

The London Borough of Barnet (Granville Road Estate Pramsheds and Beech Court) Compulsory Purchase Order 2018

Stopping up order under section 247

Position statement

19 June 2018

Introduction

- 1 This position statement has been prepared by TLT LLP (**TLT**).
- 2 TLT are instructed by New Granville LLP (**New Granville**) to secure an order to stop up footpaths and highway (the **SUO**) on the Granville Road Estate (the **Estate**) by way of a stopping up order made by the London Borough of Barnet (the **Local Highways Authority**) under section 247 of the Town and Country Planning Act 1990 (the **1990 Act**).
- 3 The position statement sets out the current position of the progress towards securing the SUO.

Stopping up order application and plans

- 4 Public rights of way exist on the Estate. Several of these rights of way exist by prescription and do not appear on the definitive map. The rights of way and adopted highway on the Estate are described the November 2014 'Public Highway Investigation' report prepared by EAS (Appendix 1 – see sub-appendices 1 and 2).
- 5 The development required the stopping up of both highway and footpaths. Consequently TLT advised that section 247 of the 1990 Act was the most appropriate procedure to secure the necessary stopping up.
- 6 On 29 September 2017 New Granville requested the Local Highways Authority progress with the order under section 247.

Notice of intention to make the stopping up order

- 7 The draft SUO is at Appendix 2.
- 8 The SUO Plan is at Appendix 3.
- 9 Whilst this will be a matter for either the Local Highways Authority, an overlay of the Phase 2 Scheme and SUO Plan is at Appendix 4 for the purposes of showing that the SUO is necessary to deliver the Phase 2 Scheme.
- 10 The Local Highways Authority publicised the Notice of Intention (the **Notice**) to make the SUO on 26 October 2017 (Appendix 4). The Notice was placed on site at the Estate and advertised in the London Gazette on and the Barnet Times 26 October 2017.

Objections

- 11 The period for representations on the draft SUO closed on 24 November 2017. Twelve duly made objections to the SUO were received. The objections are summarised at Appendix 5. One of the objectors to the SUO is Objector 1 to the CPO.
- 12 Eastern Power Networks and Cadent/National Grid have requested easements to provide ongoing access to their equipment.
- 13 The objections primarily relate to the ability to cross through and along the Estate, particularly to the pedestrian gate on the Estate leading to the allotments off Garth

Road and through to Hendon Way to the west, and through to Crewys Road and Cricklewood Lane to the east. There was also a concern that the general access around the Estate would be restricted.

PPCO to resolve the objections

- 14 In accordance with the Town and Country Planning Act 1990 Act the Local Highways Authority requested New Granville LLP address the objections and if possible to secure their withdrawal.
- 15 The public rights of way identified in the unconfirmed SUO are on land owned by the Mayor and Burgesses of the London Borough of Barnet (i.e. the Council) under title MX359934. The land will be transferred from the Council to New Granville LLP for the purpose of delivering the Phase 2 Scheme in accordance with the Development Agreement between the Council and New Granville LLP. The Development Agreement requires the ongoing maintenance of the public rights of way and estate roads to be the responsibility of New Granville LLP.
- 16 New Granville LLP will be providing temporary public rights of way through and across the Estate during the construction of the Phase 2 Scheme (Appendix 6).
- 17 New Granville LLP will be providing permanent public rights of way through and across the Estate on completion of the Phase 2 Scheme. These proposed permanent public rights of way are shown on the plan at Appendix 6.
- 18 Since the date of the Notice, New Granville LLP and the Local Highways Authority have been working to agree the mechanism for delivering those temporary and permanent rights of way.
- 19 On 11 June 2018 the Local Highways Authority agreed that a Public Path Creation Order (**PPCO**) section 26 of the Highways Act 1980 (the **1980 Act**) was an appropriate mechanism for delivering the permanent rights of way, and that temporary rights of way during construction will be provided under a works licence.
- 20 The Local Highways Authority confirmed on 11 June 2018 that the use of PPCO the process is conditional on:
 - 20.1 The Local Highways Authority's legal advisers, HB Public Law, confirming in writing that the PPCO process is appropriate in this instance. HB Public Law sent this confirmation on 19 June 2018..
 - 20.2 the Local Highways Authority's client, the London Borough of Barnet, authorising the use of PPCO; and
 - 20.3 New Granville LLP giving the Local Highways Authority an undertaking that as future landowner it will not seek compensation under the provisions of section 28 of the 1980 Act. New Granville LLP has confirmed it is happy to give this undertaking.
- 21 The PPCO process will then be initiated. This involves:
 - 21.1 The local authority concluding there is need for footpaths over land in their area (s26(1)). This has been confirmed.
 - 21.2 The local authority making make the PPCO (s26(1)).
 - 21.3 The notification of the PPCO and invitation for representations and objections (Schedule 6 part 1 paragraph 1(1)). Notices are to be served on every owner and placed in local newspaper and placed on site (paragraph 1(3)).
 - 21.4 The PPCO then being confirmed:

- 21.4.1 by the local authority (if the PPCO is unopposed) or if the local authority consider none of the objections are relevant (Schedule 6 part 1 paragraph 2(2ZA)); or
 - 21.4.2 by the Secretary of State (if there are unresolved objections) (s26(1)) following either a local inquiry or written representations (Schedule 6 part 1 paragraph 2(2)).
- 21.5 The right of way granted under the PPCO may be either unconditional or subject to such limitations or conditions as may be specified in the PPCO (s26(4)).
- 22 On completion of these conditions New Granville LLP will write to the objectors detailing the proposed public rights of way, and invite the objectors to withdraw their objections to the SUO.

Confirmation of the SUO

- 23 The Local Highway Authority will then consider the extent to which the PPCO addresses the remaining objections, and at its discretion and having taken legal advice reach a conclusion as to whether the SUO can be made with or without a public inquiry. In accordance with the provisions of section 252(5A) of the 1990 Act the Local Highway Authority must notify the Mayor of London of their intention to confirm the SUO. The Mayor of London can decide whether a public inquiry is necessary.
- 24 The test for the confirmation of a section 247 SUO is that the confirming authority must be satisfied that it is necessary to stop up the highway in order to enable development to be carried out in accordance with planning permission granted under Part (s247(2A) of the 1990 Act).

TLT LLP

Appendices

A	Public Highway Investigation	November 2014
B	Stopping up order plan	
C	Stopping up order plan overlaid on the Phase 2 Scheme	
D	Notice of Intention	26 October 2017
E	Summary of objections to the Stopping Up Order	
F	Plans showing the temporary and permanent public rights of way to be created on the Estate following completion of the Phase 2 Scheme	
G	Confirmation of the appropriateness of the section 26 procedure and the need for footpaths from the local highways authority	19 June 2018

Appendix A

**Granville Estate Regeneration
London Borough of Barnet**

**Public Highway Investigation
November 2014**



Document History

JOB NUMBER:

DOCUMENT REF: Public Highway Investigation

REVISIONS: Draft 1

Revision	Comments	By	Checked	Authorised	Date
Draft 1	For comment	MD	PE	PS	??/11/2014

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1 Highway Investigation for Stopping Up Purposes

Introduction

- 1.1 This report has been prepared to inform the Stopping Up of Public Highway required for the proposed Granville Estate Regeneration. The London Borough of Barnet (LBB) provided an Adopted Highway/Public Rights of Way plan dated September 2013 which shows their identified public highway. During discussions with the Borough regarding stopping up for the proposed site, LBB considered their data incomplete and that there was public highway that wasn't identified that would also require stopping up to accommodate the proposals. A copy of LBB Adopted Highway plan is contained in **Appendix A**.
- 1.2 In order to begin the Stopping Up process, a definitive public highway plan is required that encompasses the highway as shown on the LBB Adopted Highway Plan as well as land not identified that LBB consider to be highway. This will be referred to as The Definitive Public Highway Plan (DPHP).

London Borough of Barnet Highway Definition

- 1.3 The following is a summary of the advice given by LBB's legal services in relation to Granville Estate Regeneration proposal. It includes the modern definition of a highway taken from case law as set out in the following principles:

“(a) A highway must be open to the public at large—rather than a way open only to the owners, occupiers and lawful visitors of particular properties. This is the essential feature that has always distinguished a public highway from a private right of way.

(b) The public must have the right to use the highway—as distinct from using it under licence or permission, express or implied. It is the foundation of the maxim—“once a highway always a highway”.

(c) The nature of the public right to use a highway is primarily one of passage— the public can use it for any reasonable purpose so long as their activities are otherwise lawful and do not obstruct the right of passage for other members of the public.

(d) There must be a known and identifiable route over which the right of passage is exercisable by the public.

At common law, dedication of a way as a highway can be inferred or presumed from public use of the way without interruption for a period of 20 years.

There are different classes of highways: footpaths, bridleways, carriageway, footways and walkways are all highways. Verges and margins by the side of a road may also form part of the highway and may be subject to the public right of way even though they may contain items which create physical obstacles to movement such as items of street furniture or trees lawfully erected or planted. It is therefore important

to consider the merits of each case and how it is to be used.

A pavement or path running along the side of a carriageway is considered to form part of the adopted carriageway. Highways may be adopted (i.e. maintainable at the public expense) or un-adopted. The fact that a way is in private ownership or privately maintained does not mean that such a way cannot be a highway. Provided members of the public have used the way as of right for a full 20 year period, it will be deemed to have been dedicated as a highway albeit it will be an unadopted highway.

Once a highway has been created either by statute or public usage over the requisite 20 year period, such a way will remain a highway unless the public rights of way over it are lawfully extinguished.

Section 247 of the Town and Country Act 1990 applies to highways of all descriptions no matter what their origin and the power arises where stopping up is necessary in order to enable development to be carried out.”

1.4 EAS undertook a walk over survey of the site to confirm any footpaths, bridleways, carriageway, footways and walkways that should be classed as public highway in line with the guidance as set out by LBB above. In addition, EAS considered specific areas that LBB legal team flagged up as set out below and shown on sketch HI01 in **Appendix B**:

1. *Access path to allotments near Granville Point - Continue in a line to the adjoining footpath and consider for inclusion in stopping up*
2. *Access rights of the occupiers of No. 97 & 99 Crewys Road to their garages at the rear of the properties - Are their rights of passage being interfered with in the event that Nant Court Car Park area is stopped up or reconfigured (layout)?*
3. *Pedestrian access to/from Parking area for Nant Court and Crewys Road (between 87 and 91) - Need to consider whether this link will be required post development and, if so, how it is to be maintained*
4. *Utility apparatus e.g. Electricity Sub Station(s) adjacent to Harpenmead Point - How are existing rights of way being affected and what is being done to mitigate this e.g. Way leave/Easement?*
5. *Existing Dropped kerbs (vehicular access) e.g. at rear of 102 Cloister Road access from the Granville Road access to car park for Harpenmead Point - This appears to be a formal crossover which has been blocked off but can be brought into use in future. Proposals indicate this area is going to be redeveloped and the crossover removed. What consideration has been given to the rights of passage for the affected property?*
6. *Alleyway (dirt track) between Mountfield and the garages -This is established highway (pedestrian desire line) that needs to be considered for inclusion in stopping up*

7. *Footpath to Garage(s) and pedestrian gates at the rear of 263, 265, 267, 269, 271 Cricklewood Lane - It is our observation that these existing accesses will be affected by the proposed development - it is for the Developer to consider how the accesses will be maintained.*
8. *Area (including demolished block) bounded by Harpenmead Point, Mortimer Close and f/path between Cloister Road and Mortimer Close - Existing areas of hard standing to be surveyed adjacent to demolished block and included in stopping up.*

Highway Investigation

- 1.5 There are a number of footpaths across the open green spaces on the existing Granville Road Estate. Some of these lead only to housing blocks whilst some are through-routes to identified public highway. The footpaths that clearly lead to dead-ends or are not through-routes are not classified as highway using LBB's definitions above and will not be included in the DPHP. Those footpaths that lead to identified public highway will be included in the DPHP.
- 1.6 The LBB specific areas for consideration were also investigated during the survey. The majority of these items are in relation to right of way or access to private properties and not specifically regarding unidentified public highway. They are described below:
- 1.7 Item 1 – Allotment access and path to it. This is not considered public highway and should therefore be excluded from any stopping up requirements and will not be shown on the DPHP. The allotment gate is padlocked, as such in line with LBB definition (a) this is an open way for access to the allotments by 'occupiers' or users of the allotments only, not the public at large. In the proposed situation, the padlocked gate will continue to be accessible through a new car park. See Photos Item 1 in **Appendix C**.
- 1.8 Item 2 – Access to garages at rear of 97 and 99 Crewys Road. A dropped kerb and ramp to the rear of properties 97 and 99 Crewys Road provides access to garages within their back gardens. This is located within Nant Court car park. Nant Court car park is not considered public highway. There is no through-route and only occupants of Nant Court would have reason to use this open way to gain access to their properties and/or cars from Nant Road or Nant Court. Nant Court car park will therefore not be included within the DPHP. In the proposed situation, Nant Court car park is modified resulting in 2 parking spaces and a planter obscuring the existing access to 97 & 99 Crewys Road garages. It is proposed that Granville Road LLP will adapt their layout to retain access. It is possible that parking spaces that 'block' the garage access' could be allocated to no.s 97 and 99 Crewys Road. This would give the properties continuous access as they benefit from currently. See Photos Item 2 in **Appendix C**.
- 1.9 Item 3 – Area between 87 and 91 Crewys Road. It did not appear that this area was used as a link between Crewys Road and Nant Court car park. The area was overgrown and was heavily littered with black bin bags of rubbish blocking the path. It was concluded that this was used to gain access to the rear of 91, 93 and 95 Crewys Road as there was a narrow path found between their fence line and the

site boundary fencing. See Photos Item 3 in **Appendix C** for clarification. It is not considered that a link is required or should be provided, nor should the area be identified as highway.

- 1.10 Item 4 – Electricity Sub Station right of way. The substation will be relocated in the proposed situation, as such any rights of access that the utility company would have to it will also be moved. No highway identification is deemed applicable in this area other than to show a link between Granville Point and the public highway link to Cloister Road.
- 1.11 Item 5 – Dropped kerbs suggesting an access to rear of 102 Cloister Road. The footpath and vehicular crossover have been identified as public highway and will be included in the DPHP. The crossover does not appear to be in use as access to the rear of no. 102, however if deemed appropriate by the property owner and Granville LLP, one of the proposed parking spaces that would ‘block’ this access could be allocated to that property ensuring they have control over access. See Photos Item 5 in **Appendix C**.
- 1.12 Item 6 – Track between Mountfield and the garages. It is agreed that this link is used by the public at large. It is considered that this is used as a walkway between Mortimer Close and Llanelly Road. The area will be included within the DPHP. See Photos Item 6 in **Appendix C**.
- 1.13 Item 7 – Footpath to rear of 263, 265, 269 and 271 Cricklewood Lane and garage/vehicular access to no. 263. This footpath will not be affected by the proposals and is not considered to be public highway. Pedestrian access will be retained but vehicular access to the garages will be affected, however the proposed parking space that ‘blocks’ the access could be allocated to no. 263 as such ensuring that have control over that access. See Photos Item 7 in **Appendix B**. It should be noted that the parking permit sign that is displayed on the fence of no. 265 is not a LBB installed sign. It appears to be a replica used to deter the public from parking in the hardstanding area behind the property.
- 1.14 Item 8 – Former Community Centre. This area is fenced and gated and there is no pedestrian access into it. There are no routes through the area to any public highway and it is not considered that any of the hardstanding should be included in the DPHP. In line with the LBB definitions above, this area or any part of it is not a public highway. See Photos Item 8 in **Appendix C**.

The Definitive Public Highway Plan and Stopping Up

- 1.15 In light of the above and following the site survey, EAS have prepared the Definitive Public Highway Plan for London Borough of Barnet’s consideration. The plan is contained in **Appendix D**.
- 1.16 Now a Definitive Public Highway Plan is available, it is considered that the Stopping Up process can be commenced. A proposed Stopping Up drawing is contained in **Appendix E**.

2 Summary

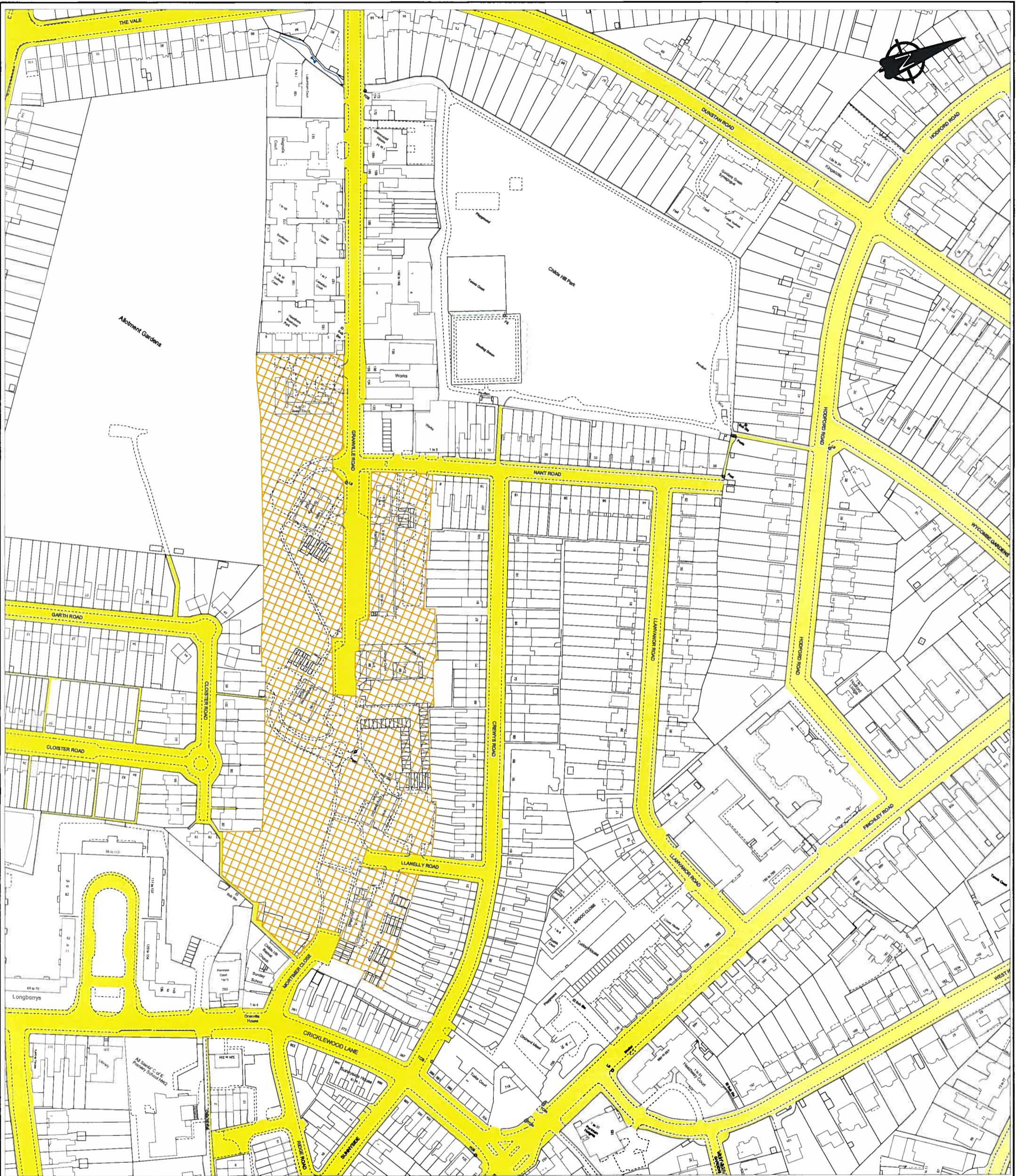
- 2.1 There has been extensive dialogue between London Borough of Barnet, EAS and Sherrygreen Homes regarding the Public Highway. The Adopted Highway plan provided by LBB was incomplete as areas that they considered to be highway were missing. The definition of highway as provided by LBB legal team was used to identify previously unidentified areas of highway.
- 2.2 It was agreed that EAS would undertake a site survey with a view to prepare an overall plan – The Definitive Public Highway Plan (DHP). This has been used as a base for the proposed Stopping Up plan.

Appendices

- Appendix: A London Borough of Barnet Adopted Highway Plan
- Appendix: B LBB Specific Areas for Consideration
- Appendix: C Item Photos
- Appendix: D Definitive Public Highway Plan
- Appendix: E Proposed Stopping Up Plan

Appendix: A

**LONDON BOROUGH OF BARNET
ADOPTED HIGHWAY PLAN**



NOTES:

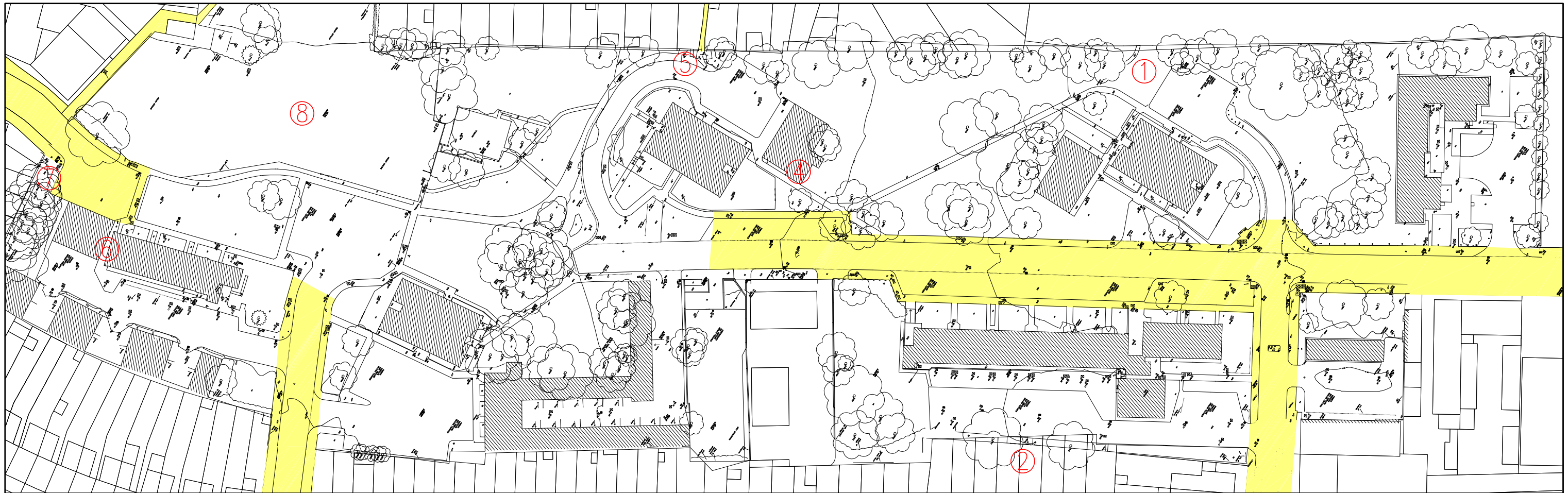
- Adopted Highway
- Housing Maintenance

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TITLE:		Granville Estate		Director for Place	
		Adopted Highway / Public Right of Way		London Borough of Barnet, Building 4 North London Business Park Oakleigh Road South London N11 1NP Tel. (020) 8359 2000	
Scales:		NOT TO SCALE		Date: September 2013	
Initiated:	Drawn:	Checked:	AE	Revision and Date	Description
				BARNET LONDON BOROUGH DEVELOPMENT AND REGULATORY SERVICES	
				DRAWING NO:	
				EPR/TD/AE/20018800/09-13	
				Acad Ref. N/A	

Appendix: B

**LBB SPECIFIC AREAS FOR
CONSIDERATION**



- 1. ACCESS PATH TO ALLOTMENTS
- 2. ACCESS TO 97 AND 99 CREWYS ROAD GARAGES FROM NANT COURT CAR PARK
- 3. LAND BETWEEN 91 AND 87 CREWYS ROAD
- 4. ELECTRICITY SUB STATION ACCESS
- 5. VEHICULAR ACCESS TO REAR OF 102 CLOISTER ROAD (DROPPED KERB)
- 6. TRACK BETWEEN MOUNTFIELD AND GARAGES
- 7. ACCESS TO GARAGES AND REAR OF 263, 265, 267, 269 AND 271 CRICKLEWOOD LANE
- 8. AREA WITHIN COMMUNITY CENTRE CURTILAGE. NB COMMUNITY CENTRE SUFFERED SEVERE FIRE DAMAGE AND WAS SUBSEQUENTLY DEMOLISHED CIRCA 2008.

LONDON BOROUGH OF BARNET:
RECORDED ADOPTED HIGHWAY

REV	DATE	BY	DESCRIPTION	CHK	APD
DRAWING STATUS: FOR INFORMATION					
<p style="margin: 5px 0 0 0;">Unit 108, The Maltings, Stanstead Abbots, Hertfordshire, SG12 8HG Tel: 01920 871777 www.eastp.co.uk</p>					
CLIENT: GRANVILLE ROAD LLP					
ARCHITECT:					
PROJECT: GRANVILLE ESTATE REGENERATION PUBLIC HIGHWAY INVESTIGATION					
TITLE: LONDON BOROUGH OF BARNET SPECIFIC AREAS TO CONSIDER					
SCALE © A3: 1:1000		DESIGN-DRAWN: MD		DATE: 14.11.2014	
PROJECT No: 237			DRAWING No: H101		

Appendix: C ITEM PHOTOS

Item 1 Photos



Item 2 Photos



Item 3 Photos





Narrow opening onto grassed area next to Nant Court car park. Way is blocked by rubbish bags. Not considered a link between Crewys Road and Granville Road or Nant Court car park, the 'alley' did not appear to be in use.



Narrow path along rear of 91, 93 and 95 Crewys Road accessed from gap between 91 and 87 Crewys Road.

Item 4 Photos



Item 5 Photos



Item 6 Photos



Item 7 Photos






Item 8 Photos




Appendix: D

DEFINITIVE PUBLIC HIGHWAY PLAN



-  LONDON BOROUGH OF BARNET:
RECORDED ADOPTED HIGHWAY
-  ADDITIONAL HIGHWAY AS IDENTIFIED
BY EAS
-  ADOPTED PUBLIC HIGHWAY


REV	DATE	BY	DESCRIPTION	CHK	APP
DRAWING STATUS: FOR INFORMATION					
 Unit 108, The Millings, Stansted Abbots, Hertfordshire, SG12 8HG Tel: 01920 871777 www.eastp.co.uk					
CLIENT: GRANVILLE LLP					
ARCHITECT:					
PROJECT: GRANVILLE ESTATE REGENERATION PUBLIC HIGHWAY INVESTIGATION					
TITLE: DEFINITIVE PUBLIC HIGHWAY PLAN					
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PROJECT No: 237		DRAWING No: H102			

Appendix: E

PROPOSED STOPPING UP PLAN



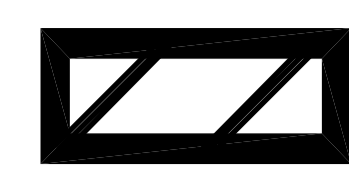
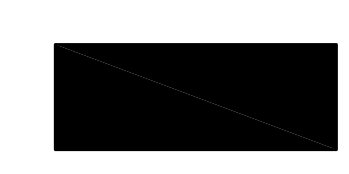
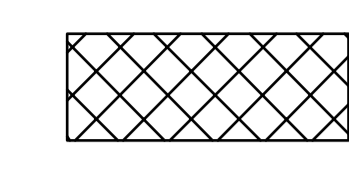
AREA OF PUBLIC HIGHWAY TO BE STOPPED UP

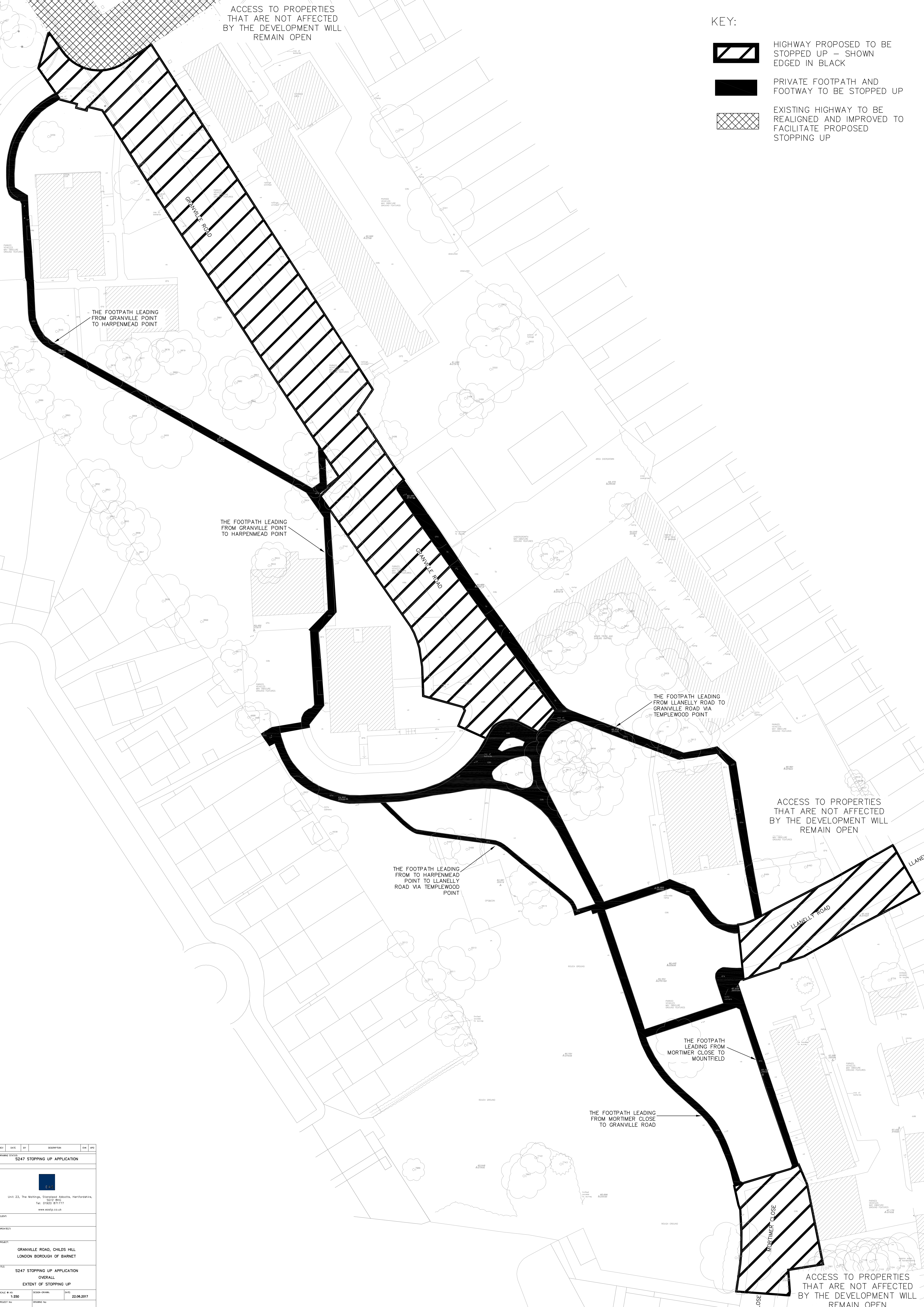
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 Unit 108, The Millings, Stansfeld Abbotts, Hertfordshire, SG12 8HG Tel: 01920 871777 www.eostp.co.uk					
CLIENT: GRANVILLE LLP					
ARCHITECT:					
PROJECT: GRANVILLE ESTATE REGENERATION PUBLIC HIGHWAY INVESTIGATION					
TITLE: PROPOSED OVERALL STOPPING UP PLAN					
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PROJECT No: 237		DRAWING No: H103			


Appendix B

ACCESS TO PROPERTIES THAT ARE NOT AFFECTED BY THE DEVELOPMENT WILL REMAIN OPEN

KEY:

-  HIGHWAY PROPOSED TO BE STOPPED UP - SHOWN EDGED IN BLACK
-  PRIVATE FOOTPATH AND FOOTWAY TO BE STOPPED UP
-  EXISTING HIGHWAY TO BE REALIGNED AND IMPROVED TO FACILITATE PROPOSED STOPPING UP

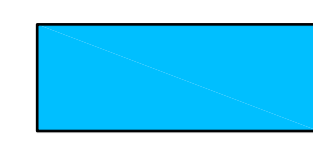


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UNIT 23, The Millings, Stonehead Abbots, Hertfordshire, SG12 9HS Tel: 01292 811777 www.esup.co.uk					
CLIENT:					
ARCHITECT:					
PROJECT:					
GRANVILLE ROAD, CHILDS HILL LONDON BOROUGH OF BARNET					
TITLE:					
S247 STOPPING UP APPLICATION OVERALL EXTENT OF STOPPING UP					
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PROJECT NO:	1308	DRAWING NO:	1308-S247-S1005		

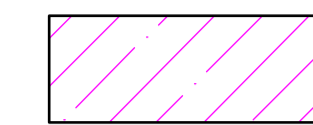
ACCESS TO PROPERTIES THAT ARE NOT AFFECTED BY THE DEVELOPMENT WILL REMAIN OPEN

Appendix C

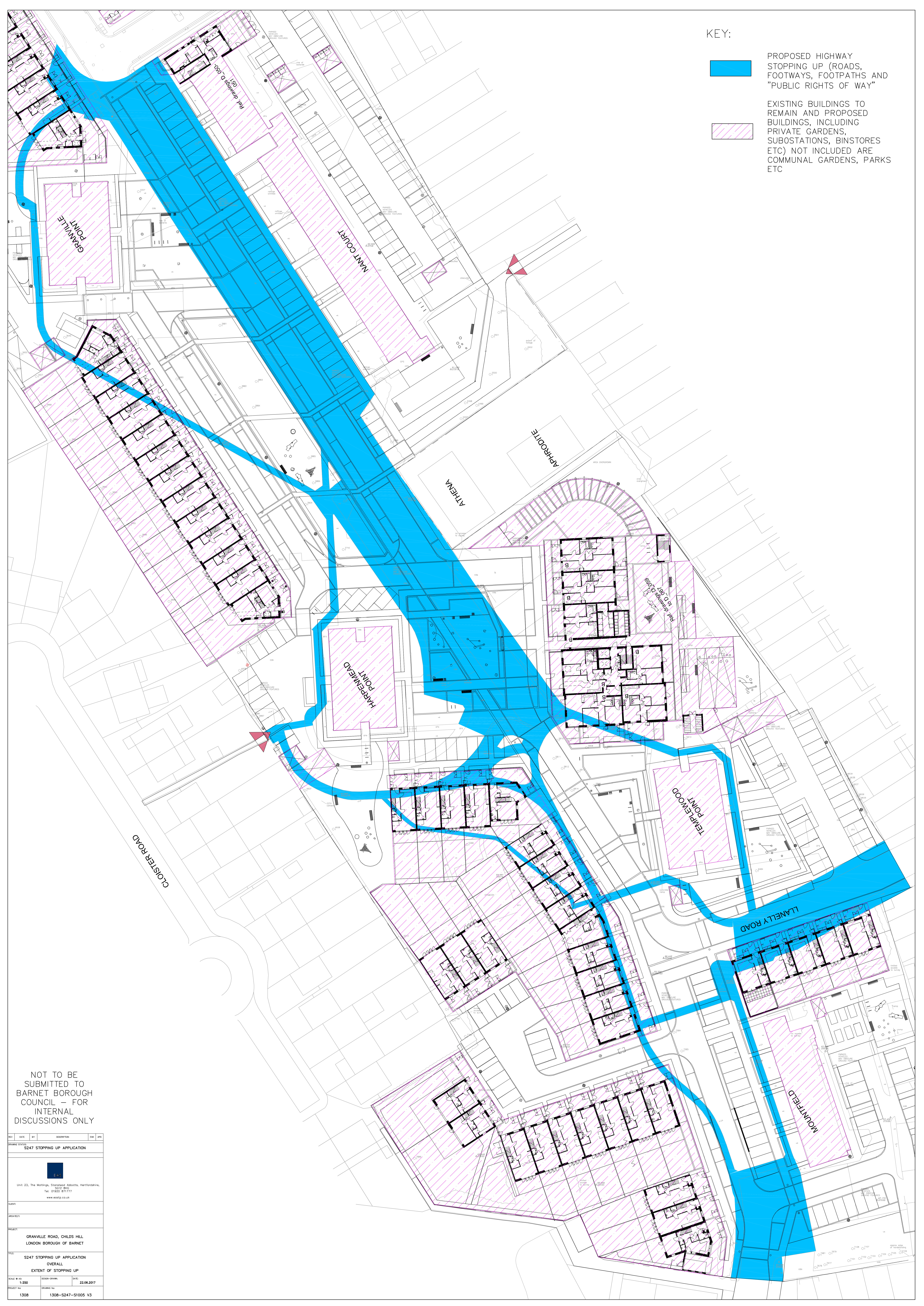
KEY:



PROPOSED HIGHWAY STOPPING UP (ROADS, FOOTWAYS, FOOTPATHS AND "PUBLIC RIGHTS OF WAY")



EXISTING BUILDINGS TO REMAIN AND PROPOSED BUILDINGS, INCLUDING PRIVATE GARDENS, SUBSTATIONS, BINSTORES ETC) NOT INCLUDED ARE COMMUNAL GARDENS, PARKS ETC



NOT TO BE SUBMITTED TO BARNET BOROUGH COUNCIL - FOR INTERNAL DISCUSSIONS ONLY

REV	DATE	BY	DESCRIPTION	CHK	APP
DRAWING SYMBOL: S247 STOPPING UP APPLICATION					
UNIT 23, The Millings, Stonehead Abbots, Hertfordshire, SG12 8HT, Tel: 01262 817177, www.easmp.co.uk					
CLIENT:					
ARCHITECT:					
PROJECT: GRANVILLE ROAD, CHILDS HILL, LONDON BOROUGH OF BARNET					
TITLE: S247 STOPPING UP APPLICATION OVERALL EXTENT OF STOPPING UP					
SCALE: 1:250	DESIGN-DRAWN:	DATE:	22.08.2017		
PROJECT NO:	DRAWING NO:	1308-S247-S1005 V3			
1308					

Appendix D

LONDON BOROUGH OF BARNET

**REDEVELOPMENT AT GRANVILLE ROAD ESTATE NW2
HIGHWAY AT/ADJACENT TO GRANVILLE ROAD NW2 (PART), MORTIMER CLOSE NW2 (PART)
AND LLANELLY ROAD NW2 (PART)
(STOPPING UP ORDER No.1 2017)**

**NOTICE OF INTENTION TO MAKE A STOPPING UP ORDER
SECTION 247 TOWN AND COUNTRY PLANNING ACT 1990**

NOTICE is hereby given that the London Borough of Barnet (“the Council”) acting in its capacity as local highway authority proposes to make an Order under section 247 of the Town and Country Planning Act 1990 (as amended) (“the Act”) authorising the stopping up of the highways described in the Schedule below and shown shaded in solid black and the highways shown hatched with black diagonal lines on Drawing No. 1180-S247-S1005 attached to the Order.

IF THE PROPOSED ORDER IS MADE, the stopping up will enable the redevelopment of Granville Road Estate, NW2 to be carried out in accordance with the planning permission granted on planning appeal under Part III of the Act by the Planning Inspector on 8 August 2016 under planning appeal reference APP/N5090/W/15/3132049 (planning reference F/04474/14) and will be for no other purpose.

COPIES OF THE DRAFT ORDER AND RELEVANT PLAN MAY BE INSPECTED and / or obtained free of charge between the hours of 9.00am and 4.30pm Monday to Friday for a period of 28 days commencing on **Thursday 26th October 2017** at the main reception, Barnet House, 1255 High Road, Whetstone, London N20 0EJ.

ANY OBJECTION to the making of the proposed Order must be made in writing within a period of 28 days commencing on Thursday 26th October **2017** by sending written notice **to** The Traffic and Development Manager, Development Control Team - Traffic & Development Section, Development & Regulatory Services, London Borough of Barnet, 11th Floor, Barnet House, 1255 High Road Whetstone, London N20 0EJ **before 5pm on Friday 24th November 2017**.

The Council may disclose the substance of any objection made to the making of the Order to other persons affected by it and that those persons may wish to communicate with the objector.

If no objections are duly made to the making of the Order, or if any objections are withdrawn, the Council may make the Order as an unopposed Order. Any objections duly made and which are not withdrawn will be referred to the Mayor of London.

THIS NOTICE is given by virtue of Section 252 of the above Act.


THE SCHEDULE

Description of Highways to be stopped up

The adopted highway areas/references and sections listed in the table below and shaded in solid black and the highway areas shown hatched with black diagonal lines on Drawing No. 1180-S247-S1005 attached to the Order referred to in this Notice. The dimensions quoted in the table are approximate averages and have been rounded to the nearest half metre. The drawing should be referred to for exact locations.

Name/Reference of Highway	Zone Reference/Address of Highway	Starting Grid Referenc	End Grid Reference	Highway to be Stopped Up		
				Length (m)	Width (m)	Area (m2)
A1	Granville Road (part)	E: 524736 N: 186745	E: 524836 N: 186599	173.8	16.5	2867.7
A2	Llanelly Road (Part)	E: 524917 N: 186565	E: 524878 N: 186547	40.5	11.3	455.625
A3	Mortimer Road (part)	E: 524886 N: 186495	E: 524886 N: 186471	26.3	16.3	426.5625
B1	Footpath from Granville Point to Harpenmead point	E: 524735 N: 186743	E: 524827 N: 186600	258.3	2	516.6
B2	Footpath from Harpenmead Point to Llanelly Road via Templewood Point	E: 524800 N: 186581	E: 524849 N: 186557	40.5	11.3	455.625
B3	Footpath from Mortimer Close to Granville Road	E: 524883 N: 186494	E: 524828 N: 186600	99.7	1.9	189.335
B4	Footpath from Mortimer Close to Mountfield	E: 524892 N: 186497	E: 524881 N: 186542	45.7	1.7	77.605
B5	Footpath from Llanelly Road to Granville Road via Templewood Point	E: 524885 N: 186554	E: 524839 N: 186601	77.2	1.9	146.585
B6	Granville Road Footpath (east)	E: 524803 N: 186649	E: 524839 N: 186601	64.9	2.5	159.005

Dated: this 26th October 2017

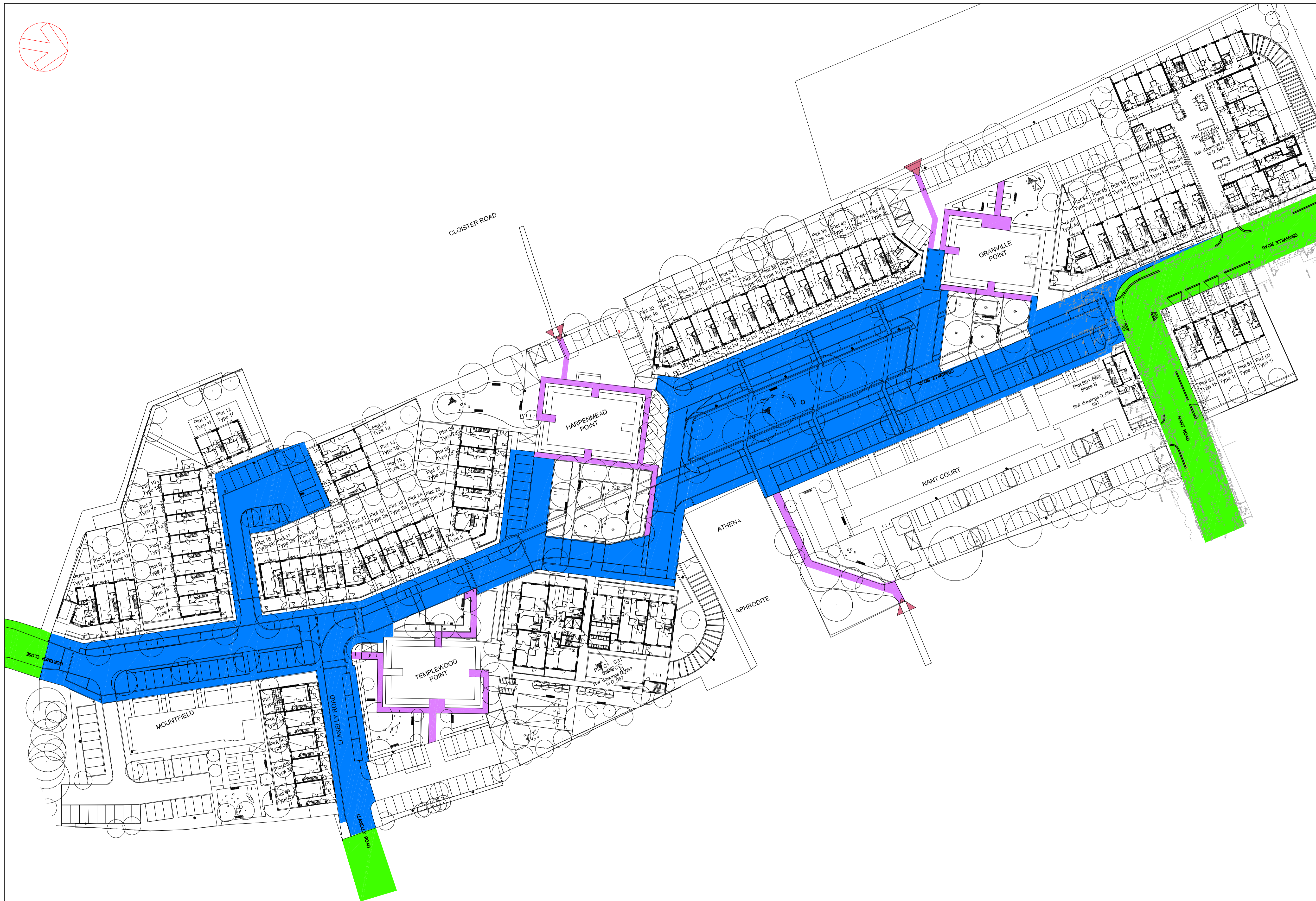
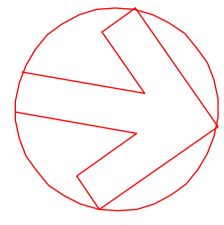
Signed 
 Jamie Blake
 Strategic Director for Environment
 On behalf of the London Borough of Barnet

Appendix E


**GRANVILLE ROAD - STOPPING UP ORDER
OBJECTION TRACKER**

No.	Date Received	Name of objector	Summary of objection
1	13/11/2017	Zea Katzeff	Believes footpath between Granville Road and Cloister Road is to be stopped up and the use of the pedestrian gate to the allotments is to be stopped, thus making journeys longer and having to use heavily trafficed roads.
2	14/11/2017	Poppy & Maor Fishman	Believes footpath between Granville Road and Cloister Road is to be stopped up. They use this alleyway often and believe without it their journey will be longer. Unhappy that the use of the pedestrian gate to the allotments will be stopped.
3	16/11/2017	Susette Palmer	Has seen plans showing enclosed railings around parts of the estate, which prevent access across the estate. Uses the path from Granville Rd to Mortimer Close. Believes there will be disruptions to the footpaths from Garth and Cloister roads to the Childs Hill Library and School.
4	17/11/2017	P M Cheung	The closure of the pathways that connect the allotment, Garth Road and easy access to Hendon Way will be disrupted and will result in them having to walk a long way around. Existing residents with vehicles will have difficulty parking and during the works there will be issues with parking. Concerned that old community centre is not being replaced.
5	17/11/2017	Aine Ignitia	The closure of the pathways that connect the allotment, Garth Road and easy access to Hendon Way will be disrupted and will result in them having to walk a long way around. Existing residents with vehicles will have difficulty parking and during the works there will be issues with parking. Concerned that old community centre is not being replaced.
6	20/11/2017	Dr Kim Murphy	Believes that general access within the estate and specific access through the estate to both Crewys Road and Cricklewood Lane will be severely restricted. Concerned access will be restricted to the allotment site.
7	22/11/2017	Andrew Tucker	Believes that if the access to the allotment is stopped journey time to his allotment will be made longer.
8	24/11/2017	E M Morgon	Various footpaths are going to be stopped up, particularly around the tower blocks, believes that they will no longer be able to get around the estate as a result.
9	24/11/2017	Andrea Bouras	Believes access to the allotments from the estate will be taken away and that access will have to be via the A40, which has several risks associated with it.
10	24/11/2017	E. Quartey- Papafio	Found it very difficult to understand whether this was a permanent proposal or only so that works could take place. Thinks that public rights of way should not be taken away. Feels that the implications should be discussed publicly within the Granville Road Estate before any permissions are given. Thinks that the SU is to transfer ownership of the land from the Highways Department to New Granville and I object to that taking place. I feel that the pathways and roads on Granville Estate should remain under the Highways Department.
11	24/11/2017	Robert Costin	Believes the Stopping Up Order is too restrictive and deprives vulnerable residents of easy access to the adjoining streets in the local area. Believes the SU is highly inconsiderate and selfish considering the dependency of access via these routes.
12	24/11/2017	GERA	Believes the Stopping Up Order is too restrictive and deprives vulnerable residents of easy access to the adjoining streets in the local area. Believes the SU is highly inconsiderate and selfish considering the dependency of access via these routes.

Appendix F



- KEY:
- ADOPTED PUBLIC HIGHWAY
 - NON-ADOPTED HIGHWAY WITH PUBLIC RIGHT OF WAY
 - NON-ADOPTED FOOTPATHS/PEDESTRIAN LINKS WITH PUBLIC RIGHT OF WAY

REV	DATE	BY	DESCRIPTION	CHK	APP
DRAWING STATUS: FOR S278 APPROVAL					
 Unit 23, The Millings, Stanstead Abbots, Hertfordshire, SG12 8HG Tel: 01920 871777 www.eostp.co.uk					
CLIENT: GRANVILLE ROAD LLP					
ARCHITECT:					
PROJECT: GRANVILLE ROAD, CHILDS HILL LONDON BOROUGH OF BARNET					
TITLE: S247 APPLICATION ADOPTED AND NON-ADOPTED HIGHWAY AND PUBLIC RIGHT OF WAY					
SCALE @ A1:	DESIGN-DRAWN:	DATE:			
1:500	MD	10.01.2018			
PROJECT No:	DRAWING No:				
1308	1308-S247-S3000				

Appendix G

Fergus Charlton

From: Mrinalini.Rajaratnam@harrow.gov.uk
Sent: 19 June 2018 15:06
To: Luke.Thompson@Barnet.gov.uk; ross.williams@sherrygreenhomes.co.uk; martin.taylor@sherrygreenhomes.co.uk; Fergus Charlton; Vandana.Walia-Rodrigo@harrow.gov.uk
Cc: Nicola.Bird@barnet.gov.uk; Helen.Phillips@Barnet.gov.uk; Andrew.Etiang@barnet.gov.uk
Subject: RE: Granville Road Estate - Summary of Telephone Conference 08/06/2018
FilingDate: 25/06/2018 09:46:26

Dear Luke,

There are various ways in which a footpath can become a public footpath, for example by a dedication agreement under Section 38 of the Highways Act 1980(HA1980), a public path creation agreement under Section 25 of the HA 1980 , as part of the stopping up order under Section 247 of the TCPA 1990, by notice under section 228 once the highway works have been completed, or by virtue of section 36(2) of the HA1980 where a path is constructed by the Council under the Housing Act 1985.

At Granville Road Estate we have the following issues:

- The existing highway needs to be stopped up before the development commences.
- The new footpaths can only be provided after the development has completed or is nearing completion.
- A SUO has been made and there are several objections to the loss of the footpaths. The public need to assured that the new public footpaths will be provided. The assurance is required before the SUO is progressed.

In the circumstances, an order under section 26 of the Highways Act appears to be the most appropriate, provided we receive the necessary undertaking from the Developer. The s26 order will provide the public with the assurance(before the stopping up order is confirmed) that new footpaths will be provided to replace those that will be lost when the SUO is confirmed, and will allow the footpaths to be completed when the development is reaching completion. Fergus will have to let us know the earliest these can be provided. Vandana can then draft the S26 Order accordingly.

Please note that I shall be out of the office from 25th June – 10th July 2018.

Kind regards,

Mrinalini Rajaratnam
Senior Lawyer – Planning & Regeneration

The logo for HB Public Law, featuring the text "HB Public Law" in a purple serif font, enclosed within a rounded rectangular border with a green-to-blue gradient.

Harrow Council, PO Box 2, Civic Centre, Station Road, Harrow, HA1 2UH

DX 30450 HARROW 3

Internal Ext: x8452
Direct Line: 0208 416 8452
Fax: 0208 424 1557
Email: Mrinalini.Rajaratnam@harrow.gov.uk

From: Thompson, Luke [mailto:Luke.Thompson@Barnet.gov.uk]
Sent: 11 June 2018 16:34
To: Ross Williams; Martin Taylor; Fergus Charlton; Mrinalini Rajaratnam; Vandana Walia-Rodrigo
Cc: Bird, Nicola; Phillips, Helen; Etiang, Andrew
Subject: Granville Road Estate - Summary of Telephone Conference 08/06/2018

Fergus, Mrinalini & Vandana,

Thank you for the conference call on Friday 08th June 2018 in order to discuss the outstanding issues relating to the S247 TCPA 1990 Stopping Up Order (SUO 1), at Granville Road Estate, whose notice of intent was published on 26/10/2017. Please find below a summary of the items discussed.

S26 Highways Act (HA) 1980

There remains outstanding objections to SUO 1, in particular relating to the loss of Public Rights Of Way (PROW) across the estate, that need to be formally resolved to enable the stopping up order to be progressed. From previous discussions between Sherrygreen Homes and HB Public Law it was established and agreed that the use of S26 HA 1980 was the best mechanism to re-provide PROW. This would put Sherrygreen Homes in a position to respond to outstanding objections in order to progress SUO 1.

Sherrygreen Homes (Fergus) - Please provide written confirmation (letter/email) stating that you wish the Council to commence proceedings under S26 of the HA 1980. It should be noted that the S26 Order is a compulsory creation order by the Council. In this instance, it is being instigated further to a request from developer to address outstanding objections to SUO 1.

HB Public Law (Mrinalini / Vandana) - please separately provide confirmation that the use of S26 HA 1980 is appropriate in this instance subject to an undertaking from the developer not to seek compensation.

Before instructing HB Law to begin the S26 Order proceedings, the Highway Authority will need to seek authorisation from our Client (Barnet Council). This authorisation is requested through a Delegated Powers Report (DPR) which will outline the history and intended purpose of the S26 Order.

Please note that the use of the S26 Order in order to re-provide PROW will in no way guarantee that the objections to SUO 1 are formally withdrawn by the objectors due to the contentious nature of the development. However should the objectors refuse to formally withdraw their objections, then the Council's Legal Services will be requested to advise as to whether the refusals - despite being provision of legally binding obligations on the Developer - warrant referral to the Mayor's Office on the need for a public inquiry.

Compensation arising from S26 HA 1980

I understand from last Friday's discussions, S26 HA 1980 enables the land owner over which the newly created footpaths are constructed to seek compensation from the Highway Authority. Prior to instructing our legal team to begin the S26 process we will require an undertaking from the developer confirming that they will not seek compensation in relation to the creation of footpaths. If HB Law can advise on what format this undertaking is to take.

Maintenance of newly created footpaths

Similarly I understand from the discussions, S26 will have the effect of creating a highway maintainable at public expense, however the developers have requested that they assume the maintenance responsibility of the path which is not objected to by the Authority. It appears that a condition can be inserted into the order stating that the Estate Management company will be responsible for maintaining the newly created footpaths. If clarity can be given on the format this agreement is to take and at what stage of the S26 process this agreement needs to be in place.

Timing of S26

The timing of the S26 Order was discussed as there was uncertainty as to when the process should commence. HB Public Law advised that as the S26 Order is being utilised to respond to the objections to the SUO 1, the S26 would need to commence and be completed prior to SUO 1 being progressed.

However this raises the issue of the footpaths not being created immediately upon making of the S26 Order as the development needs to be constructed before the footpaths can be created. It was advised that a clause could be inserted into the S26 Order that specifies that the footpaths are to be created at a certain trigger point. We request HB Public Law provide guidance as to how this trigger point is to be defined in the proposed S26 Order.

Update for CPO enquiry

It was discussed that as part of the Public Enquiry into the CPO at Granville Road Estate, an outline of the current situation with SUO 1 (S247 TCPA 1990) needs to be provided to materially demonstrate that SUO 1 is being progressed and will not undermine the development scheme.

The type of documentation required was discussed, with a report and a draft copy of the SUO 1 & S26 Order being put forward as possible types of supporting documentation. We request a final agreement on the type of supporting documentation required (for the CPO) is reached between Sherrygreen Homes (Fergus Charlton), LBB Regeneration (Nicola Bird and Helen Phillips) and that we are updated accordingly. HB Public Law already hold a copy of the draft SUO Order and the signed DPR (giving the authority to prepare / make the Order). Please bear in mind that it will take time (at least 3 weeks) to provide a signed off DPR authorising the S26 process should this be required for presentation at the CPO inquiry. As mentioned above, we need written formal confirmation from Sherrygreen Homes (letter/email) that they are seeking for the Council to process an Order under S26 HA 1980.

Costs

Sherrygreen Homes have agreed an undertaking with HB Law to cover the costs relating to SUO 1. However, the Local Highways Authority has incurred costs as a result of SUO 1 that exceeds that provided as an initial interim payment. As it is likely that the SUO 1 will be put on "hold" while the S26 process runs its course, we request that the outstanding fees due are settled promptly - the outstanding balance due to the Highway Authority will be advised in a separate email.

With regards to the S26 Order, once instructed to begin the S26 Order HB Law will require an undertaking for their costs before commencing proceedings. Please be aware that any delay in providing this undertaking is likely to prolong processing the s26 Order.

Temporary Footpaths

During the construction phase of the development there will be the need for temporary footpaths to be provided across the estate so that residents and members of the public can continue to enjoy similar levels of access across the estate. Details and routes of these temporary paths

during each construction phase have been provided by Sherrygreen Homes (Ross Williams) in the email dated 25th April 2018 (attached) and is agreeable to the Highway Authority in principle.

It has been agreed by the Sherrygreen Homes, temporary routes across the estate will be provided and in place prior to commencement of the construction works. At this stage, the existing PROW routes will no longer be accessible to the public. This is to facilitate construction of the development as well as provide for safety of the public. A suitable mechanism will be required (e.g. Works Licence) that obliges the Sherrygreen Homes to provide and maintain these temporary footways (for safe passage by all pedestrians at all times).

Should there be any items discussed that have been omitted, or items that require further clarity please let me know.

Regards,

Luke Thompson
Engineer

Re, Floor 11, Barnet House, 1255 High Road, London, N20 0EJ

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