

## **Non-Technical Summary to Statement of Case**

On Behalf of:  
**Bestway Holdings Ltd**  
(Representation No. 563)

In Relation to:

**Barnet LDF:**  
**Core Strategy and Development Management Policies DPD**

**Matter 1: 'Spatial Strategy/Vision and Sustainability'**

**Matter 9: 'Brent Cross Cricklewood'**

**To be Held on Tuesday 6<sup>th</sup> December and Thursday 8<sup>th</sup> December 2011**

12 November 2011

**Contour Planning Services Ltd**  
Weltech Centre Ridgeway  
Welwyn Garden City  
Herts AL7 2AA

## 1.0 BACKGROUND

- 1.1 Bestway operates a successful cash and carry business from its freehold owned site at the corner of Edgware Road and Geron Way in Cricklewood. The 1.64 hectare site was acquired by Bestway in 1984 and is its third most successful store in the UK, dealing with around 4,000 shops locally and providing around 100 local jobs. This site makes a significant contribution to the overall Cash and Carry group wide business in terms of achieving incrementally stepped retrospective annual bulk discounts from suppliers.
- 1.2 Bestway was therefore alarmed to learn in 2004 that its Cricklewood site was not only included within the Cricklewood, Brent Cross and West Hendon Regeneration Area but it was also identified for redevelopment with a Waste Handling Facility. Bestway was not aware of these changes as it had not been involved in the consultation process, and was therefore not informed directly of the change to the Regeneration Area boundary or the proposed allocation. Indeed, at no stage during the Council's work on the UDP or Regeneration Area Development Framework ['RADF'] did the Brent Cross Cricklewood Development Partners ['BXCDP'] or the Council enquire whether Bestway would be prepared to sell its interest in the site. Had such enquiries been made at an early stage, the Council and BXCDP would have received the same message that they are now receiving from Bestway (and have done for the last five years). Namely that the Bestway site is an extremely profitable location for Bestway's Cash and Carry operation and the Company has no intention of selling the site.
- 1.3 Bestway is not against the regeneration of the BXC area as a whole. However, the Company is completely opposed to the potential loss of its site to a waste handling facility, which it considers to be completely unjustified, particularly given the lack of any assessment of alternative sites.

## 2.0 NON-TECHNICAL SUMMARY OF BESTWAY'S POSITION

### **Bestway's Response to 'Matter 1 - Spatial Strategy/ Vision and Sustainability**

- The attempt to link the Core Strategy to the UDP (and its supporting SPG – the Development Framework) is **unsound**.
- The UDP/SPG are **not part of the approved LDS and will carry no weight** when the LDF is approved.
- The Council has confirmed its UDP policies (relating to the BXC Opportunity Area) include **errors and flaws**.
- The Council has confirmed that reference to the proposed BXC waste facility in the UDP and supporting SPG (RADF) is **not based on any assessments and empirical evidence**

undertaken by the Council. Instead, the identification of the waste site was based on the developer's requirements.

- The Council's suggestion that, at some future date, it may prepare a new DPD or SPD is **inadequate**. Such vague/loose details are inappropriate for inclusion in the CS.
- The LDS **needs** updating to make reference to future policies for the BXC area and the mechanism for delivering these.
- An SPD is **not the appropriate document** to set future policies against which BXC developments will be assessed.
- Will the Secretary of State permit the **continued re-saving** of the UDP policies?
- The proposed **BXC waste site is too small** and does not meet the London Plan's requirement for compensatory replacement of existing waste facilities being lost through redevelopment.
- By not updating the BXC policies (or evidence base), the CS/LDF is **contrary to the adopted London Plan** since it lacks detailed policies and proposals.

#### **Bestway's Response to 'Matter 9 - Brent Cross Cricklewood'**

- The non-statutory Regeneration Area Development Framework (SPG) was **not designed to set future planning policies**.
- The correct document for consideration of waste issues is the NLWP. Any attempt to identify a site within the CS/LDF **prejudices the outcome and is premature** to adoption of the NLWP.
- There is **no sound evidence** to justify the identification of the proposed BXC waste facility in the CS, UDP, and RADF.
- The Council has accepted that the **UDP does not allocate a site for waste purposes**, and includes a number of errors and flaws relating to the proposed waste site.
- The admission of such **errors** makes and reliance on the UDP/RADF as part of the CS **unsound**.
- Delivering the BXC waste facility has constraints, including: Bestway's ownership of the site; the limited proposed site area; the need for a revised application for the waste facility; and the lack of certainty regarding the technologies to be included in a waste facility.

### **3.0 CONCLUSION**

- 3.1 Whilst Bestway fully understands the complexities involved in bringing forward a major regeneration scheme, these complexities do not justify bad and unsound decision making and poor policy formulation.
- 3.2 Bestway's determination to protect its site has ultimately pushed the Council to concede that it's adopted UDP policies contain errors regarding the Bestway site. Under further pressure, the Council has also conceded that the identification of the Bestway site for waste handling facility within the Council's supplementary 'Regeneration Area Development Framework' was not based on any work undertaken by the Council, but reflected the developers requirements.
- 3.3 Such admissions by the Council mean that any reliance on the UDP/RADF as part of the Core Strategy (or indeed any part of the LDS), undermines the credibility of the LDF to the extent that the document is be unsound.
- 3.4 In accordance with national guidance, the Council should update the CS to provide more detailed strategic guidance and flexible targets for the delivery of the BXC Opportunity Area, and prepare a separate AAP setting out the detailed policies against which any future planning applications can be assessed. Both the CS and AAP need to be based on a rigorous and transparent plan-making process and clear evidence base.
- 3.5 The consequence of not updating the CS and preparing a separate APP is that Barnet Council will be able to assess future planning applications (for the next 15 years), on one of the UK largest regeneration schemes, based on historic UDP policies (and a non-statutory SPG – both of which were drafted in the early 2000's). Such an approach would unsound, unlawful and set a dangerous precedent.