

NORTH LONDON WASTE AUTHORITY

REPORT TITLE:

Update on LB Barnet regeneration proposals affecting the Hendon Transfer Station

REPORT OF: MANAGING DIRECTOR

FOR SUBMISSION TO:

AUTHORITY AGM MEETING

DATE:

17 June 2016

SUMMARY OF REPORT:

This report provides an update on the compulsory purchase action being taken by LB Barnet in support of the Brent Cross Cricklewood regeneration proposals, as it affects the Rail Transfer Station at Hendon, which falls within the regeneration area.

RECOMMENDATIONS:

The Authority is recommended to:

- I. To note the position with regard to compulsory purchase order 1, relating to access to the site and agree that an agreement which ensures the ongoing access to and from the Hendon Transfer Station can be entered into;
- II. To agree that the Authority intends to object to compulsory purchase order 3, once made by LBB and notified to the Authority, and that the Authority will seek to enter into without prejudice negotiations with LBB agree terms for a suitable settlement to allow the withdrawal of that objection;
- III. To note that a further report is anticipated at the September meeting of the Authority to detail progress and, if negotiations have reached this stage, agree a settlement agreement with LB Barnet.

SIGNED:

Managing Director

DATE: 8 June 2016

1. BACKGROUND

- 1.1 The Authority's Hendon rail transfer station has been operational since the late 1970s. The Authority has a 15-year lease from Network Rail until 2024, and has the right to renew this lease three times meaning that the Authority could occupy the site until 2069. The site is occupied by LondonWaste Ltd (LWL) for operation of the transfer station under the main waste contract of 14 December 2014 between the Authority and LWL relating to the delivery of waste management services.
- 1.2 Members have been previously advised about LB Barnet's proposals to regenerate and improve the Brent Cross Cricklewood (BXC) area with selected commercial partners. These proposals include the use of the Authority's Hendon rail transfer station (the Hendon facility) in connection with a new passenger railway station, and the provision of a new waste facility on the other side (west) of the railway line, off the A5 Edgware Road.
- 1.3 The Authority has engaged with LB Barnet with regard to the redevelopment proposals and its comments were taken into account in the planning permission granted for the redevelopment in October 2010 (subsequently updated in 2014 through an application under section 73 Town and Country Planning Act 1990). At that time, the Authority was advancing proposals for an MBT facility at the Hendon facility, and that is no longer the case. Currently, the Authority continues to use the Hendon facility as a strategic waste transfer facility, with the majority of residual waste being transported by rail, at present to landfill, and in the near future to Greatmoor Energy from Waste Facility (EfW), and up to 50,000 being taken to the EfW at Edmonton for treatment, this being the maximum permitted under the lease, as this is railway land.
- 1.4 LB Barnet is proposing to make three compulsory purchase orders in total, to enable the regeneration development to take place. CPOs 1 and 2 have been made. CPO2 does not affect the Authority's interests, and is not covered in this report. CPO1 includes proposals affecting Brent Terrace, the publically adopted highway which is the access road to the Hendon facility, and CPO3 is expected to include the Hendon facility itself. These are considered below.

2. COMPULSORY PURCHASE ORDER 1

- 2.1 CPO1 was made on 20 April 2015 by LB Barnet, and served on the Authority on 30 April 2015. An objection has been submitted by the Authority, on the basis that the Order may prevent access to the Hendon facility. The public inquiry in relation to CPO1 has now started, and the Authority has been invited to attend the inquiry to present its evidence on the impacts of CPO1 on a date after despatch of the agenda for this meeting. An oral update will therefore be provided at the meeting.
- 2.2 LB Barnet has indicated that access to the Hendon facility will be maintained at all times and at the time of despatch a draft agreement to ensure this is under

negotiation. On completion of a satisfactory deed, the Authority will withdraw the objection.

- 2.3 If no agreement is reached, and no satisfactory deed completed, then the expectation would be that the CPO would be confirmed by the Secretary of State, taking into account any mitigation the Secretary of State considers necessary to address the Authority's objection.

3. COMPULSORY PURCHASE ORDER 3

- 3.1 Compulsory Purchase Order 3 (CPO3) has not yet been made by LB Barnet, but a report to the Asset, Regeneration and Growth committee on 17 March 2016 set out its proposed terms. Officers understand that a further report amending these terms will be presented to the committee on 11 July, and that the expectation is that the order will be made and served on interested parties, including NLWA, after that meeting.

- 3.2 An objection will be submitted as CPO3 will include proposals to acquire the Hendon Rail Transfer Station.

- 3.3 Discussions are proposed to continue with LB Barnet on a without prejudice basis about compensation and a suitable replacement site. LB Barnet officers have said that the Hendon Rail Transfer Station site is required at an early stage in the development, as it is needed for the development of the passenger railway station, which is a vital part of opening up the residential and commercial development in this area. Their proposal, therefore, is that a transfer of operations should take place, and the timing is currently expected to be by the end of 2019, with vacant possession being given at that time. It should be noted that the LB Barnet have informed officers that availability of the potential replacement site is also subject to a successful confirmation of CPO3.

- 3.4 LB Barnet officers have stated that the public inquiry on CPO3 is likely to occur in the autumn of this year, and therefore if sufficient progress can be made on suitable compensation and alternative site provision, a report will be brought to the September meeting of the Authority for approval on the way forward.

4. CONCLUSION

- 4.1 Officers have taken actions to protect the Authority's asset at Hendon and its operations in that area, and are continuing to seek advice on property and compensation issues. Ongoing work with LB Barnet is intended to ensure that the Authority's interests are protected while not obstructing significant regeneration proposals for the area.

5. LEGAL ADVISER'S COMMENTS

- 5.1 Appropriate legal advice on the conduct of objections to compulsory purchase is being sought as needed.

6. FINANCIAL ADVISER'S COMMENTS

- 6.1 The Finance Adviser has been consulted and has no comments to add.

REPORT ENDS

Contact details :

Ursula Taylor
Head of Legal & Governance
NLWA
Unit 1B Berol House
25 Ashley Road
London N17 9LJ
020 8489 430