp Local Nature Reserve, with or without vessels, vehicles, plant and machinery for all purposes connected with the construction maintenance repair and use of a new pedestrian/cycle bridge (and bridge approaches) for the public.

The right to enter the land for the purposes of constructing the pedestrian / cycle bridge will be sought for a temporary period. Permanent rights to access the land for the purpose of maintenance, repair and public use of the bridge are also sought.

Affording members of the public greater access to the open space as a whole is one of the key benefits the regeneration proposals. The acquisition of the new rights over 292 square metres of open space land in the locations proposed will be no less advantageous to the Canal & River Trust (in whom the land is vested), and to the public, than it was before. The scheme proposal envisages increased access to, and use of, the existing open space.

Under the terms of the s106 agreement for the West Hendon redevelopment (dated 19 November 2013), the contributions towards the enhancement of sports and recreation and open space facilities at the Welsh Harp Reservoir/ Woodfield Park/ West Hendon Playing Fields will be sought. Therefore, the regeneration proposals not only seek to enable greater access to the open space as a whole but also the enhancement of it.

The land is vested in the ownership of the Canal and River Trust.

The giving of exchange land (in respect of plot 42) is unnecessary and the land (plot numbers 41A, 41B, 43 & 43A) when burdened with the new rights will be no less advantageous to those in whom it is vested and to the public than it was before:

At present the existing bridge at Cool Oak Lane allows for both vehicular and pedestrian crossing. However, both users have to share the same narrow carriageway which leads to delays, safety concerns and inconvenience to all users of the bridge. The West Hendon regeneration scheme proposes a new pedestrian and cycle bridge (secured through a planning obligation in the s106 agreement) the design of which will be submitted to the local planning authority for approval later this year. The new pedestrian and cycle bridge will not directly abut the listed bridge.

Including land and new rights over land immediately adjacent to the existing bridge within the Order Land is necessary in order to ensure the delivery of improved pedestrian and cycle access within Phase 3c of the Scheme, as required by the s106 Agreement. The existing listed bridge will remain in situ.

A new pedestrian / cycle bridge at this location will assist in the wider connectivity of the new development and its locality. It will also enhance and provide greater public access to the existing open space at Woodfield Park Sports Ground and the Welsh Harp open space.

Having regard to the above matters and taking the open space in its context as a whole, the Acquiring Authority respectfully requests the Secretary of State to certify the following:

- that the land acquisition sought in respect of plot 42 does not exceed 209 square metres (250 square yards) in extent and that the giving in exchange of land is unnecessary (section 19(1)(b)); and
- that the land (plot numbers 41A, 41B, 43 & 43A) forming part of the open space when burdened with the new rights will be no less advantageous to those persons in whom it is vested and to the public than it was before.

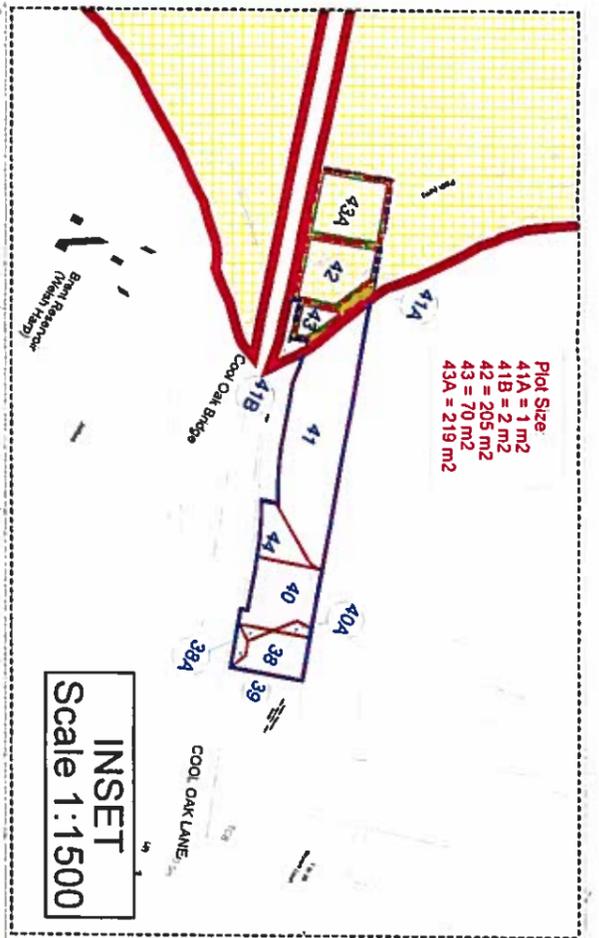
The Acquiring Authority submits the following documents in support of its applications:

1. The sealed Order and Schedule;
2. The sealed Order Map;
3. The Acquiring Authority's Statement of Reasons for making the Order (together with an extract of section 11 relating to special category land);
4. A map showing the open space plots in the context of the open space as a whole;
5. Map showing the open space plots in greater detail;
6. Lease dated 27 July 1983; and
7. Extract Schedule H of the s106 agreement dated 19 November 2013

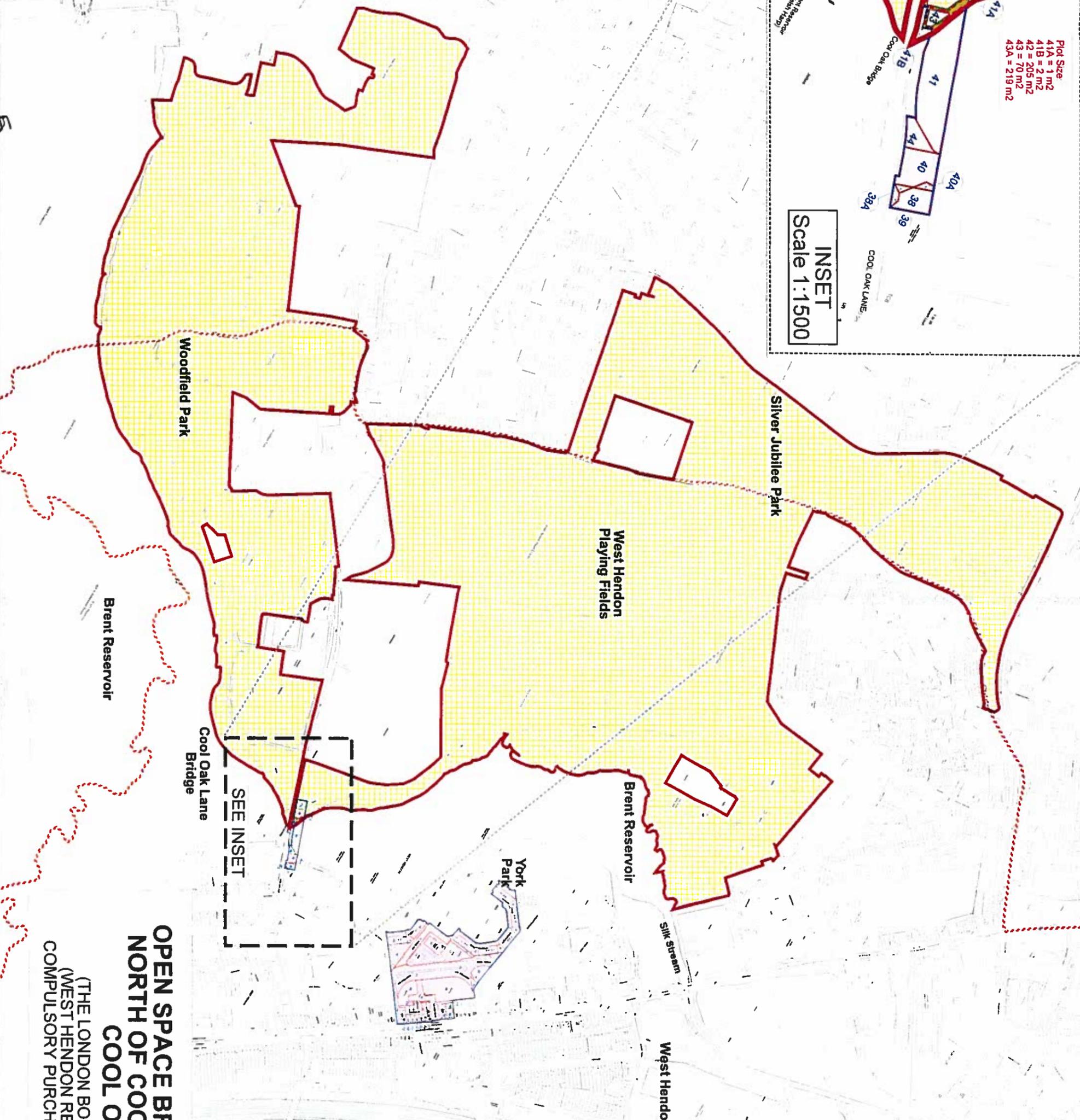
Yours faithfully

K Hamilton

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INSET
 Scale 1:1500



- KEY**
- Open Space
 - Open Space Plot
 - CPO Boundary
 - Land to be Acquired
 - New Rights to be Acquired
 - Borough Boundary

OS Grid Ref
TQ2187NE

Date
 12 June 2014

Scale: 1:6000 @ A3

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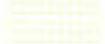
**OPEN SPACE BRENT RESERVOIR
 NORTH OF COOL OAK BRIDGE,
 COOL OAK LANE**

(THE LONDON BOROUGH OF BARNET
 (WEST HENDON REGENERATION AREA)
 COMPULSORY PURCHASE ORDER NO. 1 2014)

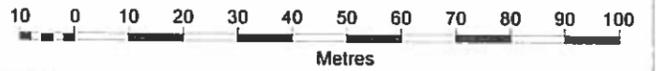
OPEN SPACE BRENT RESERVOIR NORTH OF COOL OAK BRIDGE, COOL OAK LANE

(THE LONDON BOROUGH OF BARNET
(WEST HENDON REGENERATION AREA)
COMPULSORY PURCHASE ORDER NO. 1 2014)

KEY:

-  Open Space
-  Open Space Plot
-  CPO Boundary
-  Land to be Acquired
-  New Rights to be Acquired

Scale Bar:



OS Grid Ref:

TQ2187NE



Date:

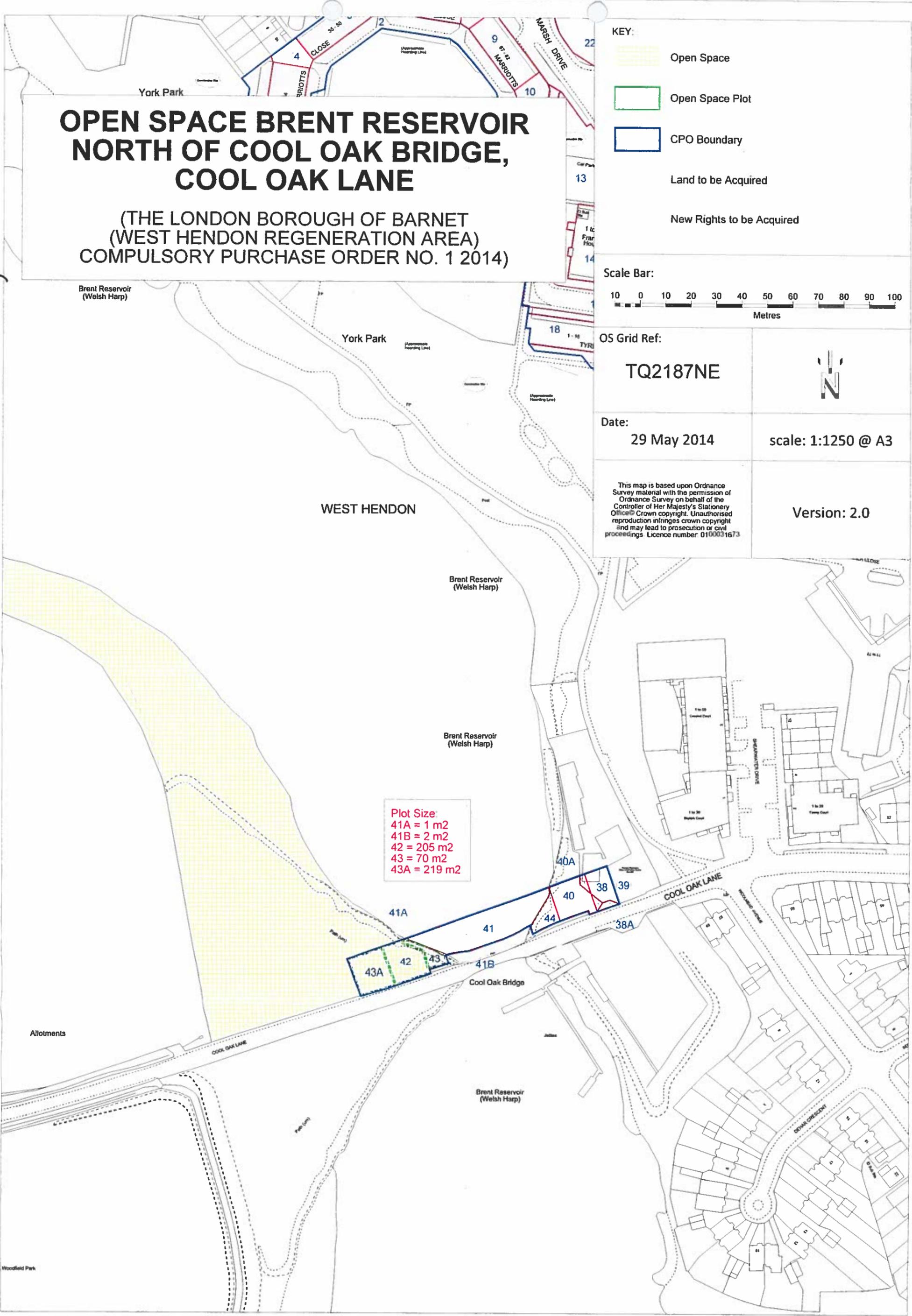
29 May 2014

scale: 1:1250 @ A3

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Version: 2.0

Plot Size:
41A = 1 m2
41B = 2 m2
42 = 205 m2
43 = 70 m2
43A = 219 m2



From:
Sent: 26 August 2014 15:00
To: al@communities.gsi.gov.uk; y@communities.gsi.gov.uk
Cc:
Subject: West Hendon Regeneration Area LPO - Further information for Section 19 Application.
Attachments: 1088012 - Final S19 Note sent to SOS - 26.08.14.docx; 1087575 - Appendices 2 and 3.docx; 1088030 - Appendix 4 - Cool Oak Lane Bridge Indicative Design Plan.pdf

Dear Satwant and Liz

As requested, please find attached the following information as requested in this matter for your attention:

(a) Note with additional information for section 19 Application

(b) Appendices 2 and 3 referred to in the Note

(c) Appendix 4 referred to in the Note.

We look forward to hearing from you in due course with the date for the Inquiry.

Please do not hesitate to get in touch if needed.

Kind regards

Solicitor

Harrow Council

PO Box 2

Civic Centre

7

Section 19 application – further information

Background

The London Borough of Barnet made the London Borough of Barnet (West Hendon Regeneration Area) Compulsory Purchase Order No 1 2014 (The CPO) on the 17th June 2014. The purpose of the CPO is to facilitate the regeneration of the West Hendon area, as detailed in the Statement of Reasons attached to the CPO.

The CPO includes a small area of Open Space (less than 250 square yards). The Council has therefore also made an application to the Secretary of State for a certificate under sections 19 & 28 of the Acquisition of Land Act 1981 ("the Application").

Planning

The Scheme under which the proposed bridge is to be constructed currently benefits from a hybrid (part detailed part outline). The reference for the planning consent is H/01054/13] details can be viewed through the weblink below:

<http://acolaidpublic.barnet.gov.uk/online-applications/>

The location of the proposed bridge lies within the outline element of the planning consent. It is intended that an application for reserved matters for the bridge design will be made in October 2014. Whilst a number of variations to the bridge design are being developed, all are being designed within the parameters outlined by this document. The information submitted is indicative at this stage but should nonetheless assist the Secretary of State in assessing the Application.

The Open Space to be acquired

The CPO includes the freehold acquisition of a small area of open space identified as plot 42 on the Order Schedule and Map accompanying the CPO. The CPO also includes the creation of new rights in open space identified as plots 41A, 41B, 43 and 43A in the Order Schedule and Map accompanying the CPO. No other open space is to be acquired or affected by the CPO.

The freehold acquisition land extends to 205 square metres. As this area is less than 209 square metres, the Council considers the giving in exchange of other land is unnecessary. Therefore, the Council seeks a certificate under section 19 (1) (b) of the 1981 Act in confirmation of this.

The Council also seeks to acquire new rights in land extending to 292 square metres. Once burdened with these rights the Council considers the land will be no less advantageous to its owners or those using the open space.

The area and size of the affected plots are indicated on the plan extract below. The full open space plan is shown on appendix 1 (submitted with the original Application) and photographs showing the area subject to the Application are attached at appendix 2.

Freehold Acquisition:

Plot 42- 205sqm

Rights:

Plot 41A- 1sqm

Plot 41B- 2sqm

Plot 43- 70sqm
Plot 43A- 219sqm



Existing use of the Open Space

In order to allow a full consideration of the impact on Open Space, we provide below further details of the existing Open Space.

The land proposed to be affected is presently used as open space for public amenity forming part of a substantial adjoining area of open space which is not affected by the CPO. The Open Space forms part of a nature reserve and is currently used for informal recreation by the public. It adjoins the northern section of the Welsh Harp Reservoir, a Site of Special Scientific Interest.

Freehold Acquisition:

Plot 42

A foot/cycleway presently crosses the plot and the remainder is used for informal recreation.

Acquisition of new rights:

Plot 41A

Plot 41B

Plot 43

These plots consist of the reservoir foreshore. Seasonally due to vegetation growth parts of the area are not readily accessible to the public. Where accessible these plots are used for the watching and feeding of wildlife on the reservoir and the CPO plots listed above provide one of a number of areas to access the water's edge for these purposes.

Plot 43A

This plot consists of grassed open space accessible to the public and used for informal recreation.

Extent of adjoining open space

The area of Open Space subject to the Application falls within a larger area of open space. The whole extends to approximately 71.7988 hectares and is indicated by yellow colouring on the plan at appendix 2.

The open space surrounds the western foreshore of the Welsh Harp Reservoir and extends to include Woodfield Park, West Hendon Playing Fields and Silver Jubilee Park. The open space is believed to be owned by a number of parties including London Borough of Barnet, London Borough of Brent and The Canal and River Trust. The entire area of Open Space falls into the Boroughs of Barnet and Brent although the acquisition land falls entirely within the Barnet Borough boundary.

The adjoining area of open space is severed by Cool Oak Lane. This is public highway and therefore not Open Space. The land adjoining the acquired land to the north of Cool Oak Lane extends to 44.516 hectares whilst the Open Space at the southern side of Cool Oak Lane extends to 27.283 hectares.

The only open space to be affected by construction of the new bridge is that which falls into plots 41a, 41b, 42, 43 & 43a. The wider extent of the open space will remain unaffected and accessible by the public.

The Welsh Harp reservoir which adjoins the open space is owned by the Canal and River Trust (CRT) who are the statutory successor to a part of the functions of the British Waterways Board. CRT remain a Statutory Undertaker and holds the reservoir as part of its undertaking, functioning as a means of providing a consistent supply of water to the canal network. Accordingly the reservoir does not constitute Open Space, instead forming part of CRT's statutory undertaking. The Application does not relate to plots 38, 38a, 39, 40, 40a, 41 or 44 which form part of the eastern boundary of the reservoir to the north of Cool Oak Lane, and land currently used as a Barratt sales office.

Proposed use of open space

BM LLP intends to construct a pedestrian and cycleway bridge adjacent to the existing Cool Oak Lane Bridge, a Grade II listed structure. Cool Oak Lane consists of a 2 carriageway road with separate footways. On the bridge, the highway narrows such that both carriageways are combined into one with no separate footway, and both pedestrian and vehicular traffic over the bridge is controlled by traffic lights (cf. photograph 1 Appendix 2). This causes frequent delays to vehicular traffic, and is a safety hazard to pedestrians.

Cool Oak Lane forms a key link between the overall West Hendon area and the large area of open space to the west of the Welsh Harp reservoir, identified yellow on the map at Appendix 1. At present the narrow bridge where pedestrians conflict with vehicles creates an impediment to the better use of the open space.

The CPO is part of a wider project seeking to regenerate the wider West Hendon area. The new bridge will provide a substantially improved link between the wider West Hendon area and the open space. Creating better linkages between the two is fundamental to achieving more sustainable patterns of movement, improving the wellbeing of the area and encouraging greater use of the open space.

Only a small part of the bridge will affect the open space with the majority of the bridge being within air space above statutory undertakers land and land on the eastern boundary of the Welsh Harp reservoir, part of which is currently used as a Barratt Sales office. On the area of open space affected (plots 41a, 41b, 42, 43 & 43a) will be a bridge abutment together with a section of the bridge deck as well as a path linking it to the adjoining highway and footways in the open space.

The rights and interests sought in the open space are defined in Table 1 of the CPO. The extent, description and situation displayed in Table 1 are enclosed below together with an explanation of each:

Plot 41A

The rights (i) to enter and remain on approximately 1 square metres of land, part of bed and bank of Brent Reservoir, open space situated north of Cool Oak Lane and being part of the Brent Reservoir Special Site of Scientific Interest (SSSI) and a Site of Importance for Nature Conservation and the Brent Reservoir/Welsh Harp Local Nature Reserve, with or without vessels, vehicles, plant and machinery for all purposes connected with the construction maintenance and repair of a new pedestrian/cycle bridge for use by the public that is to be constructed on and over plots 40, 40A, 41, 41A, 41B, 42, 43 and 44 (ii) to suspend the said bridge in the airspace over the said land

Time limited rights are required to enable construction of the bridge, as referred to below. Once complete permanent rights will permit a bridge deck to over sail the land, additionally permanent rights of access will enable bridge maintenance. No part of the bridge abutment will fall on this land.

Plot 41B

The rights (i) to enter and remain on approximately 2 square metres of land, part of bed and bank of Brent Reservoir, open space situated north of Cool Oak Lane and being part of the Brent Reservoir Special Site of Scientific Interest (SSSI) and a Site of Importance for Nature Conservation and the Brent Reservoir/Welsh Harp Local Nature Reserve, with or without vessels, vehicles, plant and machinery for all purposes connected with the construction maintenance and repair of a new pedestrian/cycle bridge for use by the public that is to be constructed on and over plots 40, 40A, 41, 41A, 41B, 42, 43 and 44 (ii) to suspend the said bridge in the airspace over the said land

Time limited rights are required to enable construction of the bridge. Once complete permanent rights will permit a bridge deck to over sail the land, additionally permanent rights of access will enable bridge maintenance. No part of the bridge abutment will fall on this land.

Plot 42

All interests in approximately 205 square metres of land, grassed area, thicket and bank of Brent Reservoir, footpath and openspace situated to the north side of Cool Oak Lane, West Hendon and being part of the Brent Reservoir Special Site of Scientific Interest (SSSI) and a Site of Importance for Nature Conservation and the Brent Reservoir/Welsh Harp Local Nature Reserve, except those already owned by the acquiring authority

The bridge abutment will be constructed on this area of land, the extent of freehold within the plot affected by the bridge will be acquired.

Plot 43

The rights (i) to enter and remain on approximately 70 square metres of land, thicket, grassed area and bank of Brent Reservoir, footpath and open space situated to the north side of Cool Oak Lane, West Hendon and being part of the Brent Reservoir Special Site of Scientific Interest (SSSI) and a Site of Importance for Nature Conservation and the Brent Reservoir/Welsh Harp Local Nature Reserve, with or without vessels, vehicles, plant and machinery for all purposes connected with the construction maintenance and repair of a new pedestrian/cycle bridge for use by the public that is to be constructed on and over plots 40, 40A, 41, 41A, 41B, 42, 43 and 44 (ii) to suspend the said bridge in the airspace over the said land

Time limited rights are required to enable construction of the bridge. Once complete permanent rights will permit a bridge deck to over sail the land, additionally permanent rights of access will enable bridge maintenance. No part of the bridge abutment will fall on this land.

Plot 43A

The rights (i) to enter and remain on approximately 219 square metres of land, grassed area, footpath, thicket and open space situated to the north side of Cool Oak Lane, West Hendon and being part of the Brent Reservoir Special Site of Scientific Interest (SSSI) and a Site of Importance for Nature Conservation and the Brent Reservoir/Welsh Harp Local Nature Reserve, with or without vessels, vehicles, plant and machinery for all purposes connected with the construction maintenance and repair of a new pedestrian/cycle bridge for use by the public that is to be constructed on and over plots 40, 40A, 41, 41A, 41B, 42, 43

and 44 (ii) to construct, retain and maintain approaches to the bridge and rights of access over the land to the aforementioned bridge

Time limited rights are required to enable construction of the bridge. The bridge abutment will fall in plot 42 between this land and the reservoir, therefore the bridge will not over sail this plot. Instead the access to the bridge will cross this land therefore it will be necessary to acquire permanent rights to retain and maintain these approach paths to ensure the public has continued access to the bridge. Permanent rights of access to enable maintenance will also be required.

Effect of proposed acquisition on public

Once construction of the bridge is complete the plots of open space acquired and subject to the new rights will once again be accessible to the public (with the limited exception of the constructed bridge abutment), which will provide increased access to the wider open space. The minimal detriment caused by the construction of this structure is significantly outweighed by the benefits of providing greater accessibility to the open space.

Plot 42 also includes part of a foot/cycleway, the route of which is indicated by the yellow dotted line on the plan and photograph at appendix 3. This path is not on the Definitive Plan and is a permissive path. The path forms an access route to the adjoining extent of open space from Cool Oak Lane. This path or a suitable alternative will remain open after the construction period so that the public have continued use of the route. .

Once the bridge is complete the route over the bridge will intersect with and link to the existing permissive path through the open space creating better access to the open space.

Minor maintenance is unlikely to obstruct public access to the open space bridge whilst more substantive works such as path resurfacing which requires temporary suspension of use would have to be authorised through provisions in highways legislation once the bridge is vested in the Highway Authority

Design

Design of the bridge has not yet been completed. Whilst outline planning permission has been granted, reserved matters remain to be resolved. Discussions are on-going between BMLLP, CRT and the local planning authority, and it would be premature to finalise the bridge design until these discussions have been completed. The bridge design will also be influenced by the information gathered from topographical, arboricultural, ground investigation, and utilities surveys.

The bridge will be constructed to an adoptable standard with the intention of it becoming dedicated as public foot and cycleway. The section 106 Agreement entered into between the Council and its development partner, BMLLP includes an option for both the surface and structure to ultimately be vested in the Council in its capacity as Highway Authority.

The bridge will have a design life of 125 years and will be constructed so that future maintenance requirements are minimised.

The bridge will be constructed to a width suitable for both pedestrians and cycles to pass and will accord with published guidance on the design of paths, bridges and highways.

A draft indicative plan of the bridge is attached at Appendix 4.

Construction

Whilst the design and therefore detailed construction methodology have not yet been finalised, BMLLP and the Council can confirm the following construction methodology factors.

The construction period for the bridge will not exceed 9 months. Construction is presently programmed to coincide with phase 3C of the regeneration project, it is therefore likely that construction will commence in late 2018.

The construction methodology will be influenced by the design, planning conditions and any reasonable requirements of the Environment Agency or CRT. The methodology will also ensure the impacts on the Open Space, the SSSI and CRT's statutory undertaking are minimised.

For health, safety and environmental reasons it will be necessary to exclude people from a limited area of open space whilst construction is undertaken. This means that the public will temporarily be deprived of the use of 497 square metres of open space identified as plots 41A, 41B, 42, 43 and 43A in the Order Schedule. The temporary exclusion will not prohibit the access or use of the wider area of open space. The public will retain continued access to the remaining 71.75 hectares of open space.

The bridge is being constructed as part of the wider regeneration scheme. BMLLP and the Council confirm that the bridge construction will be serviced from the main site compound area. Any site compound adjacent to the bridge works will be within areas identified as plots 38, 38A, 39, 40, 40A and 44 within the Order Schedule or adjacent land within Council or BMLLP control. No area of open space outside those identified in the CPO will be affected during construction.

Ownership of the open space plots

The freehold title of the Open Space plots fall within the ownership of the Canal and River Trust. The Council has a long leasehold interest over the open space plots and a wider area identified on the plan at Appendix 1 by virtue of a lease dated 27 July 1983 for a term of 120 years.

Impact on the landowner

Plot 42

CRT will be deprived of no more than 205 square metres of land which forms the freehold acquisition.

Plot 41A- 1sqm

Plot 41B- 2sqm

Plot 43- 70sqm

These plots form the foreshore of the reservoir. Rights only are to be acquired in these plots. Rights will extend to a bridge deck being suspended over the land and access to enable construction and maintenance. The Council has opted to acquire rights rather than freehold of this land to minimise the impact on the landowner. This allows CRT to retain ownership and control of the waterway boundary.

Plot 43A- 219sqm

This plot consists of open space accessible to the public and used for informal recreation. Rights only are required in these plots.

CRT has granted a lease of the above land to the Council until 2103 as set out in the Ownership section above, although retaining multiple rights to use the land if required for their Undertaking. Considering the present use and nature of the land the creation of defined rights of access to the bridge is unlikely to have a detrimental impact on the freeholder or leaseholder. It is not unusual for public bridges/rights of way to cross CRT land, therefore the acquisition of these rights will be of minimal detriment to the landowner.

The Owner will not be required to accept any cost or liability for future maintenance and repair works in relation to the bridge.

Impact on Cool Oak Lane

During construction it is unlikely that it will be necessary to close or restrict use of Cool Oak Lane. Nevertheless the highway does not form part of the Open Space but instead is public highway. Accordingly any highway works would be subject to a separate highway consent regime.

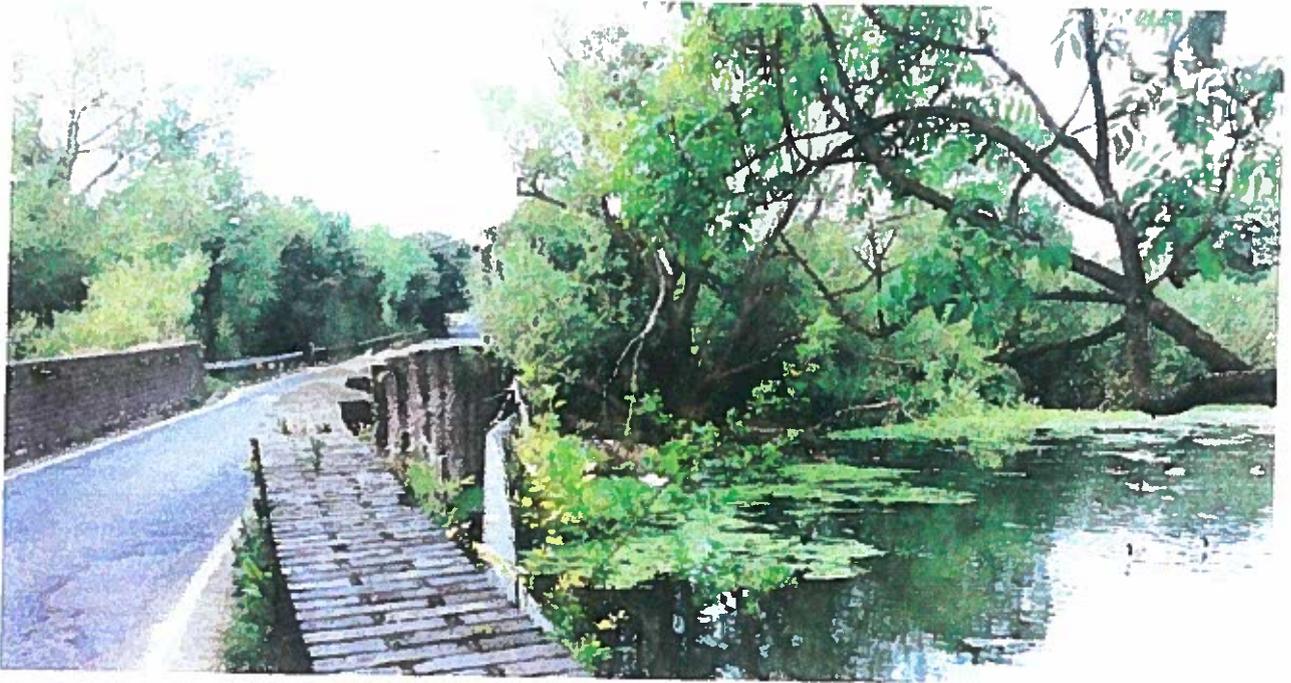
Conclusion

The acquisition of 205 sqm of open space falls within the requirements of section 19 (1) (b) of the 1981 Act whilst the acquisition of new rights meets the criteria specified by Schedule 3, Paragraph 6 (1)(a) of the 1981 Act, because once burdened with these rights the land will be no less advantageous to its owners or those using the open space. The provision of exchange land is unnecessary.

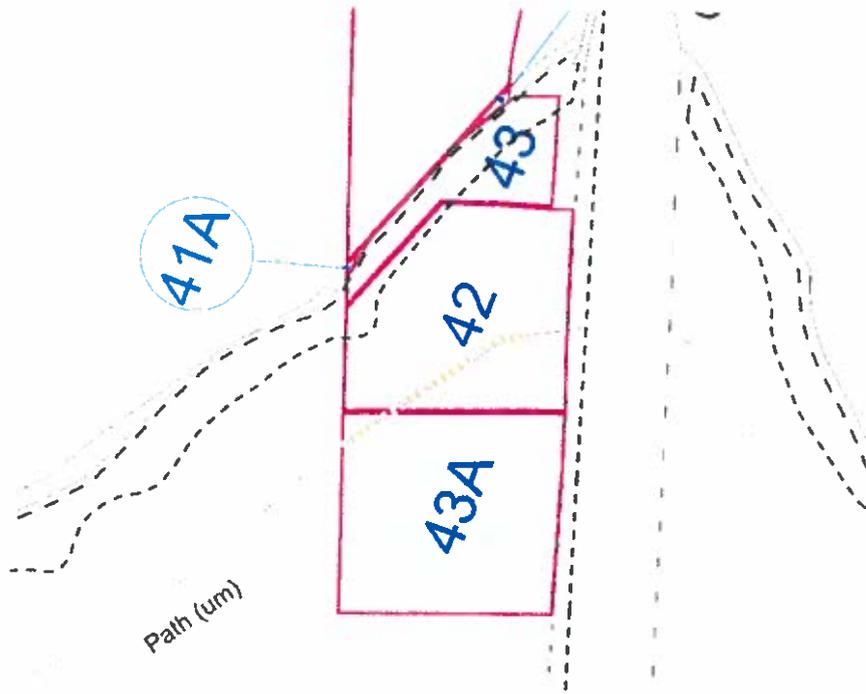
The acquisition of land is necessary to better connect a large area of open space to the West Hendon regeneration area allowing greater access to the open space and improving the wellbeing of the regeneration area.

The design and the construction methodology will adhere to the parameters outlined in this document and the indicative plans submitted to support the Application. By adhering to these criteria the impact of the on the open space will be minimised. Once the detail of a bridge design has been finalised and full planning permission has been granted, further details will become available.

Appendix 2



Appendix 3



Legal Services to Barnet and Harrow Councils
Director – Hugh Peart

Sara Lewis
Department for Communities and Local
Government

8 September 2014

Our ref: KXH/EBA-EC-011530

Your ref:

Sara.lewis@communities.gsi.gov.uk

EBA-EC-011530 / 01098323

By email only

Dear Sara

Application for Certificates Pursuant to Sections 19 and 28 Acquisition of Land Act 1981 ("the 1981 Act") in respect of The London Borough of Barnet (West Hendon Regeneration Area) Compulsory Purchase Order No 1 2014

I write in respect of our telephone discussion on 5 September 2014, in which you raised further points of clarification relating to the Council's application for certificates under sections 19 and 28 of the 1981 Act.

The Council's responses to the issues raised are as follows:

Explanation as to why plots 38, 38A, 39, 40, 40A and 44 do not constitute public open space for the purposes of section 19 ALA 1981

In addition to the information set out in paragraph 11.8 of the Acquiring Authority's Statement of Reasons the Council confirms the following:

Plot 38A – this is land and thicket which is fenced off to public access

Plots 38, 39 and 40A – include part of the public highway and the Barratt Homes Hendon Waterside Sales Information Centre. The Council is holding over on a lease of the land on which the Sales Information Centre is situated the land itself is gated and as such cannot be considered to be public open space (view 4 on the attached document illustrating the street views).

Plots 40 and 44 – the land, thicket and bank of Brent Reservoir are inaccessible to the public as illustrated in views 1-3.



Prior to construction of the sales information centre, the plots were exclusively occupied as part of a youth sailing base. The facility was fenced and public access was excluded.

Contrast plots 41A, 41B, 42, 43 and 43A which can be accessed by members of the public and plot numbers 42, 43 and 43A fall within the demise of a lease dated 27 July 1983 (copy provided as part of the s19 application letter dated 3 July 2014) which states that the land shall be retained as open space for public amenity (please see views 5 and 6).

The CPO Schedule does not identify the Council as having a leasehold interest in respect of Plots 41A and 41B

Plots 41A and 41B form part of the foreshore of the reservoir, on account of water levels changing seasonally and the historic lease documentation it is difficult to determine the precise delineation of the lease boundary. These plots are considered to form part of the reservoir foreshore, outside the demise of the lease, over which the public is sometimes able to access subject to water levels which change seasonally.

Further information explaining how the public will access that part of the permissive footpath which lies within Plot 42 during the construction period

The Council will ensure the public retain access to the adjoining open space and are able to use the remainder of the permissive path during the construction period. The Council is considering: (i) the possibility of maintaining the existing path whilst construction takes place; (ii) a temporary diversion within the order land; (iii) or a temporary diversion through the adjoining open space. Plots 42 and 43A are surrounded to the north and west by open space through which the public is already able to access, whilst a public highway and footway is to the south of these plots.

Attached at Appendix 5 (pages 4 and 5) are plans indicating the existing route of the path and three temporary diversion options, once the bridge design is finalised and the construction methodology has been agreed the final diversion arrangement can be provided, it would be premature to determine the construction methodology before the bridge design is finalised

How high will the proposed pedestrian / cycle bridge be and will members of the public be able to walk underneath it?

The pedestrian bridge is being designed such that it is sympathetic to the existing listed bridge and in compliance with relevant design guidance. The new bridge will adopt a comparable height and profile to the existing bridge; therefore it is unlikely that pedestrians will be able to walk underneath it within the open space due to the very limited height difference between the waterline and land adjoining the reservoir to which the bridge provides access.

The cross section design of the bridge (as submitted with the additional information on 26 August 2014) shows a tree, will the tree remain in place?

The tree shown on the initial bridge design is a willow with no special protection. Whilst the design will seek to retain the tree it may, as the design and construction methodology progresses, prove necessary to remove or pollard the tree.

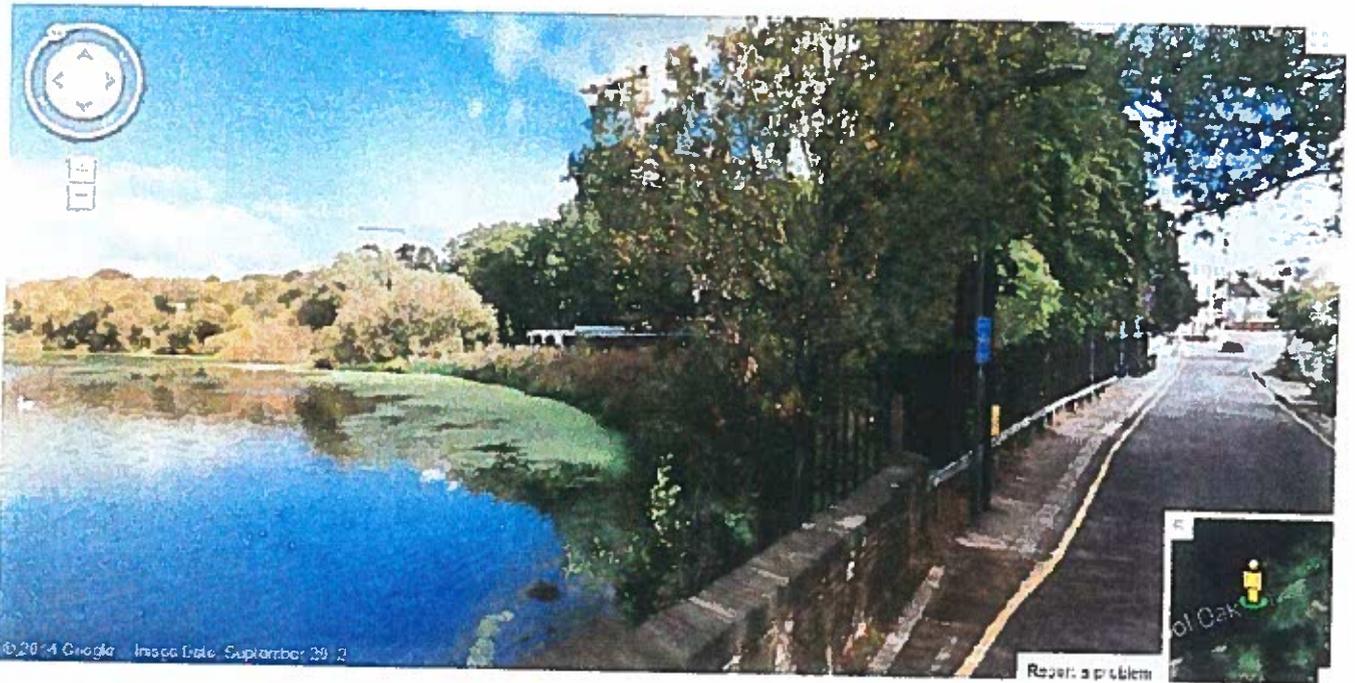
Yours sincerely



Katherine Hamilton
Acting Senior Lawyer - Planning & Regeneration
Tel: 0208 424 1890
Email: katherine.hamilton@harrow.gov.uk

APPENDIX 5

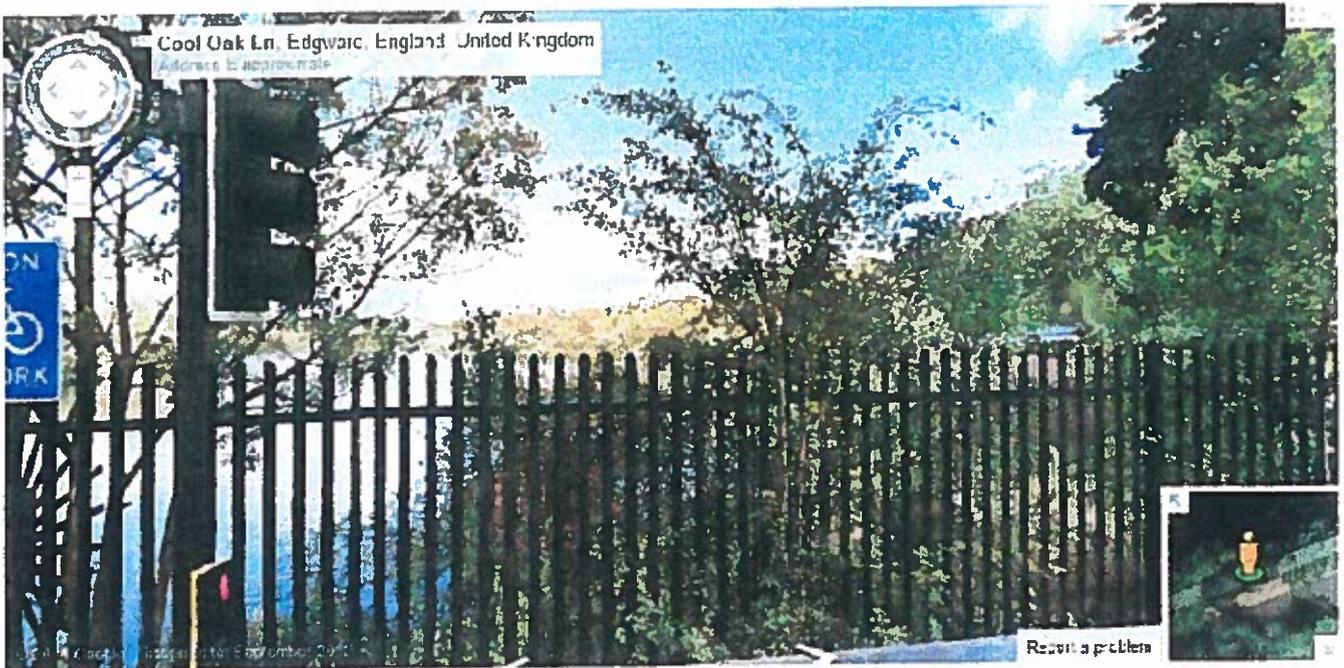
Street view of approximate locations of plots 40 and 44 below:



View 1



View 2



View 3

Approximate location of plots 38, 38A, 39 & 40A below:



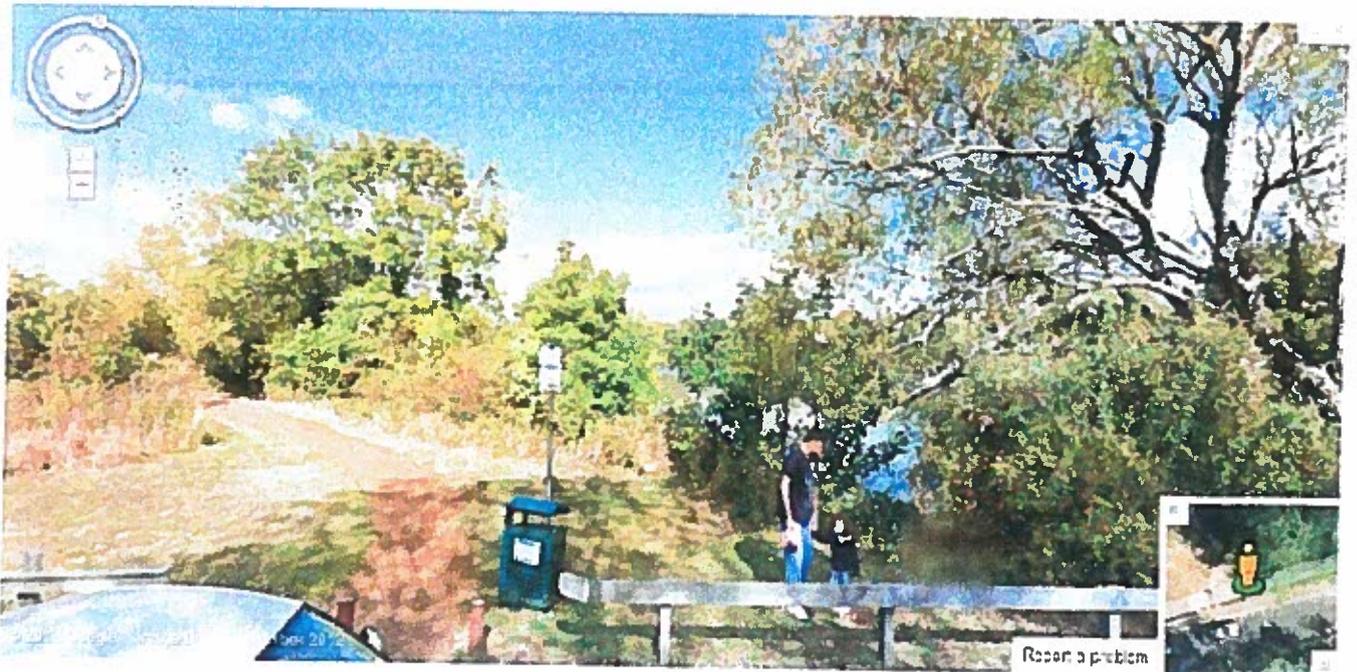
View 4

Streetview showing approximate location of plots 41B and 43 below:



View 5

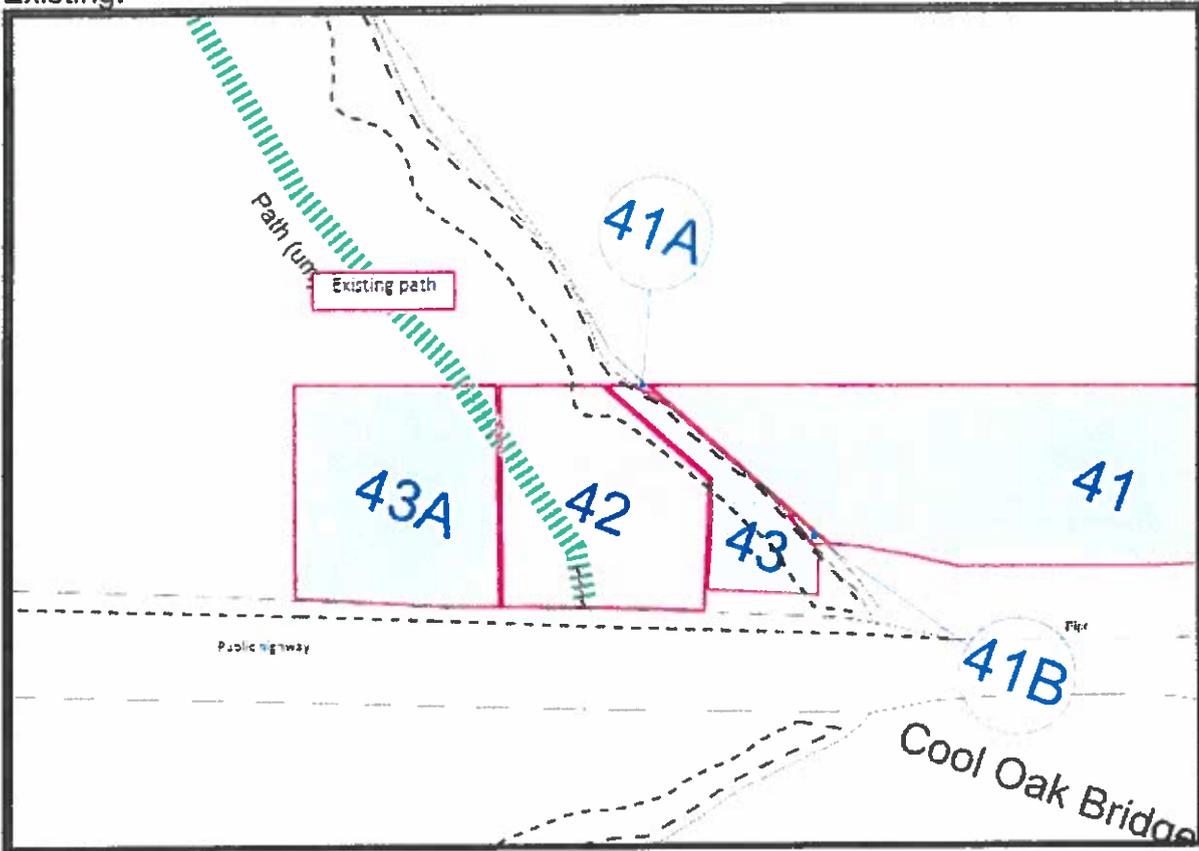
Streetview showing approximate location of plots 41A, 42 and 43A below:



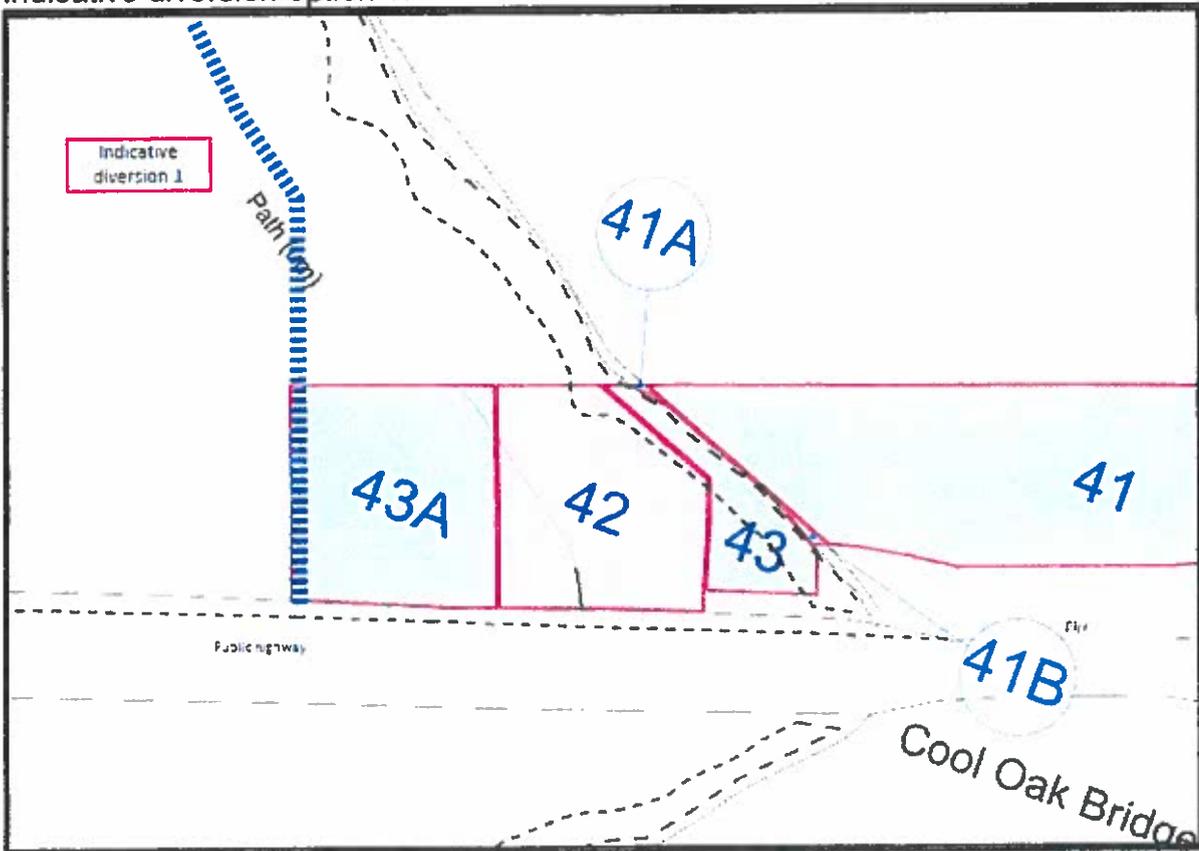
View 6

Plan showing existing path and highlighting potential temporary diversion routes

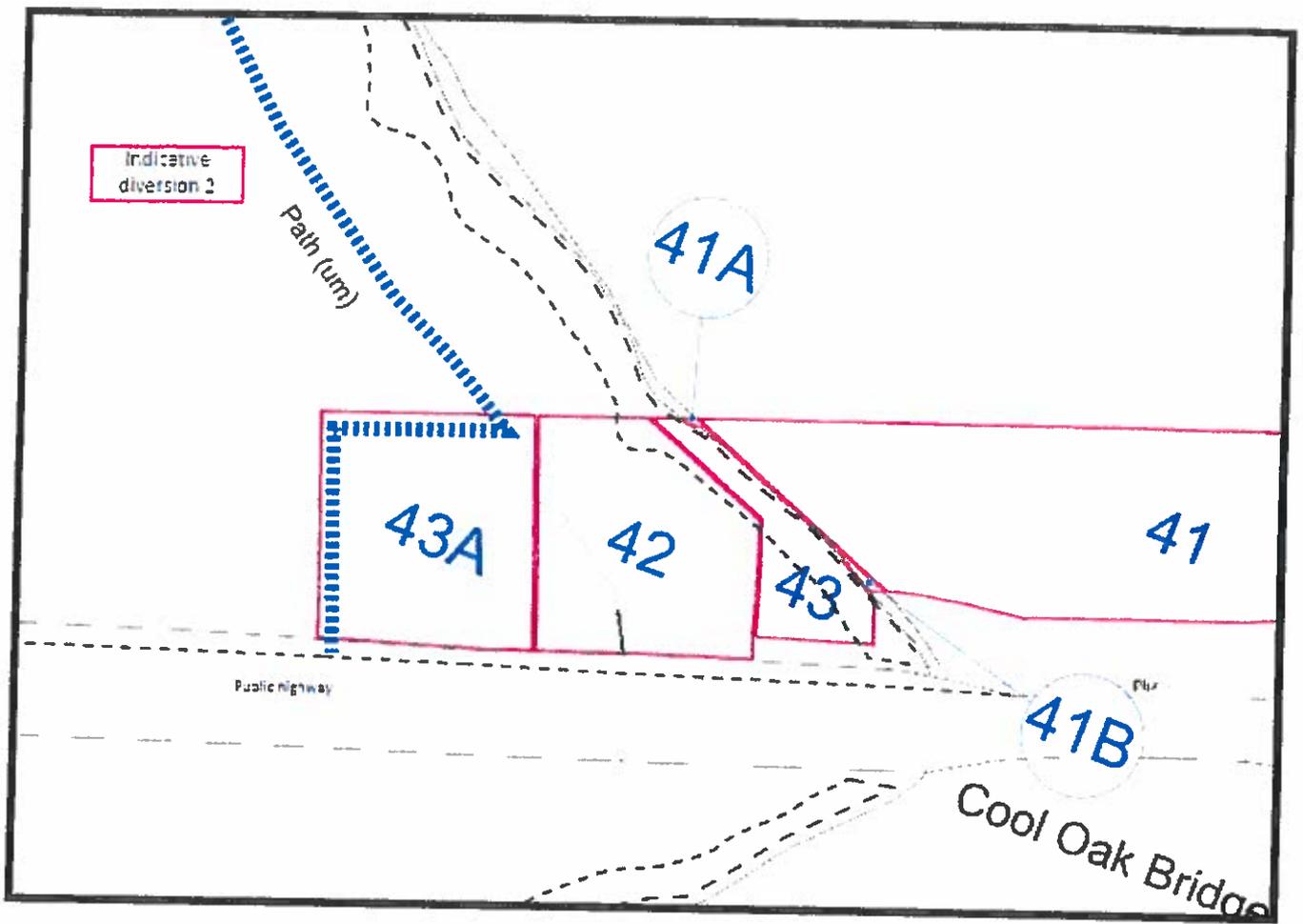
Existing:



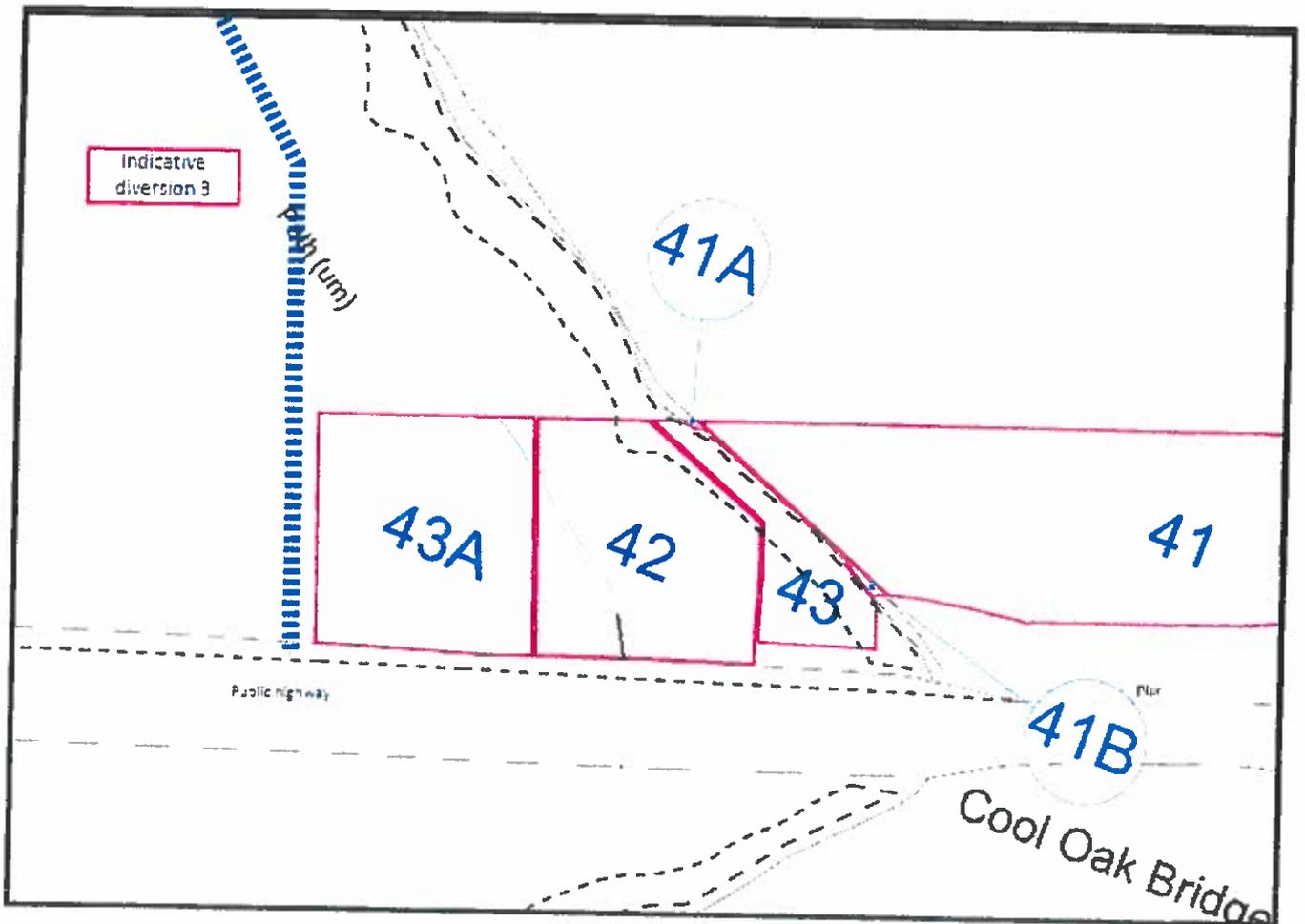
Indicative diversion option 1:



Indicative diversion option 2:



Indicative diversion option 3



Legal Services to Barnet and Harrow Councils
Director – Hugh Peart

Sara Lewis
Department for Communities and Local
Government

29 September 2014

Our ref: KXH/EBA-EC-011530

Your ref:

@communities.gsi.gov.uk

By email only

EBA-EC-011530 / 01117553

Dear Sara

Application for Certificates Pursuant to Sections 19 and 28 Acquisition of Land Act 1981 ("the 1981 Act") in respect of The London Borough of Barnet (West Hendon Regeneration Area) Compulsory Purchase Order No 1 2014

I write in relation to the above application and your request for further clarification regarding the proposed pedestrian and cycle bridge at Cool Oak Lane. During our telephone discussions you asked us to provide information relating to the landowner's ability to maintain the existing bridge and land at plot 43 once the new bridge is constructed. Your query has arisen from the indicative bridge design which shows limited headroom between the proposed bridge and the land at plot 43.

Having discussed your query with my client and its development partner, I can state the following:

- The proposed bridge is to be constructed 3 metres away from the existing listed bridge which is considered to provide the landowner with sufficient access to carry out any future maintenance on the existing bridge;
- Once the new bridge is constructed there will be limited headroom between the bridge deck and the ground beneath it (i.e. plot 43) due to the limited difference in elevation between the water and the land surrounding the reservoir, and the desire to construct a bridge which is sympathetic to the existing listed bridge. To provide greater headroom over plot 43 would involve raising the height of the bridge and constructing larger bridge approach slopes within plot 42 and possibly additional open space. In the Council's view such an approach would result in the construction of a new bridge that was not sympathetic to the existing listed bridge and which could have a greater impact on the open space.

26.



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- The proposed bridge will be constructed so that there is no less headroom over the water than that beneath the existing listed Cool Oak Lane Bridge.
 - It will be possible for the landowner (Canal and River Trust) to maintain the land at plot 43 from either side of the proposed bridge or from the water beneath the bridge.

I hope that the above deals with all your queries, however if you require any additional information please contact me.

Yours sincerely

Acting Senior Lawyer - Planning & Regeneration
Tel:
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