

London Borough of Barnet,
2 Bristol Avenue,
Colindale,
London NW9 4EW
15 October 2021
Our ref: 7581929

Dear Sir/ Madam

Environmental Information Regulations 2004 - Internal Review request

Your complaint is partly upheld. The response sent should have been made clearer to you what recorded information was held by the Council and what is no longer held for both the planning application process and the regeneration teams involvement.

The Council identified three of its service areas as potentially holding information relevant to your request:

- * Records and Information Service
- * Planning Service
- * Regeneration Service

I have now conducted further searches to identify the material held that you have requested.

The Council's Records Management lead applied the search terms to the Council's central record of corporate paper holdings. The service confirmed that no further information was found in scope of the request.

The Planning and Regeneration Service confirmed that they had searched their shared drives and case management systems including all folders relevant to the question. The Council has a mailbox deletion policy after 6 months of an officer leaving the Council's employment. The officers involved in the discussions no longer work for the Council so any information held within email is no longer held.

The pre application team leader has also confirmed they have no information regarding this site on the matters you have raised.

In summary, the Council is unable to locate the specific information you have requested. Accordingly, the Council relies upon regulation 12(4)(a) EIR exception (Information not held) in relation to this information. The public interest in maintaining the exception outweighs the public interest in disclosure: the Council cannot disclose information which it does not hold, and cannot locate it following a reasonable search. I apologise that the exception relied upon was not included in the original response and for this reason your complaint is upheld.

I can confirm that London Borough of Barnet holds some of the information you requested in terms of the final decision made. We no longer hold, through the passage of time, records of the detailed communications and discussions between

the parties involved. However, formal legal agreements have been entered into and signed, formally documenting the decisions following public participation and consideration by qualified officers were made at the time. These confirm the removal of permitted development rights from the scheme and properties being sold as leasehold rather than freehold.

Background

Cabinet Resources Committee, 8 December 2009 (Decision 6) - approved the Council entering into a Competitive Dialogue Process to procure a commercial developer and Registered Social Landlord to regenerate Dollis Valley estate

In 2011, following a competitive dialogue process, Countryside Properties (UK) Limited (CP) (the partner) and London and Quadrant Housing Trust (L&Q) (the RP) were selected as Barnet Council's preferred development partner(s) for the regeneration of the Dollis Valley Estate. I have attached a copy of the report that went to Cabinet Resources Committee on 7 November 2011 about the Dollis Valley regeneration scheme and approved on 11 November 2011.

In 2012 (1st October), the Council entered into a Regeneration Development agreement with CP and L&Q for a 616-home regeneration of the Dollis Valley. Following the selection of CP and L&Q, officers have been engaged in detailed pre-application discussions leading to the submission of a planning application for planning permission which was granted. A copy of the agreement has been released under a previous request and is accessible here <https://www.barnet.gov.uk/foi-requests/7475497>. Schedule 15 of the Development Agreement ('Building Lease') provides for the transfer of Council properties to CP and L&Q and signed on a 999 lease.

Preapplication Community and stakeholder consultation activities took place between 28th February 2012 and 8th January 2013. All events were held at either the Valley Centre or the Rainbow Centre, both located at the site.

The planning application for the redevelopment of the Dollis Valley Estate was submitted in February 2013 and has undergone consultation for a period of 5 weeks. Approximately 4,000 properties were notified of the planning application. The scheme, was given outline planning permission ref: B/00354/13, and is to be built across five phases and will include the demolition of the existing Council-owned 1960s estate on the site. The Committee report of the outline scheme approved and approval subsequent phases explain the reasoning for the Council's decision, the full planning application approvals for the stages approved to date contain the informative/ conditions relating to the removal of permitted development rights. These are standard terms used in many schemes where the Council wishes to retain control on any further development on the site.

A local planning authority (LPA) is the local government body that is empowered by law to exercise urban planning functions for a particular area. Legally Binding Decision Notices and Committee reports for planning permission granted can be found here www.barnet.gov.uk/planning-and-building/planning/find-and-comment-planning-applications.

For ease of I have attached the Committee report and the original Outline Planning Decision ref: B_00354_13 granted for Dollis Valley and copied out the relevant wording on Page 29, Para 65

Restriction of Permitted Development Rights

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that order with or without modification), no development which would otherwise fall within Classes A, B, C, D, E and F in Part 1 of Schedule 2 to that Order shall be carried out in relation to the dwellinghouses hereby permitted without the prior written permission of the local planning authority

Reason:

To ensure that the development does not prejudice the character of the locality and the enjoyment of existing and/ or neighbouring occupiers of their properties in accordance with policy DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012)

Subsequent Phases of the Development have been granted planning permission and the Committee Report and Decision Notice contain similar wording to the above restricting permitted development rights.

Further information on this decision and other decisions on Dollis Valley can be found www.barnet.gov.uk/planning-and-building/planning/find-and-comment-planning-applications

This concludes your information request.

Yours sincerely

Richard Carter
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