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Your ref:

27 May 2015

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Dear Sirs

**The London Borough of Barnet (Brent Cross Cricklewood) Compulsory Purchase Order (No.2) 2015
("the Order")**

Our client: Mr and Mrs Barker

We act for Mr and Mrs Barker who have received notice that the Order has been made and is to be submitted to the Secretary of State for confirmation.

In respect of the Order and Application, our client has a number of significant concerns and therefore objects to the Secretary of State confirming the Order.

Objector's address and interests in the land

The address of our client's property which is included in the CPO is:

112 Brent Terrace
Brent Cross
London
NW2 1LT

Our client's interest in the land subject to the Order (the "Site") is that listed in Table 1 of Schedule 1 as plot 19. This objection relates to all of that land.

Grounds of objection

1 Impediments to the scheme

- 1.1 Under paragraph 22 Circular 06/2004 (the Circular), the acquiring authority in any compulsory purchase order should consider whether there are any impediments likely to block implementation of the underlying scheme. We consider that a serious impediment exists.
- 1.2 The Statement of Reasons states that the development being promoted and for which the land is being acquired in the CPO is entirely dependent on the confirmation of another CPO, the London Borough of Barnet (Brent Cross Cricklewood) Compulsory Purchase Order (No.1) 2015 ("CPO No1"). Without CPO No1 being confirmed in its entirety (and necessarily as made), the development of the land in the ownership of our client is not able to proceed.
- 1.3 Furthermore the Statement of Reasons (paragraphs 9.8 and 9.9) suggests that the redevelopment of the land being acquired is not certain. The planning permission sets out proposals for our client's

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land but the acquiring authority is providing the opportunity to their development partner to redesign the proposals over the land. A redesign of the proposals may mean that our client's land is not required or that it is not needed in its entirety.

- 1.4 There is no certainty that the scheme will proceed in respect of the land being acquired under the CPO. The legal agreements securing the mechanisms for delivering the regeneration have not yet been entered into (paragraph 9.9) and therefore there is no requirement on the development partner to proceed with the development. It is therefore not possible to assess whether the regeneration proposed is viable, deliverable or that it is properly funded.
- 1.5 Without the necessary legal agreements in place and the ability of the development partner to alter the use of the land, the acquiring authority is unable to demonstrate that they have a clear idea of how they intend to use the land and that it will be delivered within a reasonable timescale or that all necessary resources are in place as is required in the Circular.
- 1.6 Consequently, the promotion of the CPO is at this stage premature and should not be confirmed.

2 Acquisition by agreement

- 2.1 We acknowledge that there has been some communication which has purported to attempt to acquire our client's land by agreement but to date this has not been meaningful. The Statement of Reasons (paragraph 2.7) states that the acquiring authority has appointed an agent to assist businesses with relocation but no-one has approached our client regarding this.

3 Human Rights

- 3.1 While Human Rights impacts have been considered generally there has been no consideration of our client's individual human rights. Paragraph 17 of the Circular states that a CPO should only be made where there is a compelling case in the public interest. The acquiring authority has not undertaken an assessment of the impact on our client's human rights, in particular those protected by Article 1. The acquiring authority is also unable to be certain that the CPO is necessary until CPO No1 has been confirmed.
- 3.2 Consequently, the acquiring authority is unable to say that the interference with our client's human rights are outweighed by the benefits to the public interest.

Conclusions

For the reasons detailed above, we submit that the Secretary of State should refuse to confirm the Order.

We reserve the right to expand upon or add to the grounds of objection as set out within this letter. In particular, we consider that there may be wider grounds of objection to the Order which our client may wish to produce evidence on in due course including issues of State Aid and whether the current proposals meet the public interest test from a planning policy perspective, and the lack of direct contractual obligation on the development partner to carry out the development.

Yours faithfully


BURGES SALMON LLP