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date: 16/12/2014
our reference: 14/07147/ESC
your reference:

Dear Caroline,

Town and Country Planning (Environmental Impact Assessment) Regulations 2011: Brent Cross Cricklewood: Further Information EIA Scoping Report for Phase 1A (North) RMAs. Request for Scoping Opinion.

Please find our response to the Scoping Report submission by Waterman in respect of the above, detailed below.

Waterman has submitted on behalf of the Brent Cross Cricklewood Development Partners, an Environmental Impact Assessment (EIA) Scoping Report in relation to the Brent Cross Cricklewood (BXC): Phase 1A (North) Reserved Matters Applications. It is noted that the current Scoping Report follows on from a number of previous Environmental Statements prepared for the wider BXC development, including most recently the Environmental Statement (ES) submitted with the S.73 planning application for the BXC development in October 2013, which was granted planning permission in July 2014 under reference F/04687/13.

The Scoping Report acknowledges that the development is EIA development. No Screening Opinion has been sought as the RMAs subject of this Screening Report are further applications following the grant of planning permission under reference F/04687/13, which in itself was subject to the previously submitted s.73 Environmental Statement. Where the environmental information is considered inadequate to assess the environmental effects of the development the applicants can submit additional supporting evidence voluntarily or, the planning authority can serve notice under Regulation 22 of the EIA Regs. requiring the submission of additional material.

The applicants' approach as outlined in the Scoping Report is to assess the detailed information to be submitted under the RMAs and define where 'further environmental information' is considered necessary beyond that submitted in the associated S.73 ES or the development proposals contained in the S.73 application. It is further noted that the intended output from the current EIA exercise in respect of the RMAs will be in the format of a "Further Information to the S.73 Environmental Statement" document.

The ES Further Information Report has been prepared in respect of three Reserved Matters Applications (RMAs) for Phase 1A (North), namely:

- Phase 1A (North) – Infrastructure, including roads and bridges (including the Replacement A406 Templehof Bridge and Living Bridge) and the realignment of the River Brent;
- Phase 1A (North) – Open Spaces, including Clitterhouse Playing Fields (Part 1), Claremont Park and Central Brent Riverside Park Including River Brent Nature Park NP5; and
- Phase 1A (North) – Development Plots 53 and 54, Brent Terrace, being replacement residential units for the Whitefield Estate Replacement Units (Part 1) housing which will be removed in order to deliver the Living Bridge.

Following the planning authority's review of the Scoping Report and the consultation process undertaken in preparing a response to the Report, a number of specific matters have arisen and which are summarised in this response. These comments should be taken into account and addressed in the ES Further Information Report.

This response is accompanied by a Scoping Review checklist that reviews the Scoping Report and its specific topics. This has been completed as appropriate for general chapters and also for each specialist topic. It identifies concerns and makes recommendations in relation to the Environmental Statement. The Scoping Report Checklist is appended to this letter of response.

For ease of reference our response is set out following the structure of the Waterman Scoping Report.

Background

The background to the Scoping Report is outlined above. The approach to assessing the environmental impacts arising from the detailed RMAs is generally considered acceptable and reasonable. There is a substantial history to the proposed development and the potential environmental impacts have been assessed at different stages in the life of the development. The current stage of detailed RMAs will follow a course of assessment that will result either in 'Statements of Conformity,' where the development results in no additional environmental information being considered necessary to the decision making process, or, to the submission of further environmental information, as necessary, to address specific areas and topics in a document to be named 'Further Information to the S.73 Environmental Statement.'

The general approach taken in respect of each topic area is considered to be robust and will follow the steps outlined below:

- S73 ES Summary and Review;
- Potential for New or Different Significant Environmental Effects; and
- Approach and Methodology for the Phase 1A (North) RMA: Further Information to the S.73 ES Report.

Site and Setting

The site and setting is described in sufficient detail. The proposed ES Further Information Report should however clearly relate directly to the specific Phase 1A (North) RMAs that it assesses and should include relevant red-line application plans to sufficiently delineate the application sites within the parameters of the original S.73 planning permission, reference F/04687/13.

Pre-RMA Conditions

The Report identifies a number of pre-RMA conditions that need to be satisfied prior to the submission of any RMA. The Report includes the Table in Appendix 1 which details the relevant pre-RMA conditions and provides a review as appropriate. The Report also identifies in Table 3, six pre-RMA Conditions where the requirements of the conditions have not at the time of drafting the Scoping Report been met. These six conditions are generally Transport and Traffic related. As the Phase 1A (North) RMAs are generally focused on the provision of infrastructure it is essential that these pre-RMA conditions are discharged as required.

We would query the wording of Condition 2.8 comment in Table 3 of the Scoping Report and whether this is correct.

Phase 1A (North) RMA

The extent of development works covered in the three proposed RMAs is detailed in the Report and it is stated that the three separate planning applications in respect of the RMA's will be subject to the single ES Further Information Report. It is also stated that a further subsequent RMA will be submitted after the submission of the RMAs discussed in detail in the Report in order to specifically address the matter of temporary works.

More particularly it is noted that the Construction Consolidation Centre Feasibility Study required under planning condition 1.9 (of F/04687/13), and which requires the agreement of the planning authority prior to the submission of any RMA, has been subject of an application submitted to the Council, but that that application at the time of writing has still to be determined. This could delay submission of the RMAs.

The Scoping Report advises the Construction Consolidation Centre details will be submitted in a separate Phase 1A (North) RMA to cover temporary works. It is the view of the planning authority that there are two items of critical infrastructure that are generally omitted from the Report's scope. In addition to the Construction Consolidation Centre (CCC) the Report is largely silent on the matter of the Temporary Bus Station that will be required due to the existing Brent Cross Bus Station being rendered inaccessible during the infrastructure provision works. Neither the temporary bus station, nor the CCC, have agreed locations at the time of writing.

As these are important generators of pedestrian and vehicle movements there are, in our opinion, obvious implications for the Noise and Air Quality Assessments contained in the ES Further Information Report as well as for the Traffic and Transport parts of the ES Further Information Report and the Transport Assessment.

From discussions with the applicants we understand that these temporary works will be dealt with by way of the temporary works RMA, to be accompanied by its own ES Further Information Report (If considered necessary) and to be submitted in January 2015.

It is the planning authority's view that until the detail of these elements of the proposal are known and, their accompanying assessments are prepared, the Council will not be in a position to determine the permanent works RMAs.

The LPA consider that the temporary bus station is inextricably linked to the permanent works and the direct and indirect impacts, together with the related cumulative and interactive impacts, must be