

**THE LONDON BOROUGH OF BARNET (WEST HENDON  
REGENERATION AREA) COMPULSORY PURCHASE  
ORDER (No 3) 2018**

**STATEMENT OF EVIDENCE – ANDREW DILLON MRTPI**

(Planning Major Developments, the London Borough of Barnet)

PLANNING INSPECTORATE REF:

1. ENV/3164290
2. APP/PCU/CPOH/N5090/3218378

Date: 8 July2019

## 1. INTRODUCTION

### 1.1. QUALIFICATIONS AND EXPERIENCE

1.2. My name is Andrew Dillon BA (Hons) DipTP MRTPI.

1.3. I am a Principal Planning Officer at Regional Enterprises Ltd, a joint venture company set up and co-owned by Capita Plc and the London Borough of Barnet, and have been a chartered member of the Royal Town Planning Institute since 2001.

1.4. I have been employed in local government as a Planning Officer within Development Control/Management for 20 years with my primary role being responsible for the processing and determination of planning applications. I have worked at Barnet Council and then Regional Enterprises Ltd since August 2013.

1.5. The Council's Major Developments Team deals with the larger and more complex planning submissions received by the London Borough of Barnet ("**the Council**"), including regeneration schemes and developments of a strategic nature to the Borough and the wider region.

1.6. As such I undertake strategic level decision making for large scale major developments and regeneration schemes. I have been the case officer responsible for the 2013 Permission since the end of 2018, responsible for administering planning functions and duties associated with the Scheme which is described in detail under Part 2 of the Project Synopsis.

1.7. I have a good understanding of the Order Land within the wider context of the Regeneration Project and the relevant planning policy issues.

1.8. My evidence will address:

- Background to the Scheme

- Planning Permission for the Scheme and subsequent Reserved Matters applications
- Highways Matters
- Section 106 Obligations
- Compliance with the Adopted Planning Policy Framework
- Any other Planning Impediments
- Objections to the Orders

## 2. BACKGROUND TO THE SCHEME.

- 2.1 As outlined under Part 4 of the Project Synopsis, the London Plan 2004 recognised Cricklewood/Brent Cross as an Opportunity Area in North London. The Mayor of London identified the need to work with the Council to draw up planning frameworks for the area with the intention of bringing forward the delivery of 5,000 new homes and 5,000 new jobs by 2016.
- 2.2 This collaboration between the Mayor of London and the Council resulted in the preparation of a Supplementary Planning Guidance (SPG) document entitled "*Cricklewood, Brent Cross and West Hendon Regeneration Area Development Framework*" ("the Development Framework") [CDC.12]. The adoption of the Development Framework by the Council in April 2005 established the fundamental underpinnings for the Regeneration Project.
- 2.3 The 2008 Permission, which included a Masterplan comprised of six development phases, was subsequently submitted in December 2004 and approved in July 2008. Running concurrently with the evolution of the Masterplan, a standalone application for 8 dwellings came forward as a Pilot Phase of the Regeneration Project. This is referred to as Phase 1. The initial substantive Phase of the 2008 Permission was approved in July 2008 and saw the construction of 186 dwellings. This phase, titled 'Lakeside', is referred to as Phase 2.
- 2.4 Following development of the above two phases, financial considerations meant that the remaining phases of the 2008 Permission could not be brought forward, and in 2011 the Developer engaged in discussion with the Council to amend the 2008 Permission. A new professional team was subsequently employed by the Developer in order to revisit the Masterplan approved under the 2008 Permission with a view to finding a viable solution for the future development of the Regeneration Project. Following this review a revised Masterplan for the remaining phases of the Regeneration Project was submitted and planning permission ("the 2013 Permission") covering Phases 3 to 6 was subsequently granted in December 2013 (CDB.37).

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- 2.5 Full details with respect to the planning history that led to the development of the 2013 Permission are described in full in Part 3 of the Project Synopsis.

### 3. PLANNING PERMISSION FOR THE CURRENT SCHEME

- 3.1 The 2013 Permission (**CDB.37**) established a clear framework for the development of the Scheme. The 2013 Permission (**CDB.37**) was a hybrid permission and comprised both detailed and outline components. The detailed element of the 2013 Permission (**CDB.37**) related solely to Phase 3a and provided for the construction of 358 new residential units and 131 square metres of commercial floor space in buildings ranging from five to twenty-six storeys in height. The outline element of the 2013 Permission (**CDB.37**) related to all remaining phases which are subject to separate reserved matters applications.
- 3.2 The first Reserved Matters Application (“**RMA**”) pursuant to the 2013 Permission (**CDB.37**) was received by the Council in December 2014 seeking detailed approval for Phases 3b and 3c of the Scheme. Those reserved matters were approved on 26 March 2015 (“**the 2015 RMA**”) (**CDB.38**) and provided for the construction of 298 residential units (181 market value and 117 affordable units), commercial floor space totalling 1,245 square metres and 18 square metres of warden accommodation associated with the Welsh Harp SSSI.
- 3.3 The second RMA pursuant to the 2013 Permission (**CDB.37**) was received by the Council in December 2016 seeking detailed approval for Phase 4 of the Scheme. Those reserved matters were approved on 18 July 2017 (“**the 2017 RMA**”) (**CDB.39**) for the construction of 611 residential Units (418 market value units and 193 affordable units) including basement car parking, major highway works and new landscaped public space.

#### **PHASE 5 RESERVED MATTERS APPLICATION (REF: 17/8134/RMA)**

- 3.4 The third RMA pursuant to the 2013 Permission (**CDB.37**) was received by the Council on 22 December 2017, seeking approval for reserved matters relating to layout, scale, appearance, access and landscaping in respect of Phase 5 of the Scheme. Approval was subsequently granted on 25 June 2018 (“**the 2018 RMA**”) and provided for the construction of 216 residential units (118 market, 97 intermediate and 1 social rented unit), including parking and new landscaped public space for Phase 5 (Block A, B, C and G).

### **PHASE 6 RESERVED MATTERS APPLICATION (REF: 17/8150/RMA)**

- 3.5 The fourth RMA pursuant to the 2013 Permission was received by the Council on 22 December 2017 seeking approval for reserved matters relating to layout, scale, appearance, access and landscaping in respect of Phase 5 of the Scheme. Those reserved matters were approved on 25 June 2018 (“the 2018 RMA”) and provided for the construction of 516 residential units (442 market and 74 intermediate), including a gym, parking and new landscaped public space for Phase 6 (Blocks D1-D8).

### **SILK STREAM BRIDGE RESERVED MATTERS APPLICATION (REF: 18/1163/RMA)**

- 3.6 The fifth RMA pursuant to the 2013 Permission (**CDB.37**) was received by the Council on 15 February 2018, seeking approval for reserved matters for the approval of condition 27 for the design aspects of the Silk Stream Bridge. Those reserved matters were approved on 26 October 2018.

### **HIGHWAYS MATTERS**

- 3.7 The 2013 Permission (**CDB.37**) incorporates significant highway infrastructure improvements secured under the Section 106 Agreement [**CDB.36** Schedule D, p46]. A summary of Major Highway Works are set out in Part 6 of the Project Synopsis.
- 3.8 Full details of the Schemes are given in Part 2 of the Project Synopsis, with phasing details described in Part 4.

### **HIGHWAYS ORDERS**

- 3.9 Due to the Residential Decant [**CDB.12**] and Phasing Strategies [**CDB.13**] established under the 2013 Permission, it has been necessary to develop a programme for Highway Orders which ensures that access is retained to all occupied properties whilst maintaining routes to facilitate delivery of the Regeneration Project.
- 3.10 At present, 6 Stopping-Up Orders necessary to facilitate delivery of Phase 3 have been submitted by the Developer and subsequently confirmed, unopposed, by the Council. The estate roads in Phase 4 (Warner Close, Tyrell Way, Milton Road (part) and Stanley Road (part)) have all been stopped up, again unopposed, by the Council. The roads which will be stopped

up as part of Phase 4 but are linked into the wider major highways works, will be stopped up when required. These are Borthwick Road, Ravenstone Road, Stanley Road and the Perryfield Gyratory. The estate roads for Phases 5 & 6 (Marriotts Close and Marsh Drive) will be stopped as prior to construction commencing.

- 3.11 The Council is content there are no likely impediments that would prevent the further Stopping-Up Orders from being secured.

### **CONDITIONS AND SECTION 106 CONTROLS**

- 3.12 The 2013 Permission **[CDB.37]** incorporates a number of conditions of approval to ensure delivery of a high quality scheme in keeping with the design ethos established within the Design and Access Statement **[CBD.05]**. Conditions encompass the following areas:

- Control over timing and delivery of phases, development quantum in accordance with the Development Specification **[CBD.07]** and conformity with mitigation measures established through the Environment Statement (ES) **[CDB.24]** accompanying the 2013 Permission **(CDB.37)**;
- Control over construction processes, methodologies and systems in accordance with the Construction Method Statement **[CDB.30]** and Site-wide Construction and Environmental Management Plan **[CDB.28]**;
- Sustainable Design and Construction e.g. residential space standards, internal layout and design, amenity space, daylight, privacy, outlook and light pollution, accessible and adaptable dwellings, wheelchair user dwellings, energy and water efficiency, waste minimisation and air and noise quality etc. in accordance with the Design and Access Statement **[CDB.05]** and Planning Policy Statement **[CDB.09]**;
- Design controls to maintain a high quality and appearance of the Scheme as its implementation progresses through respective phases enforced through adherence to Design Guidelines **[CDB.06]**
- Management of the Estate (Management Strategy) **[CDB.14]**;
- Biodiversity and Environmental Controls e.g. the Ecological Management Plan (EMP) **[CDB.27]** providing for the monitoring and mitigation of any impacts to the Welsh Harp

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SSSI, contaminated land, flood risk and drainage management [CDB.19], trees and landscaping [CBD.26], invasive species etc.

- Design and delivery of the Pedestrian & Cycle Bridge (Delivered prior to occupation of Phase 3c) and the Silk Stream Pedestrian Bridge (Delivered as part of Phase 5)
- Highways e.g. road layout, parking, access and junction visibility, Travel Plans, Car Clubs, cycle parking provision and street lighting etc.
- Archaeology [CDB.31], requires the submission of a written scheme of investigation prior to the commencement of any demolition and construction within any phase. This condition has been discharged in relation to earlier phases, and it is not considered that compliance with this condition would be likely to result in any impediment to the implementation of phases 5 & 6.

### **The Section 106 Agreement [CDB.36]**

- 3.13 The Section 106 Agreement [CDB.36] includes requirements concerning financial contribution payments and mitigation measures. To date all payments have been made on the appropriate trigger points specified in the legal agreement. A summary of remaining obligations relevant to the Order Land is provided below. The summary table showing the obligations pursuant to this development, including details of the obligations which have been met in full or part is included as **Appendix 1**.
- 3.14 The Affordable Housing obligation [CDB.36, Schedule B, para 1] requires the provision of no less than 25 per cent (500 units) of the total number of Residential Units to be provided as Affordable Housing Units in accordance with the Affordable Housing Tenure Mix established under the 2013 Permission. The Affordable Housing Tenure Mix relates to the tenure mix for the Affordable Housing Units in that a minimum of 43 per cent (215 units) shall be Social Rented Housing Units with the remainder being Intermediate Housing Units.
- 3.15 The Affordable Housing Review obligation [CDB.36, Schedule B, para 2] requires the Developer, prior to the submission of each RMA for each and any of Phase 4, 5 or 6 (or Sub-Phase as the context shall permit), to provide the Council with an updated financial appraisal and for the Council to confirm to the Developer whether or not it approves the updated



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financial appraisal and the level of additional contributions where identified. In compliance with the above obligation, an updated financial appraisal was submitted to the Council prior to the submission of the Phase 5 and 6 RMAs (REF's: 17/8134/RMA & 17/8150/RMA).

- 3.16 The provisions within the Section 106 Agreement on education [CDB. 36, Schedule C, para 3.1.4] require the Developer, prior to the occupation of any of the Residential Units within Phases 5 & 6, to pay to the Council the Education Contribution for the provision of Education Facilities, the sum of £1,051,534.00 is linked to Phase 5 and the sum of £1,415,254.00 is linked to Phase 6 . The Education Contribution linked to Phases 5 & 6 forms two of six instalments that total £5,286,043 over the life of the Scheme.

**TRANSPORTATION AND HIGHWAY WORKS [CBD. 36, Schedule D]**

- 3.17 The Major Highways Works obligation [CDB. 36, Schedule D, para 1] requires the Developer to submit to the Council for approval with the first RMA for Phase 4, a detailed specification (including scaled plans and drawings) for the Major Highway Works. The Developer is restricted from being able to commence Phase 4 until the detailed specification for the Major Highway Works has been approved by the Council.
- 3.18 In addition, the Developer may not permit occupation of any of the Residential Units within Phase 4 until it has entered into an agreement pursuant to Section 278 of the 1980 Act with the Council for the implementation of the Major Highway Works [CDB. 36, Schedule D, para 2.2].
- 3.19 The provisions within the Section 106 Agreement in relation to Public Transport [CDB. 36, Schedule D, para 6] require the Developer to pay a Bus Service Capacity Contribution of £450,000 prior to occupation of the final Residential Unit in Phase 3c. The Section 106 Agreement prevents the Developer from commencing the Major Highway Works [CDB. 36, Schedule D, para 8] until a Bus Journey Time Assessment has been submitted to and approved by the Council (in consultation with Transport for London). In the event that the Bus Journey Time Assessment shows that an additional bus service is required to maintain reasonable bus journey times, the Developer is required to pay to the Council a Bus Service Impact Contribution of £450,000 prior to the commencement of the Major Highway Works.

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3.20 The clauses relating to the CPZ Contributions [CDB. 36, Schedule D, para 13.3] require the Developer to pay the Council a CPZ Review Contribution of £30,000 prior to occupation of any of the Residential Units within Phase 5 and a further CPZ Review Contribution of £30,000 prior to occupation of any of the Residential Units within Phase 6.

3.21 The Section 106 Agreement also includes a provision relating to Traffic Order and Signage Contributions [CDB. 36, Schedule D, para 18.4] which requires the Developer to pay to the Council a Traffic Order Contribution of £2,500 prior to occupation of any of the Residential Units within Phase 5 and a further contribution of £2,500 prior to occupation of any of the Residential Units within Phase 6.

#### **RECRUITMENT EMPLOYMENT AND TRAINING [CDB. 36, Schedule E]**

3.22 The Section 106 Agreement includes an Employment and Training Contribution obligation [CDB. 36, Schedule E, para 1.3] that requires the Developer to pay the Council an Employment and Training Contribution of £72,673 prior to commencement of Phase 5 and a contribution of £134,963 prior to the commencement of Phase 6. In addition the Developer is required to provide the Council with a forecast of employment and skills requirements for each Phase at least three months prior to commencement of each Phase [CDB. 36, Schedule E, para 3.3].

#### **COMMUNITY CENTRE [CDB. 36, Schedule F]**

3.23 The Developer is required to pay to the Council a New Community Centre Contribution of £1,284,596 within six months after the date of Commencement of Phase 5 for the provision of a new Community Centre [CDB. 36, Schedule F, para 1].

#### **LEISURE AND RECREATION CONTRIBUTION [CDB. 36, Schedule G]**

3.24 The Leisure and Recreation Contribution obligation [CDB. 36, Schedule G, para 1] requires the Developer to pay to the Council the Leisure and Recreation Contribution instalment of £127,380 prior to occupation of 1341 Residential Units and a contribution of £220,020 prior to the occupation of 1742 units within the scheme.

#### **BRIDGES [CDB. 36, Schedule H]**

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- 3.25 The clauses relating to the Cool Oak Lane Pedestrian and Cycle Bridge [CDB. 36, Schedule H, para 1] require that prior to commencement of Phase 3c, the Developer shall submit to the Council the specification for the Pedestrian and Cycle Bridge for its approval.

**TRAVEL PLAN [CDB. 36, Schedule I]**

- 3.26 The Travel Plan Monitoring Contribution obligation [CDB. 36, Schedule I, para 1.1] requires the Developer to pay to the Council the Travel Plan Monitoring Contribution (Index Linked) instalment of £10,000 prior to occupation of any of the Residential Units within Phase 5 and an instalment of £10,000 prior to occupation of any of the Residential Units within Phase 6.
- 3.27 The Travel Plan Incentive Fund obligation [CDB. 36, Schedule I, para 2.1] requires the Developer to, within six months after the date on which each one of the Residential Units are first occupied, provide the occupier of that residential unit with a Travel Voucher to the value of £300.

**SSSI MITIGATION [CBD. 36, Schedule J]**

- 3.28 The SSSI Mitigation obligation [CBD. 36, Schedule J, paragraph 2] requires the Developer to pay to the Council the SSSI Mitigation Contribution instalment of £100,000 prior to occupation of any of the Residential Units within Phase 5 and £100,000 prior to occupation of any of the Residential Units within Phase 5.

**MONITORING CONTRIBUTION [CBD. 36, Schedule K]**

- 3.29 The Monitoring Contribution obligation [CBD. 24, Schedule k, para 1.2] requires the Developer to pay to the Council the Monitoring Contribution instalment of £16,600 prior to commencement of Phase 5 and £31,200 prior to the commencement of Phase 6.

**ASSESSMENT**

- 3.30 To date the Developer has been proactive in engaging Council officers at each stage of the Scheme. Necessary amendments have been secured expeditiously through the appropriate mechanisms, and the Developer has met its obligations within the Section 106 Agreement in line with the relevant triggers.

3.31 Given the successful clearance of past conditions and compliance with the obligations of the Section 106 Agreement, I do not consider that the outstanding matters as identified above are likely to present an impediment to the delivery of the Regeneration Project.

#### 4. ADOPTED PLANNING FRAMEWORK FOR THE AREA

4.1 The strategic planning framework at the time of the preparation of the planning application and the Council's decision in granting planning permission consisted of the following key documents;

- The Development Plan, which included;
  - London Plan 2011
  - London Borough of Barnet Local Plan – Core Strategy 2012
  - London Borough of Barnet Local Plan Development Management Policies 2012
- The National Planning Policy Framework 2012

4.2 The Officer's report to the Council's Planning and Environment Committee, July 2013 (**CDB.34**) provides a comprehensive appraisal of the Scheme against all relevant planning policy at that time.

4.3 Since the granting of planning permission, two documents within the strategic planning framework have been updated. These include:

- Updated London Plan – the London Plan consolidated with alterations since 2011 (2016). The 2016 London Plan (**CDC.06**) (takes into account some minor and further alterations to the 2011 London Plan.
- Revised National Planning Policy Framework February 2019 ("the NPPF") (**CDC.01**).

4.4 In addition there are also updated and new Mayoral Supplementary Planning Guidance notes on Housing (2016) (**CDC.07**) and Affordable Housing & Viability (2017) which provide further guidance on the implementation of the London Plan.

- 4.5 The Mayor of London is also now seeking to update the London Plan. The Mayor published a draft new London Plan for consultation in December 2017 and the consultation period ended on 2 March 2018. The Examination in Public into the draft new London Plan opened on 15 January 2019, with the final hearing taking place on the 22 May 2019.
- 4.6 The strategic planning framework, both that in place at the time of planning consent and the current planning framework, was founded on an appropriate evidence base and have been subjected to consultation.
- 4.7 The following section summarises how the Scheme meets the key planning policy objectives of the current adopted strategic planning framework, setting out how it fits in with the adopted Local Plan, London Plan and the NPPF in accordance with the 2018 Guidance.

### **Principle of the approved development**

- 4.8 The NPPF (**CDC.01**) seeks to ensure that in the pursuit of sustainable development, the three overarching economic, social and environmental objectives are delivered through the implementation of plans and the application of policies (paragraphs 8 and 9). Section 5 of the NPPF seeks to deliver a sufficient supply of homes, significantly boosting the supply of homes and ensuring that land with permission is developed without unnecessary delay. Section 11 of the NPPF seeks to ensure effective use of land including making as much use as possible of previously-developed or 'brownfield' land (paragraph 117).
- 4.9 London Plan policy 2.14 Areas for Regeneration (London Plan 2016) encourages London Boroughs to identify areas for regeneration and sets 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 (**CDC.12**) and associated saved UDP policies (**CDC.11**) 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

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regeneration in the Local Plan Core Strategy (Policies CS1 and CS3) (**CDC.09**).

- 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.

4.10 The Development Plan consists of the London Plan 2016 and the Barnet Local Plan, which incorporates saved UDP Policies for the Brent Cross, Cricklewood and West Hendon Regeneration Area (the Development Framework) (**CDC.11**).

4.11 The UDP Policies were saved by direction of the Secretary of State on 13 May 2009, as a result of the progress that had been made towards their implementation at both the Estate and the wider Brent Cross Cricklewood regeneration area. These policies have provided the policy framework within which the Regeneration Project has been brought forward.

4.12 In recommending the confirmation of CPO1, the First Inspector's Report [**CDA.19**] considered planning policy in respect of development within CPO1, the Scheme generally and the Regeneration Project as a whole. The First Inspector and Secretary of State concluded that the Scheme represents an adherence to the main planning objectives for the area [**CDA.19** IR: 581 and **CDA.20** para 12]. The Second Inspector at IR:387 (**CDA.12**) similarly concluded that the land being acquired fits in with the adopted Local Plan for the area. The Secretary of State agreed with the Second Inspector's findings at DL:7 (**CDA.13**)

4.13 The assessment below considers the compliance of the proposed development within the Order Land, and therefore the on-going implementation of the Regeneration Project, against the Development Plan.

## **HOUSING**

### Amount

4.14 *London Plan (March 2016) Policy 3.14 – Existing Housing* [**CDC.06, p126**] resists the loss of housing, including affordable housing, unless the housing is replaced at existing or higher

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densities with at least equivalent floor space. Supporting text **[CDC.06 p127, para 3.82]** states that in the case of estate renewal, the regeneration benefits to the local community and proportion of affordable housing in the surrounding area should be taken into account and that redevelopment of affordable housing should only be permitted when replaced by better quality accommodation.

- 4.15 Phases 5 & 6 RMA **[CDB 40 &41]** proposes the construction of 732 residential units, consisting of 560 market housing Units and 172 affordable housing units. The affordable housing units comprise 171 (99%) intermediate housing units and 1 (1%) social rented unit. Compliance with London Plan (March 2016) Policy 3.14 **[CDC.06, p126]** is subject to the delivery of Phases 4, 5 and 6 of the Scheme in order to deliver a greater level of Housing than previously provided on the Estate prior to the commencement of the Regeneration Project.
- 4.16 *London Plan (March 2016) Policy 3.3 – Increasing Housing Supply* **[CDC.06, p98]**, confirms that the Mayor recognises the pressing need for more homes in London in order to promote opportunity and provide a real choice for all Londoners in ways that meet their needs at a price they can afford. The Mayor for London will therefore target an annual average of 42,389 net additional homes across London over the period of 2015 to 2025.
- 4.17 *London Plan (March 2016) Policy 3.3* **[CDC.06, p98]** confirms that London Boroughs should seek to achieve and exceed the relevant “minimum” Borough Annual Average Housing Targets. The London Borough of Barnet has a minimum 10 year target of 23,490 homes on an Annual Monitoring Target of 2,349 homes. The target date ends in 2025.
- 4.18 The draft new London Plan (December 2017) will when adopted replace the existing London Plan 2016. The new London Plan sets out mayoral policies for the period 2019-2041, with housing targets set only for the first ten years of the Plan. The revised housing target for Barnet is to provide a revised “minimum” Borough Housing target of 31,340 homes, on an Annual Monitoring Target of 3,134 homes. The target date ends in 2029.
- 4.19 Development within the Order Land as proposed under Phases 5 & 6 of the Scheme will provide additional residential accommodation within the Estate, supporting the achievement of the Mayor's housing targets for London and the Council.

- 4.20 Delivery of Phases 5 & 6 is a necessary step towards the delivery of the Regeneration Project in providing a significant uplift in the number of residential units within the Order Land, alongside significant improvements of the economic, social and environmental wellbeing of the area.
- 4.21 *London Plan (March 2016) Policy 3.4 – Optimising Housing Potential [CDC.06, p100]* stipulates that development should optimise housing output for different types of locations within the relevant density ranges suggested in Table 3.2 of the *London Plan (March 2016)* [CDC.06, p101]. The Phases 5 & 6 RMAs proposes a diversity of housing types and tenures in accordance with the Strategic Housing Mix established under the 2013 Permission.
- 4.22 *Core Strategy Policy CS1: Barnet’s place shaping strategy – protection, enhancement and consolidated growth - the Three Strands Approach [CDC.09, p47]* requires the Council to concentrate and consolidate growth in well located areas that provide opportunities for development, creating a high quality environment that will have positive impacts. Major growth should be located in the most suitable locations to ensure sustainable development. Development must fund infrastructure improvements through Section 106 obligations and other funding mechanisms.
- 4.23 *Core Strategy Policy CS3: Distribution of growth in meeting housing aspirations [CDC.09, p51]* states that on the basis of the Council’s ‘Three Strands Approach’, it is expected that in the range of 24,000 new homes will be provided by 2025/26. The focus for this growth will be on the west side of the borough in the strategically identified North West London – Luton Coordination Corridor. The Estate is identified as a priority housing estate for regeneration that will provide for up to 2,200 new homes.
- 4.24 As a priority housing estate for regeneration, it is a key priority of the Council that Phases 5 and 6 of the Scheme are brought forward in order to successfully deliver the Regeneration Project.
- 4.25 The location of the Estate within the Cricklewood, Brent Cross and West Hendon regeneration area makes it suitable for increased density and building heights, while the emphasis on high quality design results in positive impacts to the Estate itself and to the surrounding area.



### Quality and Choice

- 4.26 *London Plan (March 2016) Policy 3.5 – Quality and Design of Housing Developments* [CDC.06, p102] requires housing development to be of the highest quality internally, externally and in relation to their context and the wider environment. *Table 3.3* of the *London Plan (March 2016)* [CDC.06, p103] establishes minimum space standards for new development with *London Plan (March 2016) Policy 3.8 – Housing Choice* [CDC.06, p108] outlining the strategic objective of ensuring that Londoners have a genuine choice of homes that they can afford and which meet their requirements for different sizes and types of dwelling in the highest quality environments.
- 4.27 *Core Strategy Policy 3.8* [CDC.06, p108] requires that Boroughs ensure new developments offer a range of housing choices, in terms of both the mix of housing size and dwelling type. In accordance with the requirements of *Policy 3.8* [CDC.06, p109], ninety per cent of new dwellings are to be ‘accessible and adaptable dwellings’ with a minimum of ten per cent as ‘wheelchair user dwellings’. More generally, London’s changing urban environment must respond positively to the needs of an ageing population, including the principles for inclusivity and those to develop and extend the lifetime of a home. Compliance with the above requirements are achieved through conditions of approval attached to the 2013 Permission (CDB.37) which are required to be discharged by the Council on a phase by phase basis. The Planning and Development Specification Conformity Statement [CDG.03] submitted with the Phases 5 & 6 RMA applications demonstrates the manner in which the proposed development within the Order Land is consistent with the Development Plan.
- 4.28 *Core Strategy Policy CS4: Providing quality homes and Housing choice in Barnet* [CDC.09, p58] aims to create successful communities by ensuring a mix of housing products in the affordable and market sectors to provide choice for all households and enable Barnet residents to progress on a housing journey that can meet the aspirations of home ownership. *Policy CS4* [CDC.09, p58] seeks the delivery of 5,500 new affordable homes by 2025/26 with a Borough wide target of 40% Affordable Housing Units on sites capable of accommodating 10 or more dwellings, subject to viability. The affordable housing tenure mix is 60% Social Rented Units and 40% Intermediate Housing Units.

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- 4.29 The minimum level of Affordable Housing Units to be delivered across the Scheme, as established through a viability assessment undertaken as part of the 2013 Permission, is 25% of the total Residential Units being provided. A viability review mechanism is attached to the Section 106 Agreement to secure an increase in the number of Affordable Housing Units being provided by the Scheme in the event of economic improvements.
- 4.30 The earlier phases in the Scheme (Phase 3a,3b,3c and 4) will provide a total of 384 affordable housing units, comprising 165 (43%) intermediate housing units and 219 (57%) Social Rented Units in response to the decant needs of earlier phases.
- 4.31 The Phase 5 & 6 residential units coming forward as part of the Order Land development will include 172 affordable housing units, comprising 171 (99%) intermediate housing units and 1 (1%) social rented unit. The provision of predominantly intermediate affordable housing in these phases is due to the requirement to provide a greater number of social rented units in the earlier phases.
- 4.32 Phase 5 & 6 residential units comprise predominantly apartments With some town houses. At its highest point these buildings will reach 29 stories in height with other buildings and blocks between 3 and 6 or 7 and 9 stories. The new Residential Units will provide a mix of accommodation including 1, 2, 3 and 4 bedroom units.
- 4.33 Phase 5 & 6 residential units will provide an appropriate mix of dwelling types, sizes and tenures and include a range of measures to ensure that the Scheme will provide an inclusive environment for all members of the community. All residential units are proposed to be constructed to provide adaptable and accessible dwellings, able to accommodate a greater range of occupants and capable of meeting changing needs and lifestyles.
- 4.34 *Core Strategy Policy CS5: Protecting and enhancing Barnet's character to create high quality places* [CDC.09, p69] states that the Council will ensure that development in Barnet respects local context and distinctive local character, creating places and buildings with high quality design.
- 4.35 Developments should:
- Address the principles, aims and objectives set out in the relevant national
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guidance.

- Be safe, attractive and fully accessible.
- Provide vibrant, attractive and accessible public spaces.
- Respect and enhance the distinctive natural landscapes of Barnet.
- Protect and enhance the gardens of residential properties.
- Protect important local views.
- Protect and enhance the boroughs high quality suburbs and historic areas and heritage.
- Maximise the opportunity for community diversity, inclusion and cohesion.
- Contribute to people's sense of place, safety and security.

4.36 Development within the Order Land will facilitate the on-going implementation of the Regeneration Project in facilitating the replacement of a largely flatted, time-expired 1960s social estate.

4.37 Development within the Order Land takes suitable account of its context, the character of the area, relationship with the Welsh Harp SSSI and of neighbouring buildings and public spaces. The proposed Residential Units as part of Phases 5 & 6 are of a sufficiently high quality internally, externally and in relation to their immediate context and the wider environment.

4.38 Design Guidelines [**CDB.06**] established under the 2013 Permission (**CDB.37**), the use of a Design Review Panel assessment along with material and detail submission requirements, all secured by conditions of the 2013 Permission required to be discharged on a phase by phase basis, ensure a consistently high quality of design and standard of material as the Scheme is progressively delivered.

#### **OPEN SPACE**

4.39 *Core Strategy Policy CS7: Enhancing and protecting Barnet's open spaces* [**CDC.09 p89**] seeks to create a greener Barnet by:

- Meeting increased demand for access to open space and opportunities for physical activity.
- Improving access to open space in areas of public open space deficiency.

- Securing improvements to open spaces including provision for children's play sports facilities and better access arrangements, where opportunities arise.
- Maintaining and improving greening by protecting incidental spaces, trees, hedgerows and watercourses.
- Protecting existing site ecology and ensuring development makes the fullest contributions enhancing biodiversity.
- Enhancing local food production

4.40 The MasterPlan [Book of Plans – Plan No. 10] underpinning the Regeneration Project is structured around an integrated network of public, private and semi-private open spaces, each with a distinct character that relates to the site specific context of the Estate. Completion of earlier phases (Phase 3b and 3c) have delivered a new green corridor, known as Broadway Place and the Green, which has created a new pedestrian route to the Welsh Harp SSSI from the Broadway. The provision of a new pedestrian route was a fundamental component of the MasterPlan and has increased opportunities for access to York Park which was reconfigured as part of Phase 3a. York Park provides a linear based open space that is located along the water's edge of the Welsh Harp SSSI serving as a natural interface with the Regeneration Project.

4.41 Development of Phases 5 & 6 will define and complete the new pedestrian route to the Welsh Harp SSSI and reinforce a key concept of the MasterPlan underpinning the Regeneration Project. That is, to transform the journey from Hendon Station to the amenities of the Welsh Harp SSSI and its environs via a safe, accessible and visually interesting route.

4.42 In addition the Cool Oak Lane Pedestrian and Cycle Bridge will improve accessibility to existing areas of open space, sport and recreation provision around the Welsh Harp.

4.43 Phases 5 & 6 will build on these benefits by providing the new Silk Stream Bridge, which will link the Estate to the open space and playing fields to the west of the Welsh Harp and will enable the provision of a new two-form entry school and the provision of new public realm.

4.44 The Regeneration Project will deliver an overall increase in the quantity and quality of on-site amenity space, and significant improvements to the quality of existing public open spaces

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that will make them more sustainable and accessible than at present, including the reconfiguration of York Park and a green corridor from the Broadway to the Welsh Harp SSSI.

## **BIODIVERSITY**

4.45 *London Plan (March 2016) Policy 7.19 – Biodiversity and Access to Nature [CDC.06, p316]* confirms that where possible, development proposals should make a positive contribution to the protection, enhancement, creation and management of biodiversity with development proposals giving the highest protection to sites such as the Welsh Harp SSSI. When considering proposals that would affect directly, indirectly or cumulatively a site of recognised nature conservation interest the following hierarchy will apply:

- Avoid adverse impact to the biodiversity interest;
- Minimise impact and seek mitigation;
- Only in exceptional cases where the benefits of the proposal clearly outweigh the biodiversity impacts, seek appropriate compensation.
- Measures to protect and enhance the special interest of the Welsh Harp SSSI and integrate it with the development and associated open spaces;

4.46 Protection measures for the Welsh Harp SSSI are set out in the Environmental Statement **(CDB.24)** and are controlled through an Ecological Management Plan **(CDB.27)** which is reviewed and updated where required on a phase by phase basis and secured by condition. The interface of the Welsh Harp SSSI and newly provided York Park, through new landscaping and public open space, provides ecological improvements to the environment.

4.47 Obligations secured through the Section 106 Agreement fund a Welsh Harp SSSI Warden Officer to facilitate monitoring, mitigation and enhancement measures for the Welsh Harp SSSI. Initial contributions have been paid as various triggers of the Section 106 Agreement have been reached. The roles and responsibilities for the post have been developed in consultation with the London Wildlife Trust, which is the host organisation for the Warden Officer, who was appointed in June 2016.

## **CLIMATE CHANGE / NATURAL RESOURCES**

- 4.48 *London Plan (March 2016) Policy 5.2 – Minimising Carbon Dioxide Emissions [CDC.06, p180]* requires development to follow the energy hierarchy: Being Lean, Being Clean and Being Green. Major developments are required to meet targets for sustainable design and in achieving minimum improvements of carbon dioxide emission reductions. The Energy Strategy for the Scheme has been developed to meet the requirements of the Development Plan.
- 4.49 *London Plan (March 2016) Policy 5.6 – Decentralised Energy in Development Proposals [CDC.06, p148]* confirms that development proposals should evaluate the feasibility of Combined Heat and Power (CHP) Systems. *London Plan (March 2016) Policy 5.7 – Renewable Energy [CDC.06, p148]* confirms that major development proposals should provide a reduction in expected carbon dioxide emissions through the use of on-site renewable energy generation where feasible.
- 4.50 The Energy Statement **[CBD.20]** established under the 2013 Permission was founded on three principles: install systems and fabric that ensures energy efficiency and conservation in operation; supply heating and hot water via a community network supplied from an Energy Centre that incorporates combined heating and power and includes photovoltaic arrays on available roof spaces. Energy efficiency of the Scheme is based on a space heating and hot water supply provided via a district heating network linked to an Energy Centre located in the basement of Block E2, which was constructed as part of Phase 3a. The Energy Centre uses a combination of gas CHP and gas fired boilers to deliver low carbon heat and hot water for residents in accordance with the requirements of the Energy Statement **[CBD.20]** established under the 2013 Permission.
- 4.51 *Core Strategy Policy CS13: Ensuring the efficient use of natural resources [CDC.09, p126]* states that the Council will:
- Seek to minimise Barnet’s contribution to climate change and ensure that the borough develops in a way which respects environmental limits and improves quality of life.
  - Promote the highest environmental standards for development to mitigate and adapt to the effects of climate change.

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- Expect development to be energy efficient and seek to minimise any wasted heat or power.
  - Expect developments to comply with London Plan Policy 5.2.
  - Maximise opportunities for implementing new district wide networks supplied by decentralised energy.
  - Make Barnet a water efficient borough, minimise the potential for fluvial and surface flooding and ensure developments do not harm the water environment, water quality and drainage systems.
  - Seek to improve air and noise quality

4.52 The 2013 Permission (**CDB.37**) requires all residential units to be constructed to an acceptable level of sustainable design and construction. All residential units delivered as part of the Scheme are required to be certified as Code for Sustainable Homes Level 4, which entails the achievement of a 25 per cent reduction in carbon emissions beyond 2010 Building Regulations Part L standards. It is noted that Code for Sustainable Homes was withdrawn in April 2015 and as such the condition of approval attached to the 2013 Permission represents a legacy case that remains valid for Phases 5 and 6 of the Scheme.

4.53 A Surface Water Management Scheme is in place and secured by condition of the 2013 Permission to ensure that the drainage provided as part of the development meets policy requirements. Thames Water has confirmed that there is adequate waste water infrastructure to accommodate delivery of the Scheme. The design approach employed in development of the Scheme minimises the use of mains water in order to ensure its conservation.

4.54 An assessment of air quality impacts associated with the Scheme was undertaken as part of the 2013 Permission (**CDB.37**). This assessment accounted for emissions from the Energy Centre and also traffic emissions from roads adjacent to the development. Air quality predictions were assessed against national air quality objectives so that mitigation measures could be developed in areas of poor air quality. Air quality is predicted to meet national objectives across the majority of the Scheme however in certain locations suitable and appropriate mitigation measures are required for the properties adjacent to the Broadway.

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These measures include the installation of mechanical ventilation, which draws in cleaner air, and the introduction of winter gardens rather than balconies in order to minimise exposure.

- 4.55 Conditions associated with air quality assessment, extraction and ventilation equipment, and also impacts associated with construction, are all attached to the 2013 Permission and are required to be discharged by the Council on a phase by phase basis. The on-going monitoring and assessment of air quality ensures compliance with the Development Plan and national air quality objectives.

#### **LOCAL TOWN CENTRE IMPROVEMENTS AND EMPLOYMENT**

- 4.56 *London Plan (March 2016) Policy 4.8 – Supporting a successful and diverse retail sector [CDC.06, p164]* requires development to support local retail areas.
- 4.57 *Core Strategy Policy CS6: Promoting Barnet's town centres [CDC.06, p79]* seeks to pursue opportunities for town centre enhancement at smaller centres such as the West Hendon Local Centre which have been highlighted for action.
- 4.58 The delivery of Phase 3b and 3c has provided 1,230 square metres of commercial floor space located on the Broadway and in Broadway Place. This new commercial floor space is catering for small retail units, convenience stores, restaurants and cafes and, once fully let, will significantly improve the retail offering of the West Hendon Local Centre consistent with the Retail Impact Assessment [CBD.11] undertaken as part of the 2013 Permission. The creation of a pedestrian route through the creation of Broadway Place, The Green and linking to the newly provided York Park is delivering significant public realm improvements for the Estate. The provision of additional commercial floor space in conjunction with the additional residents that will be living on the Estate will assist in supporting the local commercial activities of the West Hendon Local Centre.
- 4.59 *Core Strategy Policy CS8: Promoting a strong and prosperous Barnet [CDC.09, p95]* expects major developments to provide financial contributions and to deliver employment and training initiatives.



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4.60 Section 106 Agreement obligations include the provision of £207636 towards Employment and Education initiatives within Phases 5 & 6 of the Scheme consistent with the requirements of *Core Strategy Policy CS15: Delivering the Core Strategy* [CDC.03, p132].

## **TRANSPORT**

4.61 *Core Strategy Policy CS9: Providing safe, efficient and effective travel* [CDC.09, p106] requires that developments should provide and allow for safe effective and efficient travel and include measures to make more efficient use of the local road network. It states that major development proposals should incorporate transport assessments, travel plans, delivery and servicing plans and mitigation measures and ensure that adequate capacity and high quality safe transport facilities are delivered in line with demand. Policy CS9 requires the Council to support more environmentally friendly transport networks, including the use of low emission vehicles (including electric cars), encouraging mixed use development and seeking to make cycling and walking more attractive for leisure, health and short trips.

4.62 The Transport Assessment [CDB.17] undertaken as part of the 2013 Permission and subsequent reserved matters applications has assessed the impact of the Scheme over an appropriate area of influence. It concludes that the net impact of the Scheme, taking account of the mitigation measures proposed and the Scheme's impact on the neighbouring highway network, will be negligible.

4.63 The design of the Scheme is considered to take full account of the safety of all road users, includes appropriate access arrangements and would not unacceptably increase conflicting movements on the road network or increase the risk to vulnerable road users.

4.64 Controls have been recommended to ensure that the use of a range of modes of transport is encouraged. These include a residential travel plan seeking to encourage appropriate proportions of journeys by non-car modes of transport (under the obligations of the Section 106 Agreement and conditions of the 2013 Permission).

4.65 Officers consider that the development of Phases 5 & 6, and the Scheme broadly, proposes suitable access arrangements and an appropriate quality of pedestrian environment.

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Development within the Order Land will deliver a high quality, accessible environment for pedestrians, cyclists and vehicles.

## **SOCIAL INFRASTRUCTURE**

- 4.66 *Core Strategy Policy CS10: Enabling inclusive and integrated community facilities and uses* **[CDC.06, p112]** states that the Council will ensure that community facilities are provided for Barnet's communities and expects that development which increases the demand for community facilities and services to make appropriate contributions towards new and accessible facilities.
- 4.67 The obligations within the Section 106 Agreement have been included to ensure that the resulting Child Yield associated with delivery of the Scheme is able to be accommodated within the local school network. Education obligations include the construction of a New School **[CDB.36, Schedule C, para 2]** and an Education Contribution totalling £5,286,043 comprised of six instalments that must be paid to the Council prior to the occupation of any of the Residential Units within each respective phase of the Scheme. This provision is made, together with interim solutions that enable sufficient education and community facilities during the construction phase of the Scheme. This is in addition to new play and recreation facilities, public open space and pedestrian and cycle facilities.

## **HEALTH AND WELLBEING**

- 4.68 *Core Strategy Policy CS11: Improving health and wellbeing in Barnet* **[CDC.09 p118]** seeks to improve health and wellbeing in Barnet through a range of measures including supporting healthier neighbourhoods, ensuring increased access to green spaces and improving opportunities for higher levels of physical activity.
- 4.69 Development within the Order Land will facilitate the on-going implementation of the Regeneration Project ultimately resulting in the demolition of existing sub-standard residential dwellings and their re-provision with high quality development equipped with access to private and semi-private amenity space and good quality, safe and useable public open space. The improvements proposed through the quality of building design and

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construction and the environment and public realm will make a significant contribution towards improving health and wellbeing.

4.70 The Masterplan [**Book of Plans –Plan No. 10 and CDB.04, p36**] underpinning the Regeneration Project is based on a structured framework of public spaces to create publicly accessible corridors of open space that will support pedestrian movement and improve connectivity to the Welsh Harp SSSI. In addition to the construction of the new Pedestrian and Cycle Bridge adjacent the Cool Oak Lane Bridge, an additional dedicated pedestrian and cycle bridge (Silk Stream Pedestrian and Cycle Bridge) linking the Estate with the West Hendon Playing Fields will be delivered as part of Phase 5 as secured under the Section 106 Agreement [**CDB.36**].

#### **DELIVERING THE CORE STRATEGY**

4.71 *Core Strategy Policy CS15: Delivering the Core Strategy* [**CDC.03, p132**] states that the Council will work with partners to deliver the vision, objectives and policies of the Core Strategy, including working with developers and using planning obligations (and other funding mechanism where appropriate) to support the delivery of infrastructure, facilities and services to meet needs generated by development and mitigate the impact of development.

4.72 Planning obligations secure appropriate contributions for the provision of local infrastructure within the Order Land. Partnership working with the Developer is providing the mechanism in which to realise the delivery of the Regeneration Project.

4.73 The Development Framework outlines that that the Estate will provide up to 2,000 units and that the existing affordable housing must be replaced with an equivalent amount. The Development Framework recognises that to do this, the density will need to be increased having regard to the sensitivity of the site being adjacent to the Welsh Harp Reservoir SSSI.

4.74 The following specific objectives are also contained within the SPG [**CDC.12**]:

- An existing SSSI that will require a management plan to be formulated as part of any proposals for redevelopment at West Hendon to protect the natural character and encourage bio-diversity. It is important that human disturbance of natural habitats is minimised, but education and enjoyment of this unique resource is stimulated.

- A new and remodelled open space to form a buffer between a redeveloped West Hendon Estate and the Welsh Harp Reservoir.
- A new Square at the heart of the revitalised West Hendon local centre.
- Capacity restraints will be relieved in West Hendon town centre through the widening of the A5 and junction improvements.
- A new residential quarter will be created around the Welsh Harp Reservoir. There will be improved access for pedestrians and cyclists between the new local centre, the new homes, the Welsh Harp and Hendon Station.

4.75 Saved UDP Policy C1 (A) [CDC.11] details site allocations for the Estate, identifying the requirements for the mixed use regeneration as follows:

- High quality design, high density housing, a mix of unit sizes and affordability. Lifetime homes, and wheel chair accessibility
- A new local centre to include a mix of uses
- Protection of the Welsh Harp SSSI and its integration with the development and open space.
- Increased capacity on the A5 to assist buses
- Improvement of transport links to and facilities at Hendon Railway Station.

4.76 The Scheme will provide high quality, high density housing and provide additional affordable housing than what previously existed on the Estate. Prior to commencement of the Scheme, the Estate provided a total of 453 Affordable Housing Units (All Social Rented Housing Units) and 144 Market Housing Units. Delivery of the Scheme will provide a minimum of 500 Affordable Housing Units in a mix of 1, 2, 3 and 4 bedroom dwellings.

4.77 The Scheme will deliver an improved retail offer through the creation of ground floor retail uses surrounding the newly created Broadway Place and leading down towards the Welsh Harp SSSI formed between blocks H3/4 and G4 with new purpose built Residential Units. In addition the new homes will generate additional spending demand to support the West

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Hendon Local Centre as evidenced by the Retail Impact Assessment [CDB.11] undertaken as part of the 2013 Permission 9 CDB.37).

- 4.78 The creation of Broadway Place has improved access to the West Hendon Local Centre for occupiers of the new Residential Units whilst also improving access to the Welsh Harp SSSI for residents of the surrounding area. This will enhance the public realm offering of the West Hendon Local Centre and also support local retail through increased footfall associated with the new residential units.
- 4.79 A comprehensive strategy and associated measures to ensure the protection of the Welsh Harp SSSI were established under the 2013 Permission through the Environmental Statement [CDB.24] and ultimately the development of an Ecological Management Plan (EMP) [CDB.27]. The EMP ensures that development of the Scheme does not prejudice the adjacent Welsh Harp SSSI and that onsite ecological features are protected, enhanced, created and managed in accordance with the Development Plan. The EMP is a live document and is required to be re-submitted on a phase by phase basis, secured by a condition of the 2013 Permission (CDB,37) and discharged in consultation with Natural England.
- 4.80 A condition is imposed requiring reserved matters applications to be in accordance with the Design Guidelines submitted as part of the application and revised following review by Council officers. This ensures design quality consistency across all phases of the Scheme.
- 4.81 The principles set out in the Local Development Framework will be followed through in the Order Land Development.
- 4.82 **SUMMARY**
- 4.83 Delivery of the Regeneration Project will constitute a sustainable form of development in terms of its carbon reducing energy strategy, residential mix, quality improvements to existing housing and increase in residential unit numbers to meet London and Barnet's housing targets, provision of new or improved open space and improvements to offsite leisure facilities whilst providing increased accessibility through the delivery of the Pedestrian and Cycle Bridge.

4.84 The benefits of the Scheme were reiterated with the concluding remarks (**CDA.20, para 27**) of the Secretary of State in respect of CPO1: the “*redevelopment and regeneration of the area, would have positive effects on the economic, social and environmental wellbeing of the area*”. Development of the Order Land is in accordance with the principles of the Council’s Adopted Planning Framework and will constitute a significant element and the next step in achieving the Regeneration Project.

## **5. ANY OTHER PLANNING IMPEDIMENTS**

5.1 A number of stopping up orders are required as part of Phase 5 & 6. I do not consider there to be any likely impediments that would have the potential to prevent these from being confirmed.

## **6. OBJECTIONS TO THE SCHEME**

6.1 The Secretary of State has received three objections against the confirmation of the Orders (CDD.01). My response to the grounds raised which are relevant to my evidence is as follows:

### **Objection 2 – Patricia Cooke (plot 29)**

6.2 Ms Cooke submitted an objection dated 18 December 2018 setting out a number of grounds as below.

#### **Concerns over transport capacity**

6.3 Ms Cooke raises concerns over capacity at Hendon Station for the new and the increased traffic on the A5.

6.4 The impacts of the Scheme on highways and public transport capacity were rigorously assessed during the planning application process. Under the S106 Agreement the Developer is required to make financial contributions towards a Travel Plan Incentives Fund, improving Bus Service Capacity, and the review of and amendments to controlled parking zones.

- 6.5 The Scheme includes new infrastructure through delivery of highway improvements to West Hendon Broadway and Station Road together with new and improved public realm and pedestrian links. These improvements will be of benefit not only to the Scheme but also to the wider area.
- 6.6 I am satisfied that the Scheme will not have a detrimental effect on the transport capacity in the area.

### **Objection 3 Canal & River Trust – Plots (2,3,4,5 and 89)**

- 6.7 Canal & River Trust (CRT) submitted an objection to the Order dated 14 March 2019. CRT is the freeholder of plots 89 adjacent to Cool Oak Lane Bridge and plots 2, 3, 4 and 5 at the northern end of the reservoir adjacent to Silk Stream. They identify a number of bases of objection and these are set out and responded to below.
- 6.8 In addition, in their letter dated 14 March 2019, CRT also makes representations in respect of the rights to be acquired over plot 3, which they consider to be open space.

#### **Ecological Statement**

- 6.9 Within their objection, CRT raises concerns over the impact of the proposed bridge on the SSSI, and requests confirmation that the provisions of the Ecological Statement will be completed. I assume this relates to the Ecological Assessment Report submitted with the Reserved Matters Application for the Silk Stream Bridge.
- 6.10 All required mitigation measures identified within the planning process, including those arising from discussions with Natural England, who the Council have engaged with throughout the planning application process, will be completed. Section 1.3.2 of the Ecological Management Plan (**CDB.27**) provides a commitment to review the plan on an annual basis to ensure the plan is updated and adapted to reflect changes to the use of the site. The document has been reviewed several times and the current version is dated December 2017.

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- 6.11 As each sub-phase of the Scheme has progressed, a compliance audit has been undertaken to ensure the measures set out in the Ecological Management Plan (**CDB.27**) are delivered and/or being undertaken. This audit has been recorded in a Compliance Checklist which has been submitted to the Council to confirm the commitments made to ecological protection and management will be delivered.
- 6.12 Condition 44 of the hybrid consent anticipates that each Reserved Matters application provides details of bird and bat bricks/boxes to be delivered as part of the Scheme. Section 3.1.25 of the Ecological Management Plan (**CDB.27**) sets out details of the roost and nesting features likely to be suitable in each phase of the development. For the most part this obligation relates to the inclusion of relevant features within the new built West Hendon Estate as opposed to the woodland.
- 6.13 The Ecological Management Plan (**CDB.27**) creates no obligation to install features for roosting bats or nesting birds in the woodland around the Silk Stream Bridge. However, the Developer has decided to provide features suitable for the species of woodland birds and bats known to be present in the area post-construction of the bridge. The Ecological Assessment Report that forms part of the Reserved Matters application for the Silk Stream Bridge specifies that the woodland will be re-assessed once construction is complete to provide a management specification that will deliver a range of biodiversity enhancements. These can be expected to include appropriate nest and bat boxes.
- 6.14 The bridge design will be lit to the relevant amenity class safety standards as required by the local authority whilst at the same time meeting the ecological requirements for the SSSI by limiting light spill on the water. The lighting will only operate between dawn and dusk when there is poor light and the bridge is being crossed and will automatically adjust for the daily variation in sunset and sunrise times. A light spill of a maximum of 0.5lx on to the SSSI is considered acceptable.
- 6.15 The First Inspector set out her conclusions in respect of these issues raised at the inquiry for CPO1 at IR:625 and IR:626 (**CDA.19**). She found that (i) impacts on the Welsh Harp SSSI had been found acceptable through the planning application process, (ii) there was no substantiated evidence of harm to the SSSI, so no reason to conclude that CPO1 would harm



the environmental well-being of the area in that regard, and (iii) avoiding harm to protected wildlife is controlled by the Wildlife and Countryside Act 1981 so was not a matter for the CPO process. The Second Inspector at IR:394 (**CDA.12**) agreed with the findings of the First Inspector.

#### S106 Agreement

- 6.16 The objection queries why CRT was not a signatory to the s.106 agreement related to the Scheme, as the plan attached to the s.106 includes land owned by CRT, and also asks how it can access funds identified within the s.106 agreement for SSSI mitigation.
- 6.17 CRT was not a signatory to the s.106 agreement as it was not necessary for them to be signatories as they were not responsible for any part of the development Scheme. The funds identified within the s.106 agreement for SSSI mitigation will be used by the Council for this purpose, and the works will be delivered by the Council's selected partner, London Wildlife Trust.
- 6.18 I do not in any case consider either of these matters relevant to the confirmation of the Order.

#### Landscape Management Plan

- 6.19 Within its objection letter, CRT raises concerns about the implementation and scope of the Landscape Management Plan (**CDB.29**). I assume this is the Landscape Management Plan within the planning application (**CDB.29**). CRT has been made aware of the area which is covered by the Landscape Management Plan, and the Council is happy to share the details of how the plan that relates to the land owned by CRT will be implemented.
- 6.20 I have considered the grounds of objection made by CRT which fall within the scope of my evidence. As the planning officer responsible, I consider that the planning permission conditions allow the Council as a planning authority to monitor the implementation of the scheme in respect of ecology, landscape and the s.106 agreement and ensure compliance.

## **7. CONCLUSION**

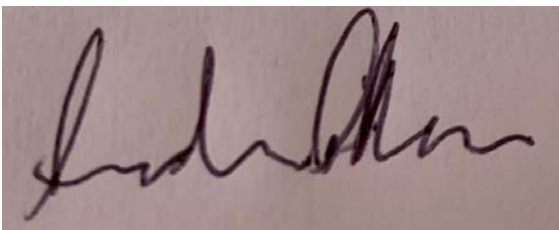
7.1 The redevelopment of the Order Land is the next step in delivering the Regeneration Project which remains a key objective of the Council.

7.2 The Proposals for redevelopment of the Order Land are considered to be compliant with the Adopted Policy Framework for the area and are not subject to any Planning impediments. They will significantly improve the economic, social and environmental wellbeing of the area and will contribute to the greater benefits that will be secured through completion of the Regeneration Project.

7.3 A Compulsory Purchase Order is necessary to enable delivery of Phases 5 & 6. Without completion of these phases, the regeneration of the Estate that has occurred to date will remain as isolated pockets of redevelopment within a time expired 1960's social housing estate. The delivery of the final phases will unlock the potential not only of the immediate estate but also of the wider area of West Hendon area to become more sustainable, economically self-sufficient and environmentally improved.

## **8. DECLARATION**

I believe that the facts stated in this proof of evidence are true.

A photograph of a handwritten signature in dark ink on a light-colored surface. The signature is cursive and appears to read 'Andrew Dillon'.

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Mr Andrew Dillon      dated 8<sup>th</sup> July 2019