



London Borough of Barnet,
2 Bristol Avenue,
Colindale,
London NW9 4EW
5 August 2021
Our ref: 7475497

Thank you for your request received on 13 July 2021, for the following information:

Copy of Regeneration Contract between Barnet Council and the development partners at Dollis Valley (Countryside and London and Quadrant)

We have processed this request under the Environmental Information Regulations 2004.

Response

I can confirm that London Borough of Barnet holds the information you requested.

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. The proposals developed by CP aimed to ensure that there was no reliance on public subsidy or affordable housing grant in order to deliver the scheme.

In 2012 (1st October), the Council entered into a regeneration agreement with CP and L&Q for the delivery of the regeneration. 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.

How long will the scheme take?

Phased development is expected to complete by 2025.

What's been delivered so far?

To date, 271 new homes have been built, of which 113 are affordable.

New facilities including a new community centre 'Hope Corner', housing a pre-school nursery and a café and West Gardens providing informal play, communal gardens and seating.

Two Gaelic outdoor football pitches have been constructed and are in use. King George v Playing Fields is open for residents to use.

The council has enacted Compulsory Purchase Order powers to enable assembly of land and property for development.

However, we consider that the following exceptions apply to some of the information requested. The remaining information is not withheld and is below/attached. Mayor and Burgesses of the London Borough of Barnet, Countryside Properties (UK) Limited, London Quadrant Housing Trust and Countryside Properties plc and dated 1 October 2012

The contract comprises:

- Agreement for the regeneration of Dollis Valley
- Five Supplemental Agreements and 37 Schedules

Schedule 1 Regeneration Objectives

Schedule 2 Rent Scheme

Schedule 3 Warranty Agreement

Schedule 4 Independent Certifiers Appointment

Schedule 5 Ownership - Warranted Data

Schedule 6 Option Agreement (Council)

Schedule 7 Estate management principles

Schedule 8 RP Option Agreement

Schedule 9 Master Plan

Schedule 10 Master Programme

Schedule 11 Nomination Rights Deed

Schedule 12 Original Financial Model

Schedule 13 Site Plan

Schedule 14 Title Details

Schedule 15 Building lease

Schedule 16 Part 3 of the title plan to title number NGL277192

Schedule 17 Dollis Valley Partnership Board

Schedule 18 Decanting Plan

Schedule 19 Equal Opportunities Policies

Schedule 20 Professional Team

Schedule 21 Housing Corporation Circular 27/01

Schedule 22 Commercially Sensitive Information

Schedule 23 Affordable Housing Specification

Schedule 24 Community Facilities

- Schedule 25 Offer to Existing Owner Occupiers
- Schedule 26 Direct Agreement
- Schedule 27 Demolition Requirements
- Schedule 28 Design Certifiers Appointment
- Schedule 29 Overage Provisions
- Schedule 30 Phase Viability Test
- Schedule 31 Market Value - RICS
- Schedule 32 Specimen Residential Lease
- Schedule 33 Tenanted Market Value
- Schedule 34 Step in Procedure
- Schedule 35 Specimen Tenancy Agreement
- Schedule 36 Works requirements and considerate contractor requirements
- Schedule 37 Employment and training initiatives

The Council's solicitors are currently in the process of drafting a Sixth Supplemental Agreement. This agreement will make changes to the existing Regeneration Agreement to allow leaseholders of the houses in Phases 1 and 2 to acquire the freehold on request. This Sixth Supplemental Agreement is likely to be in place within the next few months and is not included in the attached as in draft form and our transparency objectives will be met when it is published.

Refusal Notice

We consider that regulation 13 (Personal information) applies to some of the information requested.

Therefore, we have decided to withhold the information.

[Part 1 of Schedule 19](#) of the Data Protection Act 2018 amends the personal data exception Regulation 13 of the Environmental Information Regulations 2004. These are consequential amendments designed to ensure that the correct provisions of the GDPR and the new Act are referenced instead of the now repealed DPA 1998. They will not fundamentally impact when personal data can, and cannot, be disclosed in response to an EIR request.

We consider the information is subject to Regulation 13 because to release it would be a breach of the Data Protection Act 2018.

Personal Information is governed by the Data Protection legislation and is defined as any information relating to an identified or identifiable natural person ('data subject'). It adds that: an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location number, an online identifier or to one or more factors specific to the

physical, physiological, genetic, mental, economic, cultural or social identity of that natural person.

The withheld information is exempt because disclosure would contravene the first data protection principle which requires that personal data is processed fairly and lawfully. Disclosure of the requested information would breach this principle and in particular the requirement of fairness.

Regulation 12 (5) (e) (Confidentiality of commercial or industrial information)

We consider that regulation 12 (5) (e) (Confidentiality of commercial or industrial information) applies to the information requested because we consider that disclosure of the information requested would adversely affect the confidentiality of commercial or industrial information where such confidentiality is provided by law to protect a legitimate economic interest.

Therefore, we have decided to withhold the information.

In applying this exemption, we have had to balance the public interest in withholding the information against the interest in favour of disclosure.

Factors in favour of disclosing

- There is a clear public interest in the work of local government being closely examined to encourage the discharging of public functions in the most efficient and effective way
- There is an important public interest in the work of public bodies being transparent and open to scrutiny to increase diligence and to protect the public purse
- There is a public interest in public authorities being accountable for their decision making

Factors in favour of withholding

- There is a weighting in favour of maintaining the exception due to the fact that the development is ongoing
- Providing details of the commercial arrangements with the development partner is likely to cause harm to the Council as it currently has several other redevelopment projects at differing stages and is likely to have more in future
- Publishing commercial terms of the arrangement is likely to deter other development partners from wanting to do business with the Council and bringing much needed investment into the Borough
- Development partners are in competition with each other and divulging their sensitive commercial information would damage those organisations in future bidding processes and in obtaining funding for the schemes
- Commercial information relating to individuals and property transactions relating to sale of properties

Having weighed the factors both for and against disclosure it is my judgement that the public interest will be not be served by disclosing the information as detailed

above. With the passage of time, the commercial sensitivity of some information decreases, however, in this case the timing of disclosure is of critical importance as the agreement is still ongoing. The Council considers that disclosure of sensitive information would be likely to prejudice commercial negotiations with other developers/ partners if they knew the structure of this deal and how their own deal compares.

R12 (4)(d) - Material which is still in the course of completion, to unfinished documents or to incomplete data

In the case of the draft, the document is an unfinished, unofficial and unsigned version of the drafting a Sixth Supplemental Agreement which does not fully represent the originating authority's views. Release could give a misleading and inaccurate picture.

The general argument in favour of releasing information is that there is a public interest in being able to scrutinise aspects of the Local Authorities where that information might be easy to access and will not prejudice the London Borough of Barnet. Against disclosure the argument is the public interest in permitting public authorities to publish information in a manner and form and at a time of their own choosing. It is a part of the effective conduct of public affairs that the general publication of information is a conveniently planned and managed activity within the reasonable control of public authorities. Where the decision has been made in principle to publish, there is a reasonable entitlement to make arrangements to do so and this is scheduled to happen over the next few months.

Further information

If you are interested in the data that the council holds you may wish to visit Open Barnet, the council's data portal. This brings together all our published datasets and other information of interest on one searchable database for anyone, anywhere to access. <http://open.barnet.gov.uk/>

Advice and Assistance : Direct Marketing

If you are a company that intends to use the names and contact details of council officers (or other officers) provided in this response for direct marketing, you need to be registered with the Information Commissioner to process personal data for this purpose. You must also check that the individual (whom you wish to contact for direct marketing purposes) is not registered with one of the Preference Services to prevent Direct Marketing. If they are you must adhere to this preference.

You must also ensure you comply with the Privacy Electronic and Communications Regulations (PECR). For more information follow this Link www.ico.org.uk

For the avoidance of doubt the provision of council (and other) officer names and contact details under FOI does not give consent to receive direct marketing via any media and expressly does not constitute a 'soft opt-in' under PECR.

Your rights

If you are unhappy with the way your request for information has been handled, you can request a review within the next 40 working days by writing to the Information

Management Team at: foi@barnet.gov.uk. Or by post to Information Management Team (FOI) London Borough of Barnet, 2 Bristol Avenue, Colindale, NW9 4EW

If, having exhausted our review procedure, you remain dissatisfied with the handling of your request or complaint, you will have a right to appeal to the Information Commissioner at: The Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF (telephone: 0303 123 1113; website www.ico.org.uk). There is no charge for making an appeal.