

National Planning Casework Unit
5 St Philip's Place
Colmore Row
Birmingham B3 2PW

22 MAY 2015

21 May 2015

Dear Sirs

The London Borough of Barnet (Brent Cross Cricklewood)
Compulsory Purchase Order (No.1) 2015

We act for the Trustees of the Kingsley Way Charitable Trust (No. 1026916) who have been served with a statutory notice informing them that Barnet Council have made the above Order affecting their land.

The Trustees are the registered freehold owners of Plot Nos. 236/236a & 237 as set out in the Schedule of Interests in the above CPO.

We are instructed to object to the making of the CPO on the Trustees behalf on the following basis.

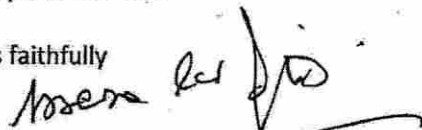
1. It is submitted that there is no compelling case in the public interest for the Order to be confirmed. In particular, the planning permission upon which the CPO is predicated is in outline only and the final detailed design is yet to be finalized. As the Statement of Reasons (SoR) states there is no certainty that the objectives of the CPO can be achieved within a reasonable time period and accordingly the CPO does not accord with Circular advice.
2. As the SoR confirms, the primary means of access to the redeveloped Brent Cross will be by car. Although some limited improvements to public transport are proposed (in particular the new bus station) it is clear from the massive highway works proposed (including the works to our site) that the primary emphasis on access to the site will be an increased number of motor vehicles, with the additional disturbance, noise and pollution that this will bring (even with the proposed introduction of parking charges at Brent Cross). Such an approach is not environmentally sustainable and is contrary to national, regional and local policies. The CPO should not be confirmed on this basis.
3. The NPPF seeks to encourage the effective use of land by re-using brownfield land. Our client's land was previously occupied by residential development and there is no good reason why it should not make a contribution towards the acknowledged housing need of the area again. The proposed taking of a substantial part of our client's land for the

purposes of highway junction improvements prevents its use for residential development, which is contrary to the NPPF.

4. The London Plan seeks to optimize residential output and Annex 1 sets the Opportunity Area a target of 10,000 units. The CPO would prevent our site from making a contribution towards this target and accordingly the CPO is contrary to the London Plan.
5. The Barnet Core Strategy places an emphasis on the provision of new homes in the area whereas the confirmation of the CPO would prevent the opportunity of our site making such a provision which is contrary to the Local Plan.
6. The original proposals put forward by Barnet Council showed only a sliver of our site being taken by the CPO. However a substantial part of our client's site is now shown as being required. Currently, it is separated from the highway by a substantial walled structure. However under the new proposals an embankment is to be constructed which necessitates in engineering terms (at least as we understand from Barnet) a significantly greater part of the site being taken. We have never had an adequate explanation as to why a walled structure cannot be used, which would require less of the site and leave a potential residential development possible. The CPO should not be confirmed without an adequate explanation for the engineering solution proposed, and which is currently lacking.
7. It is our client's contention that the use of CPO powers have not been exercised as a matter of last resort as required by the Circular advice. Little or no discussions have been held with our clients with a view to either an alternative design solution that would necessitate a lesser take of our client's site, or with a view to an agreed voluntary sale. No alternative dispute resolution appears to have been suggested or even considered by Barnet, as is required under the Circular advice.
8. In terms of the Human Rights Act our client's rights to peaceful enjoyment under Article 1 of the First Protocol of the Convention have been breached without any adequate justification. The land is held for charitable purposes and its proposed confiscation under the CPO would materially adversely affect the charitable objects of the Trust.

In conclusion, for the reasons set out above, the Secretary of State is urged not to confirm this CPO. Our client reserves the right to adduce further objections and evidence at any public inquiry into this CPO.

Yours faithfully



Asserson Law Offices

cc Karen Mercer, Programme Director, Brent Cross Cricklewood, London Borough of Barnet