

LONDON BOROUGH OF BARNET (BRENT CROSS CRICKLEWOOD)  
COMPULSORY PURCHASE ORDERS (NOS 1 & 2) 2015

**NOTE OF PRE-INQUIRY MEETING**

24 February 2016  
Clayton Crown Hotel, 142-152 Cricklewood Broadway, London

The meeting was attended by representatives of the Acquiring Authority and of various objectors.

**Introduction and purpose of the meeting**

1. The Inspector, Richard Clegg, introduced himself and the Programme Officer, Graham Groom. He explained that he had been appointed by the Secretary of State to hold an inquiry into and report on the London Borough of Barnet (Brent Cross Cricklewood) Compulsory Purchase Orders (Nos 1 & 2) 2015 (CPOs). The purpose of the pre-inquiry meeting was to discuss procedural and administrative matters relating to the inquiry and, as far as possible, to establish a programme for the submission of proofs of evidence and for hearing the cases of the parties.

**Appearances at the inquiry**

2. The Acquiring Authority (AA) would be represented by Mr N King QC and Mr G Williams of Counsel. Nine witnesses were identified:  
Ms C Shaw, Commissioning Director for Growth & Environment, London Borough of Barnet.  
Mr T Wyld, Principal Planning Officer, London Borough of Barnet.  
Mr P Shipway, Strategic Housing Lead, London Borough of Barnet.  
Mr B Allies, Partner, Allies & Morrison.  
Mr M McGuinness, Development Director (CPO1), Hammerson PLC.  
Mr A Gibbs, Partner (CPO2), Argent (Property Development) Services LLP.  
Mr P Murphy, Director (CPO1), Quod Planning.  
Mr J Orchard, Project Director, AECOM.  
Mr P Astbury, CPO & Regeneration Director, GL Hearn.
3. Fenwick Ltd would be represented by Mr R Purchas QC. Five witnesses were identified:  
Mr M Fenwick, Chairman, Fenwick Ltd – company evidence.  
Mr D Leonard, Director, Leonard Design Architects - design.  
Mr D R Bird, Director, Vectos - transport.  
Mr G F Chase, Chairman, Chase & Partners LLP – retail/ commercial.  
Mr H Bullock, Chairman, Gerald Eve – planning.
4. Mr & Mrs Barker (plot 19, CPO No 2) would be represented by Mr D Forsdick QC, instructed by Burges Salmon. It was expected that there would be three witnesses: Mr Barker, a planning consultant and a transport consultant.

5. Marks & Spencer PLC would be represented by Mr J Pereira QC, instructed by King & Wood Mallesons. It was expected that there would be three witnesses, with evidence including company and access matters.
6. John Lewis and Waitrose would be represented by Ms M Ellis QC. It was expected that there would be three witnesses, with evidence including company, negotiation, planning and highways matters.
7. Ms H Pitsillis (plot 146, CPO No 1) would be represented by Mr M Mangi.
8. Mr M A Hussain (plot 264, CPO No 1) intended to appear.
9. Billaze Ltd (plots 264-266, CPO No 1) would be represented by two witnesses, including Mr K Rajani.
10. The leaseholders of Norden Point would be represented by two witnesses, including Miss P Lad.
11. The following parties have reserved their position in respect of the inquiry:
  - Browning, Jones & Morris Ltd (plots 82 & 83, CPO No 1)
  - Transport for London
  - Highways England
  - General Motors UK Ltd
  - Motors Properties (Trading) Ltd
  - Now Motor Retailing Ltd
  - C B Ferster, R Altmann and Swishbrook Ltd (plots 262, 264-267, 274, CPO No 1)
  - National Westminster Bank PLC
  - GB Railfreight.
12. The AA advised that it was not aware that any objections had been withdrawn. It was anticipated that agreement would be reached with the statutory undertakers, National Grid and Eastern Power, in advance of the inquiry.

### **Inquiry venue and accommodation arrangements**

13. The inquiry was intended to be held at Hendon Town Hall, The Burroughs, London, NW4 4AX. Retiring rooms would be available, as would copying facilities, and secure storage if the inquiry rooms are required for other purposes in the evening. Documents can be left overnight at both venues. The town hall opens at 08.00. Parties are requested to liaise with the Programme Officer about the availability of parking space. Arrangements could be made for the Inspector to have boxes delivered by courier. (The AA has subsequently advised that the room at the town hall which it was intended to use may not be adequate. It is investigating the use of an alternative room at the town hall or the Clayton Crown Hotel.)

## **Inquiry dates and sitting times**

14. The inquiry would open at 10.00 on 17 May 2016, and had been scheduled for 20 days, 17-20 & 24-27 May, 1-3, 7-10, 14-17 & 21 June. The Council had pointed out that the week commencing 30 May coincided with the school half-term holiday, and had suggested that the inquiry should not sit during this week. It was suggested that the week commencing 27 June could be used instead. Mr Purchas (Fenwick) is not available from 13 June, and Ms Ellis (John Lewis, Waitrose) is not available for the week commencing 16 May. The availability of the parties will be taken into account in the preparation of the inquiry timetable (below, para 17). Sitting times would usually be from 10.00 to about 17.00, but these times could be adjusted if required.

## **Inquiry timetable and arrangements for site visits**

15. It was agreed that the order of proceedings should be as follows:
- (i) The AA's overall case.
  - (ii) Evidence in respect of groups of objectors (Brent Cross tenants, other commercial and industrial objectors, residents, statutory undertakers, transport objectors etc). In respect of each group the AA would present its specific case, followed by the objector's case and submissions.
  - (iii) Any interested parties.
  - (iv) The AA's response to written objections.
  - (v) The AA's closing submissions.
16. There would be the opportunity to seek clarification of the AA's overall case, but other parties would each have one opportunity for cross-examination: this was expected to be when evidence is presented in respect of the AA's specific cases.
17. An initial timetable would be prepared by the Programme Officer: it is intended that this would be circulated to parties as soon as possible. Detailed time estimates should be submitted by 3 May (following the submission of statements of evidence), following which a detailed timetable will be prepared and circulated.
18. The Inspector explained that he had already seen parts of the CPO lands, and that he would do so again before the inquiry opened. A programme of accompanied visits would be made in conjunction with the sitting of the inquiry. Mr Purchas and Mr Pereira suggested that it might be useful to visit other sites with similar stores.

## **Dates for submission of statements of case and evidence**

19. The AA intended to submit its statement of case by 16 March. The Inspector considered that it would assist preparation for the inquiry if statements of case were also submitted by objectors intending to appear. A request for these would be sent out from the Programme

Officer by 26 February, with submission sought by 8 April. Statements of evidence would be due for submission by 26 April, although the AA undertook to submit its evidence by 19 April. Rebuttals would be due one week prior to the appearance of the group of objectors concerned. Two hard copies and one electronic copy of all documents should be submitted to the Programme Officer. The AA should send a copy of its statement of case to objectors and of its statements of evidence to the objectors concerned. Objectors should send a copy of their statements to the AA.

20. Mr Forsdick referred to the letters of 20 July and 20 October 2015 from the Department for Communities & Local Government (DCLG) concerning the inquiry. He suggested that the AA's statement of case should have been produced earlier than was intended, that detailed information had not yet been provided, and that the timetable for preparation of his clients' case was tight. The Inspector explained that the pre-inquiry meeting was being held under Rule 6(3) and that the date for submission of the AA's statement of case complied with that arrangement. Mr King noted Mr Forsdick's concern, and suggested that discussions take place with the AA. The Inspector noted that parties may seek to submit additional documentation after the deadlines if it was not available at the time.

### **Format of statements and other material**

21. It was agreed that the parties would liaise with the Programme Officer about a referencing system for documents. Statements should have numbered paragraphs and be bound separately from appendices. Both statements and appendices should be paginated. Proofs of more than 1,500 words should be accompanied by a summary. Opening statements should be in writing if possible. Closing submissions should be in writing and in electronic format.

22. The AA intended to prepare single statements of evidence in respect of both CPOs. Mr Allies was preparing a set of slides to present as part of his evidence for the AA.

### **Core and inquiry documents**

23. The Programme Officer would maintain a library of inquiry documents. An initial list of core documents would be prepared by the AA and submitted with its statement of case. The AA would consider the use of hyperlinks within its documents. All inquiry documents, including objections and related correspondence, would be published on the inquiry website by the Programme Officer, the link to the website is <http://brent-cross-cricklewood.persona-pi.com/>.

### **Statements of common ground**

24. The parties were requested to consider the preparation of statements of common ground. It was anticipated that the AA may be able to prepare statements of common ground with the statutory undertakers,

and with Transport for London and Highways England. Mr Purchas suggested a statement of common ground could cover the scope of the S73 permission and the S106 agreement, but the AA considered that this would be more appropriately addressed in evidence. Any statements of common ground should be submitted by 16 March.

### **Matters to be considered at the inquiry**

25. The Inspector referred to the importance of addressing the matters referred to in paragraphs 13-15 of the DCLG *Guidance on Compulsory purchase process*. At the opening of the inquiry, the AA would be asked to confirm that there had been compliance with all statutory requirements.

### **Other matters**

#### ***Stopping-up order***

26. A draft order has been published for the stopping-up of part of Adrian Avenue. The deadline for objections was 4 March 2016. The AA advised that, if necessary, it intended to bring this matter before the inquiry.

### ***Documents***

27. The AA submitted schedules of objections to each CPO and a suggested glossary of terms.

### ***Information sought by objectors***

28. Mr Purchas (Fenwick) submitted a joint statement on behalf of John Lewis Properties Ltd, Fenwick Ltd and Marks & Spencer PLC (referred to as the anchor tenants). The statement expresses concern that heads of terms have not yet been agreed with Hammerson and the AA, and seeks substantial progress before the inquiry. Mr Pereira (Marks & Spencer), Ms Vas (John Lewis) and Mr Forsdick (Mr & Mrs Barker) endorsed the joint statement.

29. Mr Purchas also expressed concern about the extent of information made available to Fenwick in response to requests dating from March 2015, and submitted a bundle of correspondence between Fenwick's representatives and the AA. He suggested that the statement of reasons for CPO No 1 was generalised and lacked specific detail about Fenwick's interests, and considered that this had become a serious situation.

30. Mr King explained that there were ongoing discussions between the AA and the anchor tenants, and submitted an email sent in response to Fenwick's queries of 22 February. The AA would respond to the concerns raised by 4 March 2016.

## **Key dates**

31. The Programme Officer to circulate an initial inquiry timetable as soon as possible.

By 16 March 2016 – Submission of the AA's statement of case, core documents list, and statements of common ground.

By 8 April 2016 – Submission of statements of case from objectors appearing at the inquiry.

By 19 April 2016 – Submission of the AA's statements of evidence.

By 26 April 2016 – Submission of objectors' statements of evidence.

By 3 May 2016 – Submission of detailed time estimates.

One week before appearance – Submission of rebuttal statements.

Inquiry sitting dates: 17-20 & 24-27 May; 7-10 & 14-17 June; 28 June – 1 July 2016.

*Richard Clegg*

INSPECTOR  
7 March 2016