

DP4301/CDT/AMM

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Infrastructure Planning
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Dear Sir/Madam

**LONDON BOROUGH OF BARNET
COMMUNITY INFRASTRUCTURE LEVY RATE REVIEW CONSULTATION
REPRESENTATION BY BRENT CROSS SOUTH LIMITED PARTNERSHIP**

Background

This note has been prepared on behalf of Brent Cross South Limited Partnership (“BXS LP”) in response to the London Borough of Barnet’s (“LBB”) consultation on a revised Community Infrastructure Levy charging schedule and accompanying documentation, including the Infrastructure Delivery Plan, Infrastructure Funding Statement, and Viability Reviews.

BXS LP is bringing forward the comprehensive development of the southern element (referred to here as ‘Brent Cross South’) of the Brent Cross Growth Area as identified and allocated within the Draft Local Plan pursuant to an outline planning permission (ref. F/04687/13) for Brent Cross Cricklewood (‘BXC’).

BXS LP welcomes the opportunity to comment on the Draft Charging Schedule and supporting documentation as a key stakeholder within the Borough and, given the importance of Brent Cross South to delivering key infrastructure priorities would welcome engagement with the Council to discuss these representations.

Representations

The BXC redevelopment is a significant and strategic project in the Borough. The extant planning permission establishes the phased comprehensive redevelopment of the Brent Cross Cricklewood Regeneration Area for a sustainable new mixed-use town centre north and south of the A406 which is to include residential, commercial and retail uses. The southern element of BXC, referred to as Brent Cross South (BXS) and will comprise up to 6,700 new homes, office floorspace and local retail and leisure as well as replacement schools and new and improved open spaces. The approved development provides for improvements to the highway network and new infrastructure, and the BXC site includes parts of the Transport for London Road Network, including the North Circular Road (A406) junctions with the M1 and A5 and at Hendon Way (A41).



The outline planning permission for the BXC development was originally granted in 2010 and was subsequently amended under S73 of the TCPA (1990) (as amended) in 2014 (“the S73 Permission”). Since the grant of the S73 Permission, significant progress has been made towards the delivery of the BXC development, with approval for detailed design having been secured by BXS LP for Phase 1A (South), Phase 1B (South), Phase 1C and elements of Phase 2 (South) within Brent Cross South. Given the date of the original permission it is not liable for Mayoral or LB Barnet CIL, however, the S73 Permission is subject to significant S106 commitments and infrastructure funding requirements, including within Brent Cross South, replacement schools, homes and new and improved public realm and open spaces.

The delivery of the BXC development will span several years and although flexibility is built in to the S73 Permission to allow the RMA process to define the final form of development, it is possible that certain elements of the S73 Permission could require amendment in the future. If the wider development, or parts of it, do incur a CIL liability in due course as a result of pursuing amendments then the additional liability coupled with the existing S106 requirements would put pressure on the development’s delivery.

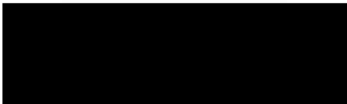
Given the strategic nature of the development and the reach of its infrastructure improvements, which will serve more than just BXC development itself, it is important that LBB’s CIL regime allows for the potential to draw on CIL to fund strategic infrastructure. As drafted, the Infrastructure List within Infrastructure Funding Statement does not anticipate any funding of BXC related infrastructure. We would suggest therefore that “Brent Cross Cricklewood Highways and Transport” is added to the list (in keeping with the approach for “Colindale Highways and Transport”).

The consultation material does not address LBB’s position on Infrastructure Payments, Payments in Kind, and Exceptional Circumstances Relief. We are aware of LBB’s May 2013 statement which makes Exceptional Circumstances Relief available within the Borough and request confirmation that this would remain in force. We would also encourage LBB to make Infrastructure Payments available in accordance with Regulation 74 of the CIL Regulations to facilitate the delivery of strategic infrastructure.

Given the special circumstances which affect development at BXS, BXS LP proposes that further discussions are held between LBB officers and the developer to put in place a Statement of Common Ground ahead of the Examination in Public to set out matters of agreement relevant to the funding of infrastructure at BXC. This could set out an agreed approach to identifying relevant infrastructure and how Infrastructure Payments could apply to these, how these are captured in any revisions to the S106 agreement, and potential flexibility in the instalments policy for strategic development.

We would welcome the opportunity to discuss these representations with you. If you require any additional information or clarification on the above, please do not hesitate to contact Craig Tabb or Alexandra Milne of this office.

Yours faithfully



DP9 Ltd on behalf of BXS LP