

Brent Civic Centre
Engineers Way
Wembley
Middlesex HA9 0FJ

TEL / MOB 020 8937 5600

EMAIL trafficorders@brent.gov.uk

WEB www.brent.gov.uk

To: The Mayor's Office
Greater London Authority
City Hall
The Queen's Walk
More London
London SE1 2AA

From: [REDACTED]

12th April 2022

Our ref : TO/23/031/NP

Dear Sir or Madam,

RE: MORLAND GARDENS STOPPING UP ORDER

THE LONDON BOROUGH OF BRENT (STOPPING UP OF HIGHWAYS) (NO. *) ORDER 202*

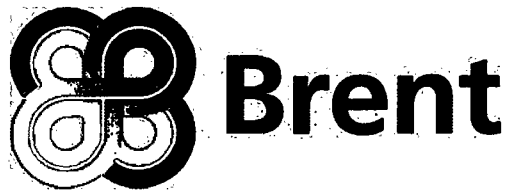
Please find enclosed for your observations a copy of the draft of the above-mentioned Order along with the relevant plan. A copy of the Notice of Proposal to be advertised in The Brent and Kilburn Times and The Gazette on 14th April 2022 are also enclosed.

Please kindly inform Head of Healthy Streets and Parking at Brent by 12th May 2022 whether you have any objections or any observations to make on the draft Order. Should you wish to object to the making of the proposed Order, please send a statement in writing to the above address.

Yours faithfully,

[REDACTED]
Team Leader - Traffic Orders
Healthy Streets and Parking
London Borough of Brent





LONDON BOROUGH OF BRENT

SECTION 247 TOWN AND COUNTRY PLANNING ACT 1990

THE LONDON BOROUGH OF BRENT (STOPPING UP OF HIGHWAYS) (NO. *) ORDER 202*

1. **NOTICE IS HEREBY GIVEN** that The Mayor and Burgesses of the London Borough of Brent propose to make an order under Section 247 and 253 of the Town and Country Planning Act 1990 ("The Act") as amended by Section 270 and Schedule 22 of the Greater London Authority Act 1999 to authorise the stopping up of an area of public highway described in Schedule 1 to this notice.
2. If the order is made, the stopping up will be authorised only in order to enable the development described in Schedule 2 to this notice to be carried out in accordance with the planning permission granted under Part III of the Act by the London Borough of Brent as the Local Planning Authority on 30 October 2020 under Application No. 20/0345.
3. A copy of the draft order and of a plan of the relevant area can be inspected and a copy requested free of charge during normal office hours on Mondays to Fridays inclusive until the expiration of a period of 28 days from the 14th April 2022 at Brent Customer Services, Brent Civic Centre, Engineers Way, Wembley, Middlesex, HA9 0FJ.
4. Persons desiring to object to the making of the proposed order should send a statement in writing of their objection and the grounds thereof, to the Head of Healthy Streets and Parking, Regeneration and Environmental, 5th Floor North Wing, Brent Civic Centre, Engineers Way, Wembley, Middlesex, HA9 0FJ, or via email to trafficorders@brent.gov.uk, quoting the reference TO/23/031/NP, within the period of 28 days from the 14th April 2022.
5. In preparing an objection it should be borne in mind that the substance of it may be imparted to other persons who may be affected by it and that those persons may wish to communicate with the objector about it.

Dated 14th April 2022.


Head of Healthy Streets and Parking

SCHEDULE 1

The area of public highway to be stopped up is shown hatched black on the Deposited Plan and comprises of carriageway, footway and highway verge. It is irregular shaped starting at point A on the plan grid reference E520792.84, N183978.99, continue in a north-easterly direction to point B grid reference E520809.00, N183983.02, then in a south-easterly direction to point C grid reference E520822.41, N183954.51, then in a south-westerly direction to point D grid reference E520810.86, N183946.23 and ending again at point A on the plan. The maximum length is 37.39 metres and maximum width is 16.65 metres.

SCHEDULE 2

Demolition of existing buildings and erection of a new mixed use building ranging in height from two to nine storeys, to provide new homes (use class C3), affordable workspace (Use Class B1), new further education college (Use Class D1), with associated amenity areas, public realm improvements, car and cycle parking and refuse/recycling stores.



THE LONDON BOROUGH OF BRENT

TOWN AND COUNTRY PLANNING ACT 1990

THE LONDON BOROUGH OF BRENT (STOPPING UP OF HIGHWAYS) (NO. *) ORDER 202*

Made * 202* (**)**

THIS ORDER is made by the Mayor and Burgesses of the London Borough of Brent ("The Council") acting in its capacity as a local highway authority and in exercise of its powers under Section 247 and 253 of the Town and Country Planning Act 1990 ("the Act") as amended by Section 270 and Schedule 22 of the Greater London Authority Act 1999 and of all other powers enabling it in that behalf.

BY THIS ORDER:

1. The Council authorises the stopping up of an area of public highway described in Schedule 1 to this order and shown hatched black on the Deposited Plan ("the Highway"), in order to enable development described in Schedule 2 to this order to be carried out in accordance with the planning permission granted under Part III of the Act by the Council on 30 October 2020 under Application No. 20/0345. ("the Development").
2. Where immediately before the date of this order there is any apparatus of statutory undertakers under, in, on, over, along or across any area of the highway authorised to be stopped up pursuant to this order then, subject to section 261(4) of the Act, those undertakers shall have the same rights as respects that apparatus after that area of the highway is stopped up as they had immediately beforehand.
3. In this order "the Deposited Plan" means the plan attached to this order and deposited in the offices of Highways Infrastructure, 5th Floor North Wing, Brent Civic Centre, Engineers Way, Wembley, Middlesex, HA9 0FJ under Drawing No. 194515/A/09.
4. This order shall come into force on the date on which notice that it has been made is first published in accordance with section 252(10) of the Act, and be cited as The London Borough of Brent (Stopping Up Of Highways) (No. *) Order 202*.

SCHEDULE 1

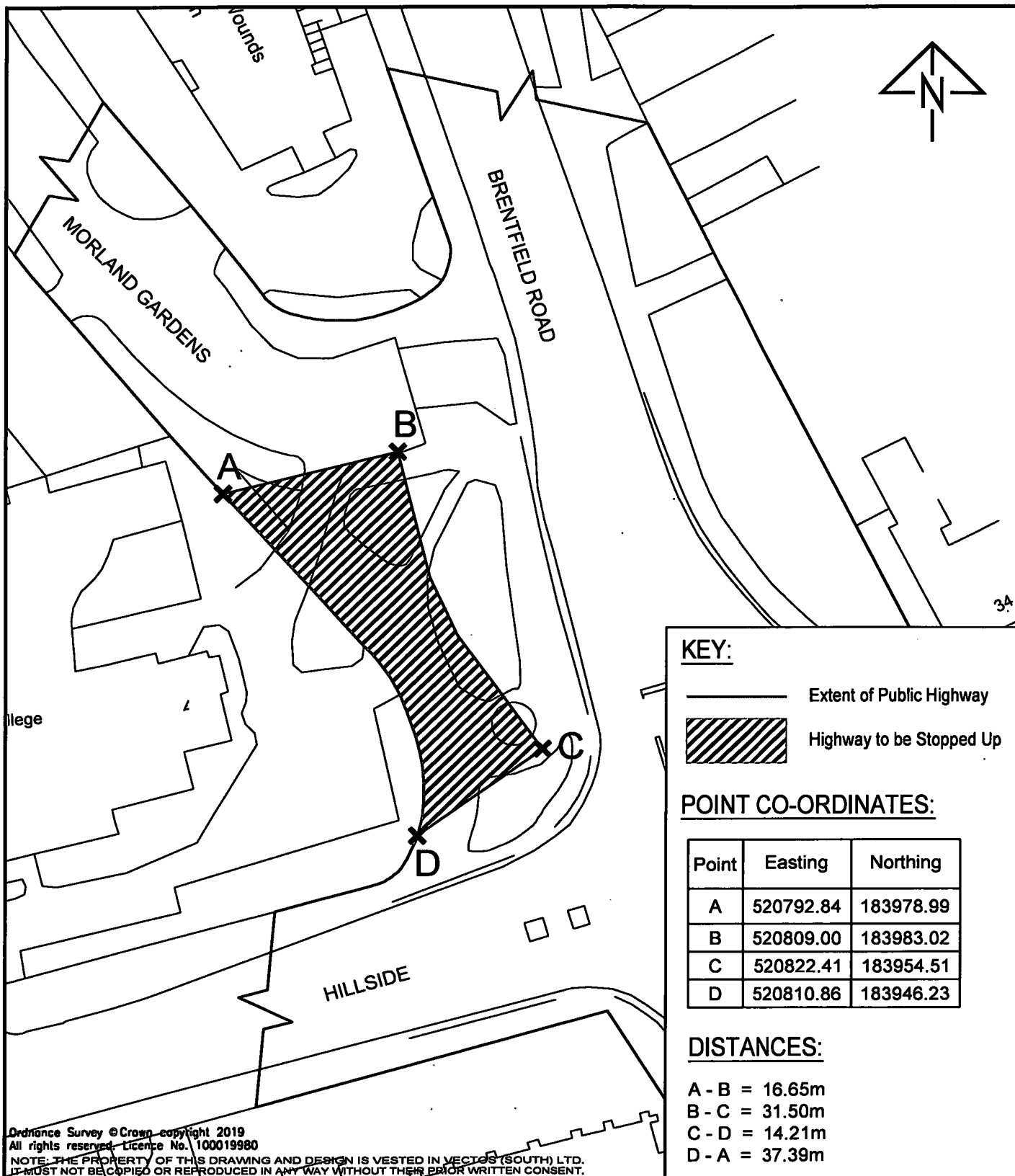
The area of public highway to be stopped up is shown hatched black on the Deposited Plan and comprises of carriageway, footway and highway verge. It is irregular shaped starting at point A on the plan grid reference E520792.84, N183978.99, continue in a north-easterly direction to point B grid reference E520809.00, N183983.02, then in a south-easterly direction to point C grid reference E520822.41, N183954.51, then in a south-westerly direction to point D grid reference E520810.86, N183946.23 and ending again at point A on the plan. The maximum length is 37.39 metres and maximum width is 16.65 metres.

SCHEDULE 2


Demolition of existing buildings and erection of a new mixed use building ranging in height from two to nine storeys, to provide new homes (use class C3), affordable workspace (Use Class B1), new further education college (Use Class D1), with associated amenity areas, public realm improvements, car and cycle parking and refuse/recycling stores.

The Common Seal of THE MAYOR AND)
BURGESSES OF THE LONDON BOROUGH)
OF BRENT was hereunto affixed in the)
presence of:)

.....
Solicitor



KEY:

- Extent of Public Highway
-  Highway to be Stopped Up

POINT CO-ORDINATES:

Point	Easting	Northing
A	520792.84	183978.99
B	520809.00	183983.02
C	520822.41	183954.51
D	520810.86	183946.23

DISTANCES:

A - B = 16.65m
B - C = 31.50m
C - D = 14.21m
D - A = 37.39m

Morland Gardens

London Borough of Brent

Stopping Up Plan

vectos.

Network Building, 97 Tottenham Court Road, London W1T 4TP
t: 020 7580 7373 e: enquiries@vectos.co.uk

DRAWN: JM	DATE: 01.07.2021	CHECKED: AP	DATE: 01.07.2021	SCALES: 1:500 at A4
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DRAWING NUMBER: 194515/A/09	REVISION: .
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[REDACTED]

From: [REDACTED]@brent.gov.uk>
Sent: 08 November 2022 20:05
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: Stopping up order - Morland Gardens - Your ref TO/23/031/NP
Attachments: 20 0345 COM REP.pdf; 20 0345 SUPP.pdf; 20 0345 DN.pdf

Hi [REDACTED]

Please accept my apologies for the delayed response, it has been an extremely busy period. Please find attached a copy of the Committee Report, Supplementary Report and the Decision Notice in relation to application 20/0345 - 1 Morland Gardens.

I will send you the relevant details of the objections/representations and will confirm the number of outstanding objections by COP Friday 11th November. Apologies, I am currently working to publish a tender by COP Thursday, so will be unable to provide this summary prior to Friday.

Can you advise if you have been formally allocated to Morland Gardens as this wasn't clear in the below communication?

I would be happy to have a MT meeting next week if you have availability to discuss in further detail. If you are amenable to this, then please confirm and a suitable time and date can be agreed.

Kind Regards,

[REDACTED]
Project Manager
Finance and Resources

[REDACTED]
Brent Council
Brent Civic Centre
Engineers Way
HA9 0FJ



From: [REDACTED]@brent.gov.uk>
Sent: 18 October 2022 10:52
To: [REDACTED]@london.gov.uk>
Cc: [REDACTED]@brent.gov.uk>
Subject: RE: Stopping up order - Morland Gardens - Your ref TO/23/031/NP

Hi [REDACTED]

Apologies for the delay in getting back to you - [REDACTED]

As far as I am aware - We are currently trying to resolve the objections – we are aware that if objections cannot be resolved then it would need to be referred to the Mayor with all the relevant details. We did had to do another notice of proposal and it was published on 28 April 2022.

I will by copy of this email ask the project manager ([REDACTED]) to provide the delegated assessment report for the relevant planning application or other relevant document we have.

Kind regards

[REDACTED]
Team Leader - Traffic Orders
Healthy Streets and Parking
Brent Council

[REDACTED]
www.brent.gov.uk

@Brent_Council

From: [REDACTED] <[\[REDACTED\]@london.gov.uk](mailto:[REDACTED]@london.gov.uk)>
Sent: 15 August 2022 16:54
To: TrafficOrders <trafficorders@brent.gov.uk>
Cc: [REDACTED] <[\[REDACTED\]@brent.gov.uk](mailto:[REDACTED]@brent.gov.uk)>
Subject: RE: Stopping up order - Morland Gardens - Your ref TO/23/031/NP
Hi [REDACTED]

Just following up on the below emails.

I've also just been allocated another stopping up order from Brent Council. Will get in touch with you about that one separately in due course.

Thanks,

[REDACTED]
Strategic Planner, Development Management
GREATERLONDONAUTHORITY
169 Union Street London SE1 0LL

[REDACTED] <[\[REDACTED\]@london.gov.uk](mailto:[REDACTED]@london.gov.uk)>

From: [REDACTED] s
Sent: 28 July 2022 11:42
To: trafficorders@brent.gov.uk
Subject: RE: Stopping up order - Morland Gardens - Your ref TO/23/031/NP
Hi [REDACTED]

In addition to my email below, could you please also provide the following:

- A copy of the Council's delegated assessment report for the relevant planning application
- Details of consultation of the stopping up order including key dates, it's come to my attention that this was re-notified as there was an issue with the availability of the plans at the Council office during the initial consultation
- Any relevant details of the Council seeking to address objections/representations and confirmation of the number of outstanding objections.

Thanks,

[REDACTED]
Strategic Planner, Development Management
GREATERLONDONAUTHORITY
169 Union Street London SE1 0LL
london.gov.uk

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COMMITTEE REPORT

Planning Committee on
Item No
Case Number

12 August, 2020
03
20/0345

SITE INFORMATION

RECEIVED	3 February, 2020
WARD	Stonebridge
PLANNING AREA	
LOCATION	1 Morland Gardens, London, NW10 8DY
PROPOSAL	Demolition of existing buildings and erection of a new mixed use building ranging in height from two to nine storeys, to provide new homes (Use Class C3), affordable workspace (Use Class B1), new further education college (Use Class D1), with associated amenity areas, public realm improvements, car and cycle parking and refuse/recycling stores.
PLAN NO'S	See condition 2
LINK TO DOCUMENTS ASSOCIATED WITH THIS PLANNING APPLICATION	<p><u>When viewing this on an Electronic Device</u></p> <p>Please click on the link below to view ALL document associated to case https://pa.brent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=DCAPR_148761</p> <p><u>When viewing this as an Hard Copy _</u></p> <p>Please use the following steps</p> <ol style="list-style-type: none">1. Please go to pa.brent.gov.uk2. Select Planning and conduct a search tying "20/0345" (i.e. Case Reference) into the search Box3. Click on "View Documents" tab

Final Decision at https://pa.brent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=DCAPR_148761

[REDACTED]

From: [REDACTED]@brent.gov.uk>
Sent: 07 February 2023 15:20
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: Stopping up order - Morland Gardens - Your ref TO/23/031/NP
Attachments: Your ref: TO/23/031/NP - Morland Gardens - Objection Statement from [REDACTED]; RE: Proposed Stopping Up - TO/23/031B/NP - Morland Gardens - [REDACTED]; Morland Gardens Stopping Up Order; FW: Stopping up order (application 20/0345); Your ref: TO/23/031B/NP Objection to proposed stopping-up order at Morland Gardens, London NW10; FW: Your FOI (Freedom of Information) IRC-17812-M6Q4N9 Response; Stopping up Order in the vicinity of Morland Gardens; Objection to proposed stopping-up order.

Hi [REDACTED]

As requested please see attached a copy of the original objections.

You will note from previous correspondence that all statutory objections have been resolved. It is the non-statutory objections from [REDACTED], [REDACTED] that remain outstanding.

If you do require anything further, please do not hesitate to contact me directly.

Kind Regards,

[REDACTED]
Project Manager
Finance and Resources

[REDACTED]
Brent Council
Brent Civic Centre
Engineers Way
HA9 0FJ



From: [REDACTED]@london.gov.uk>
Sent: 07 February 2023 09:31
To: [REDACTED]@brent.gov.uk>
Cc: [REDACTED]@brent.gov.uk>
Subject: RE: Stopping up order - Morland Gardens - Your ref TO/23/031/NP

Hi [REDACTED]

I've picked this up again and on review of the documents, could you please submit an original copy of all representations received? I note the summary of outstanding objections in the written representations document prepared by the Council, however I also need to sight the original objections.

Thanks,

[REDACTED]

From: [REDACTED] <[REDACTED]@brent.gov.uk>
Sent: 06 February 2023 15:19
To: [REDACTED] <[REDACTED]@london.gov.uk>
Cc: [REDACTED] <[REDACTED]@brent.gov.uk>
Subject: RE: Stopping up order - Morland Gardens - Your ref TO/23/031/NP
Importance: High

Hi [REDACTED]

Hope your well.

I am being chased by Senior Management for an update. Are you able to provide an update please and confirm time scales for a formal response?

Kind Regards,

[REDACTED]
Project Manager
Finance and Resources
[REDACTED]

Brent Council
Brent Civic Centre
Engineers Way
HA9 0FJ



From: [REDACTED]
Sent: 31 January 2023 12:42
To: [REDACTED] <[REDACTED]@london.gov.uk>
Cc: [REDACTED] <[REDACTED]@brent.gov.uk>
Subject: RE: Stopping up order - Morland Gardens - Your ref TO/23/031/NP

Hi [REDACTED]

Thank you for the update, it is very much appreciated.

Kind Regards,

[REDACTED]
Project Manager
Finance and Resources
[REDACTED]

Brent Council

Brent Civic Centre
Engineers Way
HA9 0FJ



From: [REDACTED] <[\[REDACTED\]@london.gov.uk](mailto:[REDACTED]@london.gov.uk)>
Sent: 31 January 2023 12:41
To: [REDACTED] <[\[REDACTED\]@brent.gov.uk](mailto:[REDACTED]@brent.gov.uk)>
Cc: [REDACTED] <[\[REDACTED\]@brent.gov.uk](mailto:[REDACTED]@brent.gov.uk)>
Subject: RE: Stopping up order - Morland Gardens - Your ref TO/23/031/NP

Hi [REDACTED]

Please accept my apologies for the delayed response.

I will pick this up again this week and will get in touch ASAP if I need anything further to progress this.

Thanks,

[REDACTED]

From: [REDACTED] <[\[REDACTED\]@brent.gov.uk](mailto:[REDACTED]@brent.gov.uk)>
Sent: 25 January 2023 14:42
To: [REDACTED] <[\[REDACTED\]@london.gov.uk](mailto:[REDACTED]@london.gov.uk)>
Cc: [REDACTED] <[\[REDACTED\]@brent.gov.uk](mailto:[REDACTED]@brent.gov.uk)>
Subject: RE: Stopping up order - Morland Gardens - Your ref TO/23/031/NP
Importance: High

Hi [REDACTED]

Hope your well.

I am being chased by Senior Management for an update.

Can you please advise when we can expect to receive a response to the written representations, as it will assist me to manage internal and external stakeholder expectations?

Kind Regards,

[REDACTED]

Project Manager

[REDACTED]

Brent Council
Brent Civic Centre
Engineers Way
HA9 0FJ



From: [REDACTED]
Sent: 18 January 2023 01:51
To: [REDACTED] <[\[REDACTED\]@london.gov.uk](mailto:[REDACTED]@london.gov.uk)>
Subject: RE: Stopping up order - Morland Gardens - Your ref TO/23/031/NP
Importance: High

Hi [REDACTED]

Hope your well.

I just wanted to request an update as to when we can expect to receive a response to the written representations, as it will assist me to manage internal and external stakeholder expectations?

Kind Regards,

[REDACTED]
Project Manager
Finance and Resources

[REDACTED]
Brent Council
Brent Civic Centre
Engineers Way
HA9 0FJ



The use of Brent Council's e-mail system may be monitored and communications read in order to secure effective operation of the system and other lawful purposes.

WRITTEN REPRESENTATIONS BY THE LONDON BOROUGH OF BRENT

RE MORLAND GARDENS STOPPING UP ORDER

1. On 28 April 2022 the London Borough of Brent ('the Council') advertised a proposed stopping up order with regard to Morland Gardens pursuant to sections 247 and 252 of the TCPA 1990. The consultation period ended on 26 May 2022 and during that period the Council received objections from the following persons:
 - i. Thames Water
 - ii. Openreach
 - iii. [REDACTED] (a former councillor)
 - iv. [REDACTED]
 - v. [REDACTED]
 - vi. [REDACTED]
2. Following discussions with the Council both Thames Water and Openreach have withdrawn their objections.
3. The remaining objectors had objected to the stopping up order on the following grounds:
 - (i) adverse air quality consequences and pedestrians being closer to vehicular highway
 - (ii) non-compliance with development plan policies relating to heritage
 - (iii) loss of the community garden/green infrastructure
 - (iv) parking and access to the Church
4. On 22 September 2022 the Council held a site meeting with some of the remaining objectors to explain, amongst other things, the provisions made by the permitted development in terms of the public realm, landscaping and green infrastructure. Notwithstanding that site meeting the remaining objectors have not withdrawn their objections.

5. In the circumstances, the Council notifies the Mayor of London ('the Mayor') of the objections pursuant to section 252(4)(b) of the TCPA.
6. The Council invites the Mayor to conclude that in the special circumstances of this case the holding of a public inquiry is unnecessary and invites the Mayor to direct that the Council can dispense with holding an inquiry.
7. In essence, the Council avers that the remaining objections all relate to matters which are properly matters for the planning system and that they were considered in the officers' report which recommended that consent should be granted for the permitted development. There are no specific highway matters which have not already been weighed in the balance when reaching a conclusion as to the planning balance and therefore an inquiry is unnecessary. The Council elaborates on this argument below.

Law and Guidance

8. Section 252(4)-(5A) of the TCPA is set out below:

(4)If before the end of the period of 28 days mentioned in subsection (1)(b) an objection is received by the Secretary of State [F8or, as the case may be, the council of the London borough,] from any local authority [F9National Park authority] or undertakers or [F5public gas transporter] on whom a notice is required to be served under subsection (2), or from any other person appearing to [F10to the Secretary of State or, as the case may be, the council] to be affected by the order, and the objection is not withdrawn, then

[F11(a)in a case where the Secretary of State is proposing to make an order, he shall cause a local inquiry to be held unless subsection (5) applies, or

(b)in a case where the council of a London borough is proposing to make an order, it shall notify the Mayor of London of the objections and shall cause a local inquiry to be held unless subsection (5A) applies.]

(5)If, in a case where [F12the Secretary of State is proposing to make an order and] the objection is made by a person other than such a local authority or undertakers or [F5transporter], the Secretary of State is satisfied that in the special circumstances of the case the holding of such an inquiry is unnecessary he may dispense with the inquiry.

[F13(5A)In a case where—

(a) the council of a London borough is proposing to make the order,
(b) the council has under subsection (4)(b) notified the Mayor of London of the objections,
and
(c) none of the objections notified is made by such a local authority or undertakers or transporter as are mentioned in that subsection,
the Mayor of London shall decide whether, in the special circumstances of the case, the holding of such an inquiry is unnecessary, and if he decides that it is unnecessary he shall so notify the council which may dispense with the inquiry.]

9. As none of the remaining objectors are local authorities or undertakers then it is open to the Mayor to decide that an inquiry is unnecessary and to notify the Council that it may dispense with the inquiry.
10. Guidance as to the exercise of the powers under section 247/252 of the TCPA is provided in Transport Orders published by the Planning Inspectorate in May 2012 which is still available on the government website at <https://www.gov.uk/government/publications/transport-order-inquiries-guidance/transport-orders-guidance> and thus constitutes current guidance. Below are extracts from Transport Orders which are relevant in this case.

§4.2 Not for SST to reconsider whether or not planning permission should have been granted ,or to interfere in any way with planning permission. The SST's role is limited to considering the impact that closure of this highway would have on its users and to make a decision which determines where the ultimate public interest may lie. The SST's role is to balance the overall public interest in interfering with an established public right of way and to come to a decision on that public interest.

§4.4.....In Greater London, stopping up orders are made by the Borough Councils. Except where mentioned, however, the guidance given in relation to such orders below also applies in Greater London.

§4.7 In Greater London, if there are objections to an order prepared by a Borough Council, the Council proposing to make the order must notify the Mayor of London of the objections. The Mayor of London had to decide whether the holding of an inquiry is necessary. If the

Mayor decides that an inquiry is necessary, then the Borough Council will appoint an Inspector to hold the inquiry. In effect, the Inspector will be nominated by the Planning Inspectorate, but will submit his report through the Inspectorate to the Borough Council rather than to the SofS.

§4.10 At the inquiry it will be necessary to establish in relation to a Section 247 order that the development authorised by the planning permission referred to in the order makes the closure or diversion of the highway necessary. For it to be desirable or convenient is not sufficient.....On the other hand, if detailed permission exists, it is not open to objectors to argue that the development could be carried out in a different manner, which would make closure or diversion unnecessary. It is not possible to reopen consideration of the planning application.

§4.16 If the basic test in relation to any Part X order is met, that is not the end of the matter. In each case the SofS has discretion whether or not to make the order.

§4.17 The leading case on this issue is Vasiliou v SoS for Transport and another [1991] 2 All ER 77 in which the Court of Appeal held that the SofS (and therefore the Inspector) should take into account any significant disadvantage arising from the order, particularly any financial disadvantage. In the Vasiliou case, the Court held that it had not been appreciated at the planning application stage that stopping up the right of way would prevent customers gaining access to the restaurant. Approving the stopping up order would have had that effect, and no compensation would be payable because there is no provision for compensation in the Act. The Court also held that when approving an Order this disadvantage should be taken into account in deciding whether to exercise discretion in making the order.

§4.18 Following on from the question of loss of access to premises, the Inspector should also consider any wider significant disadvantages to present users of the highway and to the general public, and take them into account. This might (for example) be as a result of an unacceptably long diversion for through traffic, or increased noise and disturbance for residents on a diversion route.

§4.22 The Defra Circular 1/09: Rights of Way (at paragraph 7.15) states when considering the need to balance all the effects of an Order that –

“The local planning authority should not question the merits of planning permission when considering whether to make or confirm an order, but nor should they make an order purely on the grounds that planning permission has been granted. That planning permission has been granted does not mean that the public right of way will therefore automatically be diverted or stopped up. Having granted planning permission for a development affecting a right of way however, an authority must have good reasons to justify a decision either not to make or not confirm an order. The disadvantage or loss likely to arise as a result of the stopping up or diversion of the way to members of the public generally or to persons whose properties adjoin or are near the existing highway should be weighed against the advantages of the proposed order”

11. We make the following points in relation to the extracts quoted from Transport Orders. First, as set out at §4.4 the guidance applies with equal force to orders made in Greater London. Secondly, the reference to the Defra Rights of Way Circular 01/09 is still germane as that Circular remains in force. Thirdly, whilst paragraph 7.15 of the Defra Circular is in a part of the Circular dealing with section 257 of the TCPA the principles apply equally to orders made under section 247 of the TCPA. Fourthly, as is apparent from paragraph 7.15 of the Defra Circular and the case of Vasiliou, the order making authority should not go behind or reassess the merits of the planning permission but should consider any disadvantages of the closure which either were not considered in the planning balance or which are not material planning considerations and conclude, having taking into account the planning advantages and the non-planning disadvantages, whether closure is in the public interest.
12. Neither Transport Orders nor the leading case of Vasiliou provide express guidance as to when it is unnecessary to hold an inquiry. However, it is submitted that where all the objections relate to matters which could have been taken into account in reaching the planning balance then that is a circumstance where it would be unnecessary to hold an inquiry having regard to the fundamental principles set out in Vasiliou i.e. that the order making authority should not reassess the planning merits and explained in Transport Orders and the Defra Circular.

The facts and submissions

13. The planning permission was granted following a resolution by the Council's planning committee to issue the same following a recommendation to grant permission set out in a detailed officer's report.
14. The area of highway to be stopped up is small with a width of between 14 and 16 m and a length of 31 to 37 metres. The stopped-up area is largely pedestrianised and there is no diversion order because there will remain plenty of pavement area adjacent to both Hillside and Brentfield Road. The closure order has no implications at all for properties which are currently accessed via the stopped-up area, either by vehicles or pedestrians, as they will remain fully accessible. Similarly, it has no implications for public users of the highway as pedestrians will be able to pass along the stopped-up area on the existing pavement which will remain along Hillside and Brentfield Road.
15. The matters raised by the remaining objectors which are summarised at paragraph 3 hereof were all assessed in the officer's report for the planning application. For instance:

(i) adverse air quality consequences and pedestrians being closer to vehicular highway: Air quality was assessed at §174-176 of the report and pedestrian access was considered at §154 which stated that "*Adequate footway will be retained around the site, so this would be acceptable in principle....*". Air quality implications for pedestrians are addressed by broader strategic policies and it is the norm and unobjectionable for pavements to be situated adjacent to vehicular highways. In short, these objections were matters for the planning application and were considered and there would be nothing to examine at an inquiry.

(ii) non-compliance with development plan policies relating to heritage: This was a significant issue in the planning application and at §60-68 of the report there is a reasoned assessment that the undoubted harm to heritage by reason of the demolition of a locally listed building was justified by the public benefits associated with the development, including the architectural merits of the proposed development. Again, this was a matter for the planning process and there would be nothing to consider in this regard at an inquiry.

(iii) loss of the community garden/green infrastructure: This was assessed in the report at §199 to §203. Again, this was a matter for the planning process and there would be nothing to consider in this regard at an inquiry.

(iv) parking and access to the Church: Parking and highway safety were addressed in the report at §130-§160. This was a matter for the planning process and there would be nothing to consider in this regard in an inquiry.

16. In summary, the Mayor is invited to conclude that in the special circumstances of this case it is unnecessary to hold an inquiry. Indeed, there would be nothing to examine at an inquiry in view of the clear guidance provided in Vasiliou, Transport Orders and the Defra Circular that the disadvantages to be considered when assessing whether to make a closure order are those which have not already been considered as a material consideration in the planning process which led to the permission which justifies the section 247 order in the first place. In this case, by contrast to Vasiliou, there are no highway specific matters to consider which were not already assessed as part of the planning balance. Accordingly, the Mayor is invited to notify the Council that an inquiry can be dispensed with in this case.

[REDACTED]

From: [REDACTED]@brent.gov.uk>
Sent: 20 December 2022 16:23
To: [REDACTED]
Subject: RE: Stopping up order - Morland Gardens - Your ref TO/23/031/NP
Attachments: Morland Gardens written reps.docx
Importance: High

Hi [REDACTED]

Apologies for the delay.

Please see the attached written representations for Morland Gardens.

If you wish to discuss this in further detail, please do not hesitate to contact me directly.

Kind Regards,

[REDACTED]
Project Manager
Finance and Resources
[REDACTED]

Brent Council
Brent Civic Centre
Engineers Way
HA9 0FJ



From: [REDACTED]
Sent: 08 November 2022 20:05
To: [REDACTED]@london.gov.uk>
Cc: [REDACTED]@brent.gov.uk>
Subject: RE: Stopping up order - Morland Gardens - Your ref TO/23/031/NP

Hi [REDACTED]

Please accept my apologies for the delayed response, it has been an extremely busy period.

Please find attached a copy of the Committee Report, Supplementary Report and the Decision Notice in relation to application 20/0345 - 1 Morland Gardens.

I will send you the relevant details of the objections/representations and will confirm the number of outstanding objections by COP Friday 11th November. Apologies, I am currently working to publish a tender by COP Thursday, so will be unable to provide this summary prior to Friday.

Can you advise if you have been formally allocated to Morland Gardens as this wasn't clear in the below communication?

I would be happy to have a MT meeting next week if you have availability to discuss in further detail. If you are amenable to this, then please confirm and a suitable time and date can be agreed.

Kind Regards,

[REDACTED]
Project Manager
Finance and Resources
[REDACTED]

Brent Council
Brent Civic Centre
Engineers Way
HA9 0FJ



From: [REDACTED] <[\[REDACTED\]@brent.gov.uk](mailto:[REDACTED]@brent.gov.uk)>
Sent: 18 October 2022 10:52
To: [REDACTED] <[\[REDACTED\]@london.gov.uk](mailto:[REDACTED]@london.gov.uk)>
Cc: [REDACTED] <[\[REDACTED\]@brent.gov.uk](mailto:[REDACTED]@brent.gov.uk)>
Subject: RE: Stopping up order - Morland Gardens - Your ref TO/23/031/NP

Hi [REDACTED]

Apologies for the delay in getting back to you - [REDACTED]
[REDACTED]

As far as I am aware - We are currently trying to resolve the objections – we are aware that if objections cannot be resolved then it would need to be referred to the Mayor with all the relevant details. We did had to do another notice of proposal and it was published on 28 April 2022.

I will by copy of this email ask the project manager ([REDACTED]) to provide the delegated assessment report for the relevant planning application or other relevant document we have.

Kind regards

[REDACTED]
[REDACTED]
Team Leader - Traffic Orders
Healthy Streets and Parking
Brent Council
[REDACTED]

www.brent.gov.uk
@Brent_Council

From: [REDACTED]@london.gov.uk>
Sent: 15 August 2022 16:54
To: TrafficOrders <trafficorders@brent.gov.uk>
Cc: [REDACTED]@brent.gov.uk>
Subject: RE: Stopping up order - Morland Gardens - Your ref TO/23/031/NP

Hi [REDACTED]

Just following up on the below emails.

I've also just been allocated another stopping up order from Brent Council. Will get in touch with you about that one separately in due course.

Thanks,
[REDACTED]

Strategic Planner, Development Management
GREATERLONDONAUTHORITY
169 Union Street London SE1 0LL

From: [REDACTED]
Sent: 28 July 2022 11:42
To: trafficorders@brent.gov.uk
Subject: RE: Stopping up order - Morland Gardens - Your ref TO/23/031/NP

Hi [REDACTED]

In addition to my email below, could you please also provide the following:

- A copy of the Council's delegated assessment report for the relevant planning application
- Details of consultation of the stopping up order including key dates, it's come to my attention that this was re-notified as there was an issue with the availability of the plans at the Council office during the initial consultation
- Any relevant details of the Council seeking to address objections/representations and confirmation of the number of outstanding objections.

Thanks,
[REDACTED]

Strategic Planner, Development Management
GREATERLONDONAUTHORITY
169 Union Street London SE1 0LL

london.gov.uk
[REDACTED]@london.gov.uk

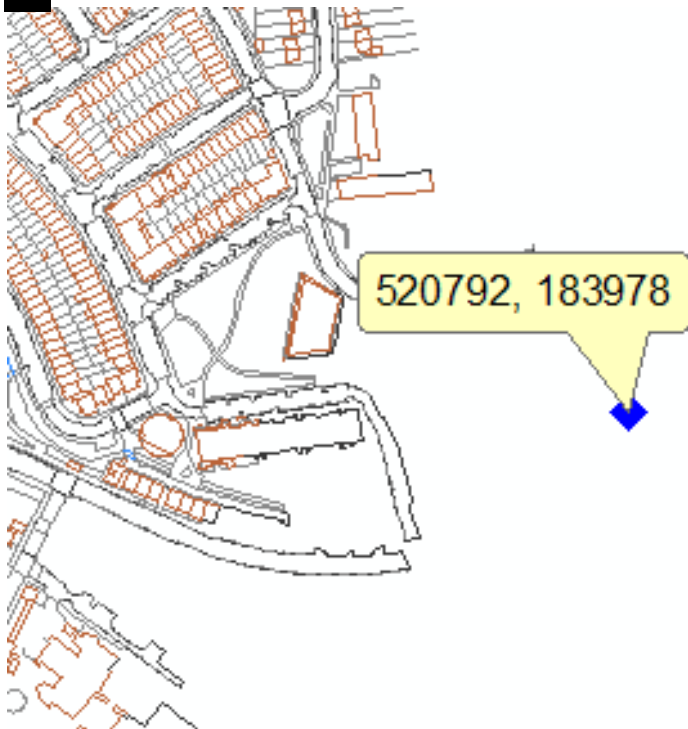
From: Asset Information Team Mailbox <ait@affinitywater.co.uk>
Sent: 22 April 2022 14:53
To: TrafficOrders
Cc: Asset Information Team Mailbox
Subject: FW: 22/4/22 - Stopping up order
Attachments: scan_steven.verdon_2022-04-22-11-34-03.pdf

Re : Stopping Up Order TO/23/031/NP – Moorland Gardens – Stopping Up Order

Hi [REDACTED].

Just to let you know the Stopping location attached is outside of the Affinity Water area

Many thanks
[REDACTED]



[REDACTED]
GIS Technician
Asset Information Team

Affinity Water Ltd
Tamblin Way, Hatfield, Hertfordshire AL10 9EZ

www.affinitywater.co.uk

Email: [REDACTED]@affinitywater.co.uk

affinitywater.co.uk || facebook.com/affinitywater || twitter.com/affinitywater || linkedin.com/company/affinity-water



Join our movement
to save precious
chalk streams by
wasting less water.



From: [REDACTED]
Sent: 22 April 2022 12:03
To: [REDACTED]
Cc: Asset Information Team Mailbox
Subject: FW: 22/4/22 - Stopping up order

Hi [REDACTED]

Yes these stopping up orders are for us. Please send all future post to Asset Information Team Mailbox. Thanks Guys, if you would please have a look at this one. Thanks.

Regards

[REDACTED]

GIS Analyst

Asset Information Team

Affinity Water Limited

Tamblin Way, Hatfield, Hertfordshire AL10 9EZ

Mobile [REDACTED]

[\[REDACTED\]@affinitywater.co.uk](mailto:[REDACTED]@affinitywater.co.uk)

www.affinitywater.co.uk | www.facebook.com/affinitywater | www.twitter.com/affinitywater | www.linkedin.com/company/affinity-water



From: [REDACTED] [@affinitywater.co.uk](mailto:[REDACTED]@affinitywater.co.uk)>

Sent: 22 April 2022 11:40

To: [REDACTED] [@affinitywater.co.uk](mailto:[REDACTED]@affinitywater.co.uk)>

Subject: 22/4/22 - Stopping up order

Hi [REDACTED]

Is this for you?

Is there a GIS inbox I should email these too in the future?

Regards

[REDACTED]

Facilities Assistant, Estates Team

Affinity Water Limited

Tamblin Way, Hatfield, Hertfordshire AL10 9EZ

[REDACTED] [@affinitywater.co.uk](mailto:[REDACTED]@affinitywater.co.uk)

www.affinitywater.co.uk | www.facebook.com/affinitywater | www.twitter.com/affinitywater | [www.linkedin.com/comp](https://www.linkedin.com/company/affinity-water)



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From: Asset Information Team Mailbox <ait@affinitywater.co.uk>
Sent: 04 May 2022 08:52
To: TrafficOrders
Cc: Asset Information Team Mailbox
Subject: RE: 4/5/22 - Stopping up order

Hi [REDACTED],

Thanks for sending us the Stopping up Order for **TO/23/031B/NP – Morland Gardens**.

Just to let you know the location above is outside of the Affinity Water area

Many thanks
[REDACTED]



[REDACTED]
GIS Technician
Asset Information Team

Affinity Water Ltd
Tamblin Way, Hatfield, Hertfordshire AL10 9EZ
www.affinitywater.co.uk

affinitywater.co.uk | facebook.com/affinitywater | twitter.com/affinitywater | linkedin.com/company/affinity-water



Join our movement
to save precious
chalk streams by
wasting less water.



From: [REDACTED]
Sent: 04 May 2022 08:46
To: Asset Information Team Mailbox
Subject: 4/5/22 - Stopping up order
Apologies for that, attachment enclosed
[REDACTED]

From: papercut@affinitywater.co.uk <papercut@affinitywater.co.uk>
Sent: 04 May 2022 08:39
To: [REDACTED] <[\[REDACTED\]@affinitywater.co.uk](mailto:[REDACTED]@affinitywater.co.uk)>
Subject: gis

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From: [REDACTED]@atkinsglobal.com>
Sent: 09 May 2022 04:53
To: TrafficOrders
Subject: RE: post vf - stopping up - Morland Gardens

*Please note - We have created an electronic response for you in reply to your postal enquiry. For **ALL** future plant enquiry requests please email to osm.enquiries@atkinsglobal.com*

Please accept this email as confirmation that Vodafone: Fixed **does not** have apparatus within the boundary of your proposed works detailed in the reference/location above.

For all future requests please include a 12-digit grid reference and location details within the body of the actual email.

Many Thanks,

IMPORTANT - PLEASE READ = Your Next Step?:-

Where apparatus is affected and requires diversion, please send all the scheme related proposals that affects the Vodafone Network to c3requests@vodafone.com with a request for a 'C3 Budget Estimate'. Please ensure you include a plan showing proposed works. (A location plan is insufficient for Vodafone to provide a costing). These estimates will be provided by Vodafone directly, normally within 20 working days from receipt of your request. Please include proof of this C2 response when requesting a C3 (using the 'forward' option). Diversionary works may be necessary if the existing line of the highway/railway or its levels are altered.

Kind regards

Plant Enquiries Team

E: osm.enquiries@atkinsglobal.com

ATKINS working on behalf of Vodafone: Fixed

This response is made only in respect to electronic communications apparatus forming part of the Vodafone Limited electronic communications network formerly being part of the electronic communications networks of Cable & Wireless UK, Energis Communications Limited, Thus Group Holdings Plc and Your Communications Limited.

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At Atkins - member of the SNC-Lavalin Group, we work flexible hours around the world. Although I have sent this email at a time convenient for me, I don't expect you to respond until it works for you.

From: National Plant Enquiries
Sent: 07 May 2022 20:08
To: National Plant Enquiries
Subject: post vf - stopping up - Morland Gardens

Name of Requester:	[REDACTED]
Name of Company:	London Borough of Brent
Requester Reference:	TO/23/031/NP
Email Address:	trafficorders@brent.gov.uk
Site Location Address:	Morland Gardens
Telephone Number:	[REDACTED]
Grid References:	520792 183978

[REDACTED]

From: Lloyd, Councillor Gaynor <Cllr.Gaynor.Lloyd@brent.gov.uk>
Sent: 01 May 2022 14:11
To: TrafficOrders
Cc: [REDACTED], Councillor Keith
Subject: Your ref: TO/23/031B/NP Objection to proposed stopping-up order at Morland Gardens, London NW10
Attachments: 1 Morlands Schedule 1 notice of Proposed Stopping Up Order.JPG

To [REDACTED] Head of Healthy Streets and Parking

Your ref: TO/23/031B/NP

Objection to proposed stopping-up order at Morland Gardens, London NW10 (described as per attached Schedule 1 to the Notice of proposed stopping up)

I have taken a great interest in the proposed development at 1 Morland Gardens over a considerable time, focusing on different issues. I was always concerned, knowing the layout at the very busy intersection on Hillside / Brentfield Road, about the effect on pedestrians if the community gardens disappeared and, instead of the footpaths used by pedestrians currently, they would be forced along the narrow pavements immediately abutting these busy and highly polluted roads.

I am indebted to [REDACTED] guest blog on Wembley Matters for drawing my attention to the draft Order: <https://wembleymatters.blogspot.com/2022/04/1-morland-gardens-is-proposed-stopping.html> and for his detailed analysis, including in particular the details from Brent's Air Quality Action Plan 2017-2022 ("AQAP"), added in a comment below. I see that he intends to make an objection which will incorporate the points articulated in his blog article.

I wish to lodge an objection to the proposed order, and request your early acknowledgement of my objection.

The proposed order results in the blocking of the two long-used footpaths marked in green in one of the illustrations to the blog. The pollution suffered by pedestrians by the revised routes to travel will be exacerbated exponentially during the period of construction, when, to add to polluting traffic, will be all the pollution etc from construction, lorries, etc at this already busy junction - and the effect of that on slowing already often gridlocked traffic. No relief will be available from the community garden and its trees and vegetation, which the development plans to remove and build over. The effect on the local populace's health will be severe.

However, once the building is fully occupied, as per the planning consent, with no buffer, the effect on many of our residents and students will be worse, as more pedestrians will be circulating on a narrow area of footway immediately abutting these busy roads, and adjoining traffic lights where traffic idles with engines running.

It is only a short time before my own tenure as a Councillor ends but I view the points raised as so important that I wish to make my own objection now as an elected representative of Brent residents. That objection adopts the points made in [REDACTED] blog, illustrated and evidenced, as it is, by pertinent extracts from the Council's own documents.

His blog sets out the results of an Air Quality Assessment ("AQA") and outlines the Council's commitments and statutory duties set out in the AQAP. It makes what seems to me to be an unanswerable case that, notwithstanding that the AQAP recognised the effect of poor air quality on health, and required the Council to take actions which would reduce exposure to air pollution, this stopping up order will do the reverse.

Brent Council is supposed to "demonstrate excellence" to perform what is required of it as a Clean Air Borough; stopping up this area of highway and forcing all pedestrians onto narrow footways in close proximity - unprotected - to these highly polluted roadways demonstrates the reverse. This forms a principal basis for my objection.

It seems clear that the Council failed to consider this issue, when deciding to incorporate in its development plans the area of green space formed by the community garden and the footpaths abutting the low wall. (██████████ blog includes a photograph of the area between the college and community garden which perfectly illustrates the current position which will be obliterated: a loss not only of the beneficial effects in absorbing pollution of the communal garden but transplanting pedestrians into direct contact with the traffic.)

It does not seem that the air pollution dangers to pedestrians were considered at all by the Planning Officers, although it was plain on the face of the work done to consider air quality INSIDE the new development that there would be unacceptable levels there, precluding natural ventilation as a safe option. Even though occupants in the building would be "protected" by being metres away from the roadways and by walls and windows, Paragraph 175 of the "Environmental Health Considerations" extract from the Planning Officer's report makes it clear that mechanical ventilation systems will be needed inside the building to protect occupants.

The issues do not appear to have been properly explained to and considered by the Planning Committee members who decided application 20/0345 in August 2020. The councillors were not told about or asked to consider the potential effects of the plans for pedestrians, who would be forced to use narrow footways right on top of the traffic as it passes and idles right outside, without even the baffling the current community garden affords.

They took no account of the impact that the proposed stopping-up of Morland Gardens would have on levels of exposure to air pollution for pedestrians - despite the fact that the points had been raised by objectors to the planning application, referring to the AQAP and Brent's duties.

In spite of the AQA's inadequacies, Brent's Environmental Health Officer confined (it seems) his consideration to that document alone and did not consider the pedestrians' plight. This is despite the fact that the AQA contains evidence of the predicted mean annual level of pollution in the air pedestrians will have to breathe (tables in paragraphs 5.2.3 Nitrous Oxide and 5.2.4 Particulate Matter exhibited in ██████████ blog), which the Officer's report describes as the *"high levels of nitrous oxide associated with pollution from adjoining streets"*.

Morland Gardens is inside Brent's Air Quality Management Area ("AQMA"), and in one of the worst air quality areas in the borough. ██████████ blog also raises the issue of the health risks from exposure to high levels of NO2 and particulates presenting a **particular** danger to young children, with asthma being a major concern if they have to pass along highly polluted streets on their way to and from school, etc. (See the Coroner's findings in the case of 9-year old Ella Kissi-Debrah).

I would ask that full consideration is given to the content of that blog, which I believe will be incorporated in his own objection. I was very keen however to make my own objection, whilst still in the capacity of a Brent Councillor, and one who has a keen interest in the environment and Brent complying with its duties in reducing pollution and its effects on our most vulnerable residents.

I believe that, on the evidence set out in ██████████ blog, to allow the proposed stopping-up order would be a breach of Brent Council's commitments and legal duties over the air quality for, and health of, the borough's residents. I object to the proposed Morland Gardens stopping-up order, as notified by the Head of Healthy Streets on 28 April 2022, and ask that it should not be approved.

This objection is also made in my personal capacity; I have copied in my personal email and shall be glad to have acknowledgement to both addresses, and to be kept informed after elections to my personal email. Thank you.

Kind regards
Councillor Gaynor Lloyd
Labour Councillor for Barnhill ward
London Borough of Brent
and
Gaynor Lloyd
██████████
██████████



Diocese of Westminster

PROPERTY DEPARTMENT

[REDACTED]
Head of Healthy Streets and Parking,
London Borough of Brent,
Regeneration and Environmental
5th Floor North Wing,
Brent Civic Center,
Engineers Way,
Wembley,
Middlesex,
HA9 0FJ

trafficorders@brent.gov.uk

5 May 2022

Dear [REDACTED]

RE: THE PARISH OF THE FIVE PRECIOUS WOUNDS, BRENTFIELD ROAD, NW10 8ER – STOPPING UP ORDER FOR MORLAND GARDENS.

I am writing on behalf of the Diocese of Westminster who are the owners of the above site which includes the church.

The parish have access to the presbytery, church and hall from Morland Gardens, and have a small parking area to service the parish. While there are currently parking restrictions in the area there is always pressure on the available parking. The parking and access to the church and other facilities needs to be maintained.

The plan indicates that the existing foot path through the college estate will be stopped up but it is unclear why the stopping up needs to happen in front of point A as there is currently a foot path giving access to the houses and other buildings and is a pleasant treelined area. It makes sense to control the road from point A-B which is the access into the site. With the proposal to have more bicycles how is this to be addressed with the removal of the footpath and the re-routing to the bottom of our site. This could be problematic as we have a gate which is in use and there are safety concerns given the fall of the land into Morland Gardens for elderly pedestrians. The re-routing does not make sense and appears to be unsafe and has not been set out with a sensible and pragmatic argument. Also having pedestrians close to our boundary could bring additional security issues for the parish without sufficient enabling works to protect our parish community and people using the footpath. The planning scheme indicated that the area next to our car park was to be a communal garden not a thorough fare so we would strongly object to this as it stands.


Local residents and parish are concerned that they will be forced to walk close to the corner and busy junction on Brentfield Road which is very busy with buses and other vehicles and the pollution that it brings. There are not proposals to widen the pavement at this point to make the junction safer for pedestrians. At this point without a sound logic and reason to stop up a safe route for pedestrians which is lit and will be level for the elderly and safe for all users of the area this does need to be looked at not only to facilitate the scheme but to make this a safe street and area

Please reply to: Property Services, St Joseph's (Chapel Entrance), St Joseph's Grove, London, NW4 4TY

Tel: [REDACTED] E-mail: [REDACTED]@rcdow.org.uk

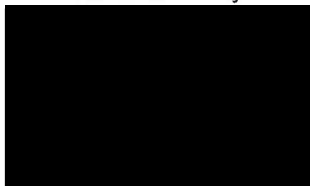
Registered Charity No. 233699 – Website: www.rcdow.org.uk

for the residents, parishioners and the whole community including disabled members of the public and young children who will use the local children's centre.

If you require any further information, please do not hesitate to contact me on 

Thank you for your assistance in dealing with this matter.

Yours sincerely



Estates Surveyor

[REDACTED]

From:

[REDACTED]
27 April 2022 19:28

To: TrafficOrders

Subject: Re: Proposed Stopping Up - TO/23/031B/NP - Morland Gardens

Dear Traffic Orders Team,

Thank you for your email and attachments.

I do realise that this is not a consultation. I can confirm that I will be submitting an objection statement, by 26 May 2022. Best wishes,

[REDACTED].

On Wed, Apr 27, 2022 at 4:57 PM TrafficOrders <trafficorders@brent.gov.uk> wrote:

Dear [REDACTED]

Please find attached a copy of the Notice of Proposal, the draft Order, along with the relevant plan with regards to the proposed Stopping Up (Morland Gardens). Please note this is not a statutory consultation as there is no statutory requirement to consult with you however, this is done out of courtesy and will not set a precedent for the future.

Would you please kindly inform us, by 26th May 2022, whether you have any objections to the scheme or whether you have any observations to make on the draft Order, quoting the reference TO/23/031B/NP.

Kind regards,

Traffic Order Team

Healthy Streets and Parking

Brent Council

020 8937 5600

www.brent.gov.uk

@Brent_Council

Nominations for this year's Pride of Brent Awards are now open! Tell us about the local heroes, groups and businesses making a positive difference in your community at www.brent.gov.uk/prideofbrent



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[REDACTED]

From: [REDACTED]@brent.gov.uk>
Sent: 19 July 2022 16:35
To: [REDACTED]
Subject: FW: Your FOI (Freedom of Information) IRC-17812-M6Q4N9 Response

FYI

Regards,

[REDACTED]
Head of Healthy Streets and Parking
Regeneration and Environmental Services
Brent Council

[REDACTED]
www.brent.gov.uk



From: [REDACTED]
Sent: 29 June 2022 12:46
To: [REDACTED]@brent.gov.uk>
Cc: [REDACTED]@brent.gov.uk>
Subject: Re: Your FOI (Freedom of Information) IRC-17812-M6Q4N9 Response

Dear [REDACTED]

Thank you for the information supplied. Best wishes,

[REDACTED].

On Fri, 24 Jun 2022, 14:57 [REDACTED]@brent.gov.uk> wrote:

Our Ref: IRC-17812-M6Q4N9

Dear [REDACTED]

Freedom of Information Act 2000

Thank you for your information request received on 27/05/2022.

This request is being handled under the Freedom of Information Act 2000.

You requested the following information:

1. Please let me know what the procedure will now be to deal with those objections.

All objections and observations have been noted, and dialogue will take place with the objectors, to establish if the objections can be resolved. Arrangements for the diversion of utility services will need to be agreed.

The Council will then consider, depending on the outcome of the discussions and relevant agreements, the next steps it will need to take to comply with the statutory stopping up process.

If objections cannot be resolved, the objections will be referred to the Mayor for London's office in accordance with section 252 (5A) of the Town and Country Planning Act to determine whether it is necessary to hold an inquiry.

2. How many objections to the proposed Stopping-up Order at Morland Gardens have been received in response to your public Legal Notices of 14 and 28 April 2022?

The Council received six objections to the statutory consultation.

3. Which utility companies were statutory consultee notices sent to about this proposed Stopping-up Order, and on what date(s) were these notices sent?

See table below. As per statutory requirements the required documents were sent to stakeholders on 27 April 2022.

Name
Affinity Water
AFL Global Ltd (Vodafone)
Arqiva (Spectrum)
Atkins Global
Colt Telecom
C-Plan (Vodafone)
EDF Energy
Ericsson (EE ,H3G, T-Mobile & Orange)
Fujitsu (Vodafone)
Instalcom
John Henry Group Ltd
Kelly Communications (Vodafone)
London Underground
National Grid
Network Rail
Network Rail London North Eastern
Network Rail London North South
North Midland Construction Ltd (Vodafone)
TFL
Thames Water

UK Power Networks
ES Pipelines
Virgin Media & Telewest
GTC
BT (Openreach)
JSM Group (Zayo)

4. Have any objections to this proposed Stopping-up Order been received from utility companies, and if so, which companies have objected?

BT(Openreach) objected and Thames Water did not object, but require rights of access to their apparatus.

If you are dissatisfied with the way, in which your request has been handled or the outcome, you may request an internal review within two calendar months of the date of this response by writing to the following address:

Freedom of Information
Brent Civic Centre
Engineers Way
Wembley
HA9 0FJ

FOI@brent.gov.uk

If you remain dissatisfied with the handling of your request or internal review, you have a right to appeal directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at:

The Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF.
Phone: 0303 123 1113
Website: www.ico.org.uk

I will now close your request as of the date of this letter.

Yours sincerely



Head of Healthy Streets and Parking

Regeneration and Environmental Services

Brent Council



www.brent.gov.uk

To: [REDACTED]
Head of Healthy Streets
London Borough of Brent
Email: trafficorders@brent.gov.uk

From: [REDACTED]
Email: [REDACTED]@gmail.com

Your ref: TO/23/031/NP

Statement of Objection to the Proposed Stopping-Up Order for a section of public highway in front of 1 Morland Gardens, NW10 8DY, by [REDACTED].

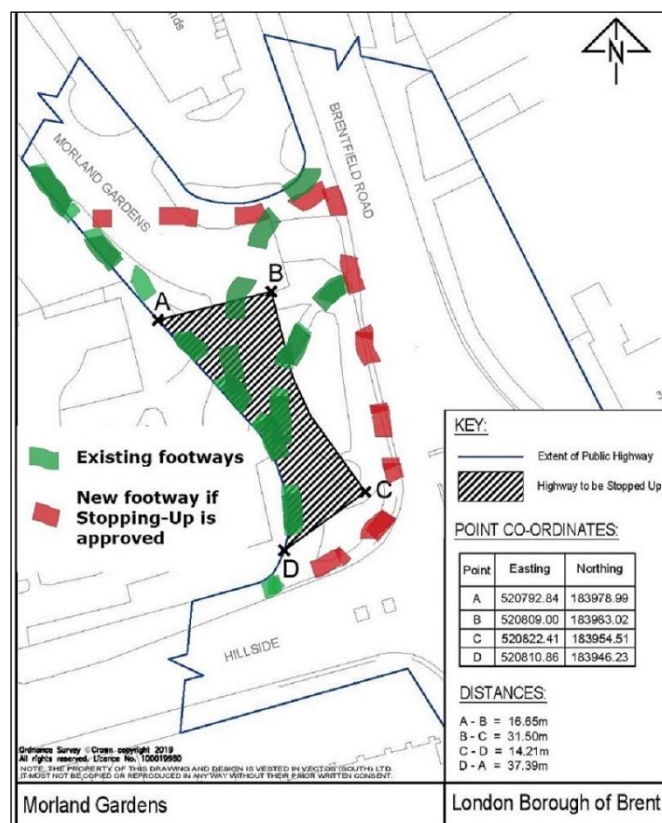
Introduction: I am a resident of the London Borough of Brent (private address supplied in my covering email), and am writing to object to the proposed Stopping-Up Order referred to in your Notice of 28 April 2022 under Section 247, Town and Country Planning Act 1990. I will set out the grounds for my objection, with supporting evidence, below.

I have been following Brent Council's proposed redevelopment at 1 Morland Gardens since February 2020, when planning application 20/0345 was first published. Although my principal reason for doing so was the planned demolition of the locally listed heritage Victorian villa, I soon became aware of other serious flaws in the proposals.

I have built up a detailed knowledge of matters connected with Brent's Morland Gardens project. For that reason, I have shared a draft copy of this objection with others concerned about the Council's proposals. I have given them permission to refer to my detailed objection comments in support of their own objections, if they wish to.

1. Why the Stopping-Up Order should not be made.

1.1 At present, the area of land in front of 1 Morland Gardens, which includes the section of public highway proposed to be stopped-up, contains a number of footpath routes (marked in green on the plan below), and a community garden established in 1994 under the Harlesden City Challenge programme of environmental improvements.



The stopping-up of the present footpath routes, and removal of the existing community garden and its trees, would force pedestrians to walk alongside highly polluted stretches of road (as shown in red on the plan above), increasing the danger to their health.

The increased exposure to harmful pollutants, for existing and future pedestrians who walk those routes, and especially for children, is the principal reason for my objection. Other reasons will be set out at item 6 below.

1.2 These are views of the existing (green) footpath routes which the proposed order would cause to be lost for future use, and showing the importance of the community garden.



Footpath alongside the garden wall of 1 Morland Gardens – looking north from point D on plan.



The wide pathway between the college and community garden, with path to Brentfield Road to the right.



Looking from Brentfield Road towards the college, down the footpath through the community garden.



Looking south-east from the Morland Gardens roadway (about halfway between points A and B on the plan), showing how the community garden separates the main footpath from Brentfield Road.



Pedestrians on the main footpath, enjoying the community garden's screen of protective trees.

1.3 I will set out the supporting evidence over air quality at item 2 below.

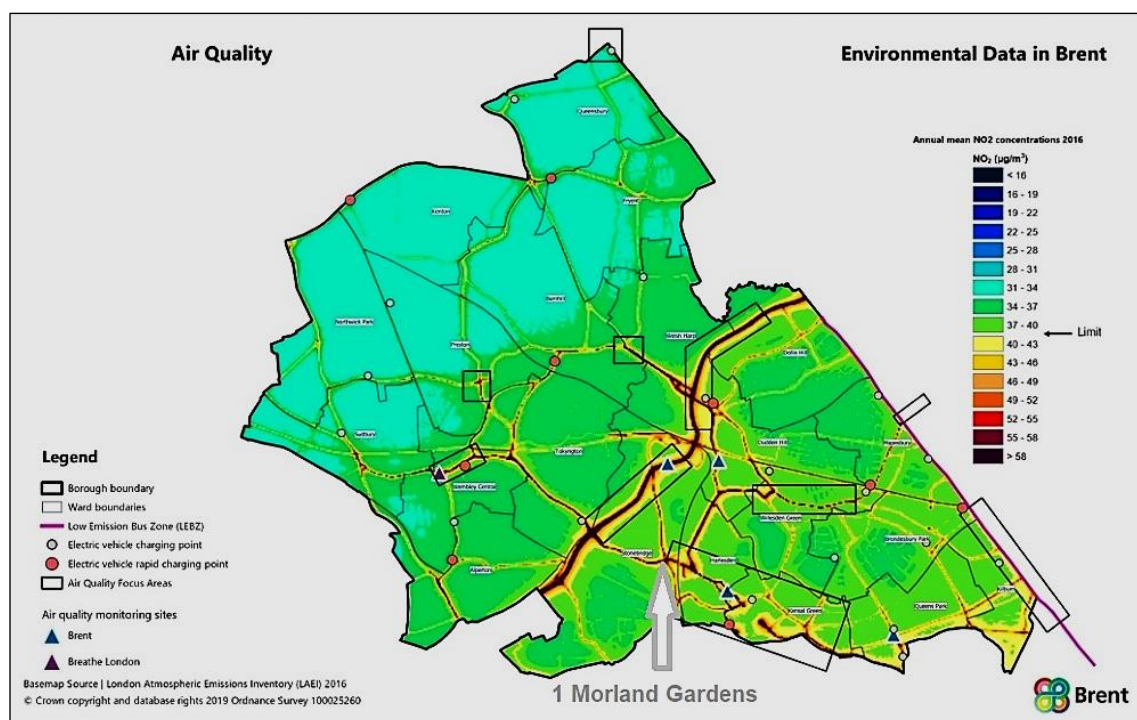
1.4 I will set out the risks to health from exposure to harmful levels of air pollution, and supporting evidence for this, at item 3 below.

1.5 The potential consequences of stopping-up this section of public highway, and building over it, should have been considered in the early stages of the project, in 2018 and early 2019. I will show at item 4 below how Brent Council and its advisers failed to do that.

1.6 The effects of the proposed stopping-up of this part of Morland Gardens should have been considered as part of the planning process for application 20/0345 in 2020, especially when these had been drawn to the attention of Planning Officers by objectors. I will show that this consideration was not given, at item 5 below.

2. Air Quality

2.1 Morland Gardens is in an Air Quality Management Area ("AQMA"). As shown on this Air Quality map from [Brent's Climate & Ecological Emergency Strategy 2021](#), the area in front of 1 Morland Gardens is by a major traffic crossroads with very high pollution levels.



2.2 Because the site of the proposed development at 1 Morland Gardens was in an AQMA, planning application 20/0345 had to be supported by an [Air Quality Assessment](#) ("AQA"), which was prepared in October 2019 by Gem Air Quality Ltd. However, this was a desk-based assessment, and did not carry out any actual air quality readings. As the AQA's opening paragraph (see below) makes clear, it was carried out to look at the potential air quality impacts on the proposed new building, and the residents and users inside it.

The AQA did not consider the potential impacts on pedestrians of the proposed new building, or of the stopping-up of a public highway and footpaths required to build it. If Gem were only given the plans for the proposed new building to work from, they were probably unaware that part of the site was actually land which would have to be stopped-up and appropriated!

1.1 Scope

GEM Air Quality Ltd has been commissioned to undertake a detailed air quality assessment based on the potential impacts of existing and future traffic levels on a proposed mixed-use development located at Morland Gardens in Brent, London. The pollutants modelled as part of this assessment are nitrogen oxides (NO_x) and particulate matter (PM₁₀).

The impacts of vehicle emissions have been assessed using the techniques detailed within Volume 11, Section 3 of the Design Manual for Roads and Bridges (DMRB)¹ and the London Local Air Quality Management Technical Guidance (LLAQM.TG16)². The impact of road traffic emissions will be assessed using the ADMS-Roads air dispersion model. This model has been devised by Cambridge Environmental Research Consultants (CERC) and is described as a “comprehensive tool for investigating air pollution problems due to small networks of roads”.

It should be noted that the short-term impacts of NO₂ and PM₁₀ emissions have not been modelled as dispersion models are inevitably poor at predicting short-term peaks in pollutant concentrations, which are highly variable from year to year, and from site to site. Notwithstanding this, general assumptions have been made about short term concentrations based on the modelled annual mean concentrations.

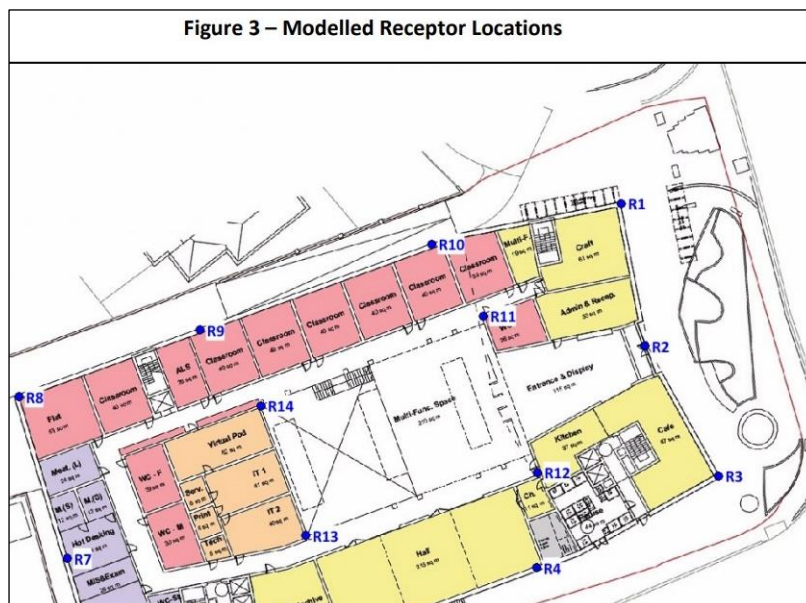
In addition to this, the assessment has also assessed the potential impact on local air quality from demolition and construction activities at the site.

Given the size of the proposed development an air quality neutral assessment has also been undertaken.

The scope of the AQA prepared by Gem Air Quality Ltd, from their October 2019 report.

2.3 Despite the AQA not considering the effects of air pollution on pedestrians displaced by the proposed stopping-up order (because Brent Council as client did not ask them to) there is sufficient evidence in the modelled predictions of pollution levels to show that pedestrians having to use the pavements beside Hillside and Brentfield Road (the “red route” on the plan at 1.1 above), would have to breathe heavily polluted air, which would increase their health risks.

The AQA’s modelling was carried out for a number of “receptor locations” around the proposed new building. The location R3 is the nearest point to the corner of Hillside and Brentfield Road, so is the one which would represent the predicted levels of air pollution which pedestrians having to walk beside those roads (rather than along the stopped-up “green routes”). However, as that is meant to be at the south-east corner of the proposed new building, which it would appear is also the location of point C on the stopping-up plan, the plan below from the AQA puts that point further away from the road junction.



Receptor locations plan from the Gem Air Quality Ltd AQA.

2.4 The two pollutants considered in the AQA were Nitrogen Dioxide and Particulate Matter. The figures in the table below are predicted annual mean figures for Nitrogen Dioxide, with the predicted 2023 NO₂ figure for receptor R3 at ground floor level of 51.0 shown to be well above the maximum “safe” level of 40.

5.2.3 Nitrogen Dioxide

Predicted annual mean concentrations for NO₂ in 2018 and 2023 are provided in Table 16. As mentioned in Section 4.6.1, NO₂ concentrations have been calculated from the predicted NO_x concentrations using the latest NO_x-NO₂ conversion spreadsheet available from the Air Quality Archive.

Table 16 – Predicted NO₂ Concentrations, Annual Mean (µg/m³)

Receptor ID	2018					2023				
	GF	1 st	2 nd	3 rd	4 th	GF	1 st	2 nd	3 rd	4 th
R1	44.7	42.3	38.8	35.7	33.5	44.9	42.5	38.9	35.8	33.7
R2	45.3	42.9	39.4	36.1	33.7	45.6	43.2	39.6	36.3	33.9
R3	50.5	46.5	41.0	36.5	33.7	51.0	46.9	41.3	36.7	33.8
R4	48.3	44.6	39.6	36.0	33.7	49.0	45.1	40.0	36.2	33.9
R5	47.4	43.5	38.6	35.3	33.4	48.2	44.1	39.0	35.5	33.5
R6	45.1	41.9	37.8	34.9	33.1	45.8	42.4	38.2	35.1	33.3
R7	39.0	37.9	36.3	34.6	33.2	39.4	38.3	36.6	34.8	33.3
R8	36.3	35.8	35.0	34.0	33.0	36.6	36.1	35.2	34.2	33.1
R9	37.1	36.5	35.6	34.4	33.3	37.3	36.8	35.8	34.6	33.4
R10	39.4	38.4	36.9	35.2	33.6	39.6	38.7	37.1	35.3	33.7
R11	40.5	39.4	37.5	35.5	33.7	40.8	39.6	37.7	35.7	33.8
R12	43.9	41.9	38.9	36.0	33.8	44.3	42.3	39.2	36.2	33.9
R13	41.3	39.8	37.5	35.3	33.5	41.7	40.2	37.8	35.5	33.7
R14	38.3	37.6	36.3	34.8	33.4	38.6	37.8	36.5	35.0	33.6
Objective	40.0									

Predicted annual mean concentrations of Nitrogen Dioxide, from Gem Air Quality Ltd AQA.

2.5 The table below for predicted annual mean levels of PM₁₀ particulate matter gives a 2023 figure for ground floor level at R3 of 19.7.

5.2.4 Particulate Matter

Predicted annual mean concentrations for PM₁₀ in 2018 and 2023 are provided in Table 17.

Table 17 – Predicted PM₁₀ Concentrations, Annual Mean (µg/m³)

Receptor ID	2018					2023				
	GF	1 st	2 nd	3 rd	4 th	GF	1 st	2 nd	3 rd	4 th
R1	19.4	19.3	19.2	19.0	19.0	19.4	19.3	19.2	19.0	19.0
R2	19.4	19.3	19.2	19.1	19.0	19.4	19.3	19.2	19.1	19.0
R3	19.6	19.5	19.2	19.1	19.0	19.7	19.5	19.3	19.1	19.0
R4	19.6	19.4	19.2	19.1	19.0	19.6	19.4	19.2	19.1	19.0
R5	19.5	19.4	19.2	19.0	19.0	19.6	19.4	19.2	19.0	19.0
R6	19.4	19.3	19.1	19.0	18.9	19.5	19.3	19.1	19.0	19.0
R7	19.2	19.1	19.1	19.0	19.0	19.2	19.1	19.1	19.0	19.0
R8	19.1	19.1	19.0	19.0	18.9	19.1	19.1	19.0	19.0	19.0
R9	19.1	19.1	19.0	19.0	19.0	19.1	19.1	19.0	19.0	19.0
R10	19.2	19.1	19.1	19.0	19.0	19.2	19.2	19.1	19.0	19.0
R11	19.2	19.2	19.1	19.0	19.0	19.2	19.2	19.1	19.0	19.0
R12	19.4	19.3	19.2	19.1	19.0	19.4	19.3	19.2	19.1	19.0
R13	19.3	19.2	19.1	19.0	19.0	19.3	19.2	19.1	19.0	19.0
R14	19.1	19.1	19.1	19.0	19.0	19.2	19.1	19.1	19.0	19.0
Objective	40.0									

The ADMS predictions for annual mean PM₁₀ concentrations in 2018 and 2023 indicate that the annual mean objective (40 µg/m³) would be achieved at all the modelled receptor locations. In addition, the maximum number of days when PM₁₀ concentrations are more than 50 µg/m³ is 3, less than the 35 exceedences allowed in the regulations.

Predicted annual mean concentrations of Particulate Matter, from Gem Air Quality Ltd AQA.

The table in the AQA states that the mean annual objective for PM₁₀ particulates is 40, so that the predicted level of 19.7 would be well within that. But as long ago as 2005, the World Health Organisation was recommending 20 µg/m³ as the maximum safe annual mean limit:

Guidelines	
PM_{2.5}:	10 µg/m³ annual mean 25 µg/m³ 24-hour mean
PM₁₀:	20 µg/m³ annual mean 50 µg/m³ 24-hour mean

Particulate Matter guidelines from WHO Air Quality Guidelines (Global update 2005).

It should also be noted that the AQA only looks at PM₁₀ concentrations, not the more harmful PM_{2.5} particulates (present in vehicle emissions).

2.6 The Gem Air Quality Ltd AQA only contains mean annual predictions. The document admits: ‘that the short-term impacts of NO₂ and PM₁₀ emissions have not been modelled as dispersion models are inevitably poor at predicting short-term peaks in pollutant concentrations, which are highly variable from year to year, and from site to site.’

There would certainly be short-term peaks of emissions along the “red route” which pedestrians would be forced to use if the stopping-up at Morland Gardens goes ahead. This would especially be the case along the short stretch of footpath beside Hillside, up to the traffic lights at the junction with Brentfield Road, when heavy traffic using the A404 is tailed back, with engines running. Peaks would probably be particularly high during the morning “rush hour”, which is also the time that adults taking children to nursery and school would be using the footpath.

2.7 The predicted mean annual figures in the AQA do not take account of the “street canyon” effect.

4.2.5 Street Canyons

A street canyon may be defined as a relatively narrow street with buildings on both sides, where the height of the buildings is generally greater than the width of the road. Street canyons may result in elevated pollutant concentrations from road traffic emissions due to a reduced likelihood of the pollutants becoming dispersed in the atmosphere. Street canyons have not been modelled as part of this assessment.

The Street Canyons paragraph from the Gem Air Quality Ltd AQA.

The new building proposed for the 1 Morland Gardens site would be nine-storeys high at its eastern end, by the corner of Hillside and Brentfield Road. Across Hillside, on the opposite side of the road, is the tall red-brick St Michael and All Angels Church. The new building would be likely to cause ‘elevated pollutant concentrations from road traffic emissions’, especially for the “red route” pavement alongside points C to D on the stopping-up plan at 1.1 above.

2.8 As Morland Gardens is in an AQMA, the requirements of London Local Air Quality Management (“LLAQM”) apply. These are referred to in paragraph 2.4 of the AQA.

2.4 London Local Air Quality Management (LLAQM)

At the core of LLAQM delivery are three pollutant objectives; these are: nitrogen dioxide (NO₂), particulate matter (PM₁₀) and sulphur dioxide (SO₂). All current Air Quality Management Areas (AQMAs) across the UK are declared for one or more of these pollutants, with NO₂ accounting for the majority. In Greater London, AQMAs are declared for NO₂ and PM₁₀ in equal proportions. It is a statutory requirement for local authorities to regularly review and assess air quality in their area and take action to improve air quality when objectives set out in regulation cannot be met.

The LLAQM paragraph from the Gem Air Quality Ltd AQA.

As stated in that paragraph: ‘It is a statutory requirement for local authorities to ... take action to improve air quality’ when objectives such as those for NO₂ levels cannot be met.

2.9 Brent Council does regularly review its air quality responsibilities, and the [London Borough of Brent Air Quality Action Plan 2017-2022](#) (“AQAP”) is its current air quality policy document. This is its opening paragraph.

The London Borough of Brent’s Air Quality Action Plan

Brent council acknowledges the impact of poor air quality on health and the need for action to reduce or eliminate air pollution where possible. In Brent it is estimated that 200 premature deaths occur each year which are directly attributable to air pollution as well as further unquantified premature deaths where air quality is a factor. We accept air quality in Brent is poor and recognise significant intervention is required to improve local air quality for all. We have made some progress but accept that further work is needed to meet this challenge. Our air quality action plan demonstrates we are taking this issue seriously and will endeavour to tackle air pollution at source or reduce exposure where this is not possible.

It will be noted that, in taking its air quality responsibilities seriously, the Council undertakes to ‘reduce exposure’ to air pollution where it is not possible to ‘tackle air pollution at source’. The stopping-up of the public highway at Morland Gardens, thereby forcing pedestrians who currently use the “green route” footpaths to use the “red route” instead, would actually increase their exposure to high levels of harmful pollutants.

2.10 Brent’s AQAP recognises the link between poor health and air pollution, and the key parts that NO₂ and Particulate Matter play in this. It also states: ‘there is no threshold below which there are no ill health effects from particulates’

Current Air Quality in Brent

The link between poor health and air pollution is well established and for the last 15 years the council has been taking action to reduce pollution in the borough. Brent meets all national air quality targets except for two pollutants - Nitrogen Dioxide (NO₂) and Particulate Matter (PM₁₀). Air quality outside of our air quality management area has not worsened since 2006 and so no new management areas for air quality action are proposed.

Air quality in Brent has been improving but whilst this downward trend is likely to continue for the future the council will need to take action if we are to meet national targets set for NO₂. In addition, there is no threshold below which there are no ill health effects from particulates and local authorities are required to take steps to reduce these emissions where possible. As a result both nitrogen dioxide and particulates remain the focus of the new plan.

Current Air Quality paragraph from Brent’s AQAP.

2.11 The AQAP recognises that green spaces and trees have an important part to play in reducing exposure to air pollution, and improving the health of Brent’s residents.

3. Exposure Reduction Measures:

Green Space provision in Brent is below the 15% London average and many Brent residents have little or no access to green or open space. Trees form an integral part of the urban environment and provide a range of benefits not limited to improving the general amenity of an area and positively impacting the local environment. The council recognises that additional provision of green space also contributes more generally to the Councils’ commitment for improving health and wellbeing and tackling health inequalities. In the borough

Opening paragraph on Exposure Reduction Measures from Brent’s AQAP.

The AQAP’s detailed actions to put its green space commitments into practice include the following:

10	Targeted upgrade of green infrastructure	The council will identify opportunities for the enhancement of green infrastructure at appropriate locations, especially in areas where exposure to poor air quality is high. The council will consider installation physical or green barriers and/ or increased planting in these areas.	2018/22	<ul style="list-style-type: none"> • Undertake assessment to identify areas where upgrades to green infrastructure are required • Publish programme of upgrades and commission works • Number of scheduled projects completed
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Detailed Action 10 from the Exposure Reduction Measures in Brent’s AQAP.

Rather than identifying an opportunity for enhancing green infrastructure, the proposals to stop-up the public highway at Morland Gardens, and remove the community garden and its trees which provide a ‘green barrier’ between pedestrians and the traffic at the junction of Hillside and Brentfield Road, would increase exposure to poor air quality, in an area where it is already high.

2.12 Brent Council has acknowledged its legal responsibilities over air quality in this paragraph from the AQAP:

Way Forward

The council is legally required to comply with the London Local Air Quality Management regime. As part of this duty the Council will submit annual progress reports to the London Mayor’s office.

Opening paragraph from the “Way Forward” section of Brent’s AQAP.

By stopping-up this section of public highway, and forcing pedestrians to use a “red route” with exposure to higher levels of air pollution, Brent Council would be breaching its legal duties.

2.13 Brent is currently recognised as a Cleaner Air Borough (“CAB”).

Brent - A Cleaner Air Borough

Cleaner Air Borough (CAB) Status was established by the Greater London Authority (GLA) as a method for identifying and rewarding boroughs able to demonstrate good or best practice for air quality action. Councils must demonstrate excellence against the following key criteria:

- Political Leadership;
- Taking Action;
- Leading by Example;
- Using the Planning System;
- Integrating air quality into the public health system; and
- Informing the public

Brent attained CAB status in 2011 and will seek to demonstrate continued compliance with the key criteria, by implementation of air quality action plan measures and fulfilment of our statutory duties.

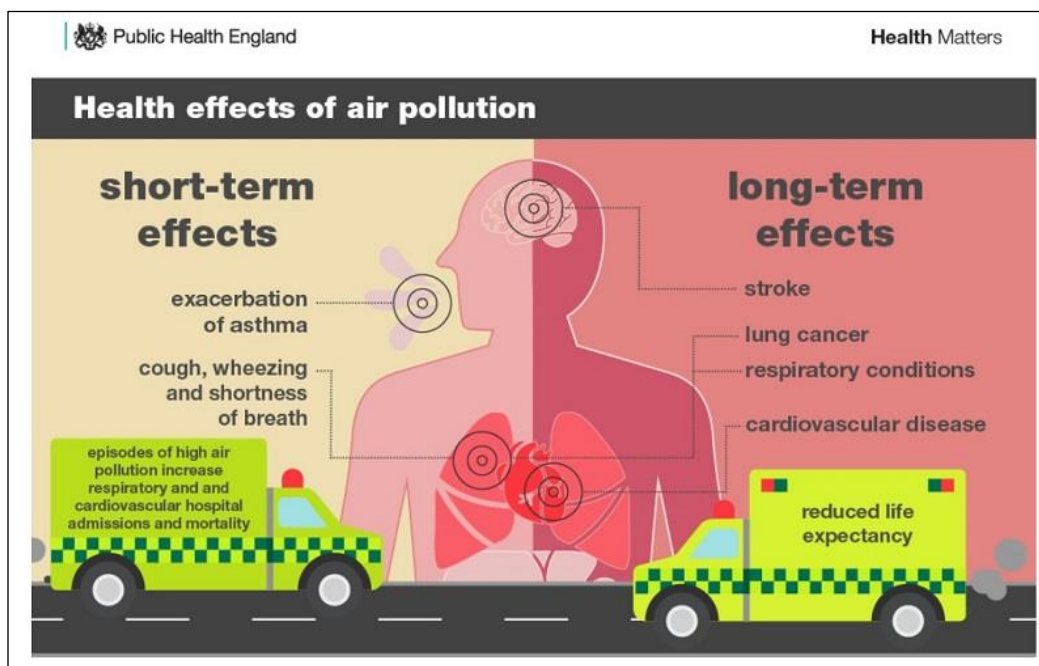
Cleaner Air Borough paragraph from Brent’s AQAP.

Whereas the AQAP recognised the effect of poor air quality on health, and required actions which would reduce exposure to air pollution, the stopping-up order would do the reverse (the opposite of ‘demonstrate excellence’ required by a CAB).

2.14 For all of the Air Quality reasons set out above, the proposed stopping-up order for the section of public highway at Morland Gardens should not be made, and this objection to it should be upheld.

3. The health dangers from air pollution

3.1 The 2018 Public Health England (“PHE”) document “[Health matters: air pollution](#)” contains detailed guidance on the risks to health from air pollution. The PHE guidance states that: ‘Air pollution has a significant effect on public health, and poor air quality is the largest environmental risk to public health in the UK.’ Its findings are summed up in this graphic:



3.2 Looking at the pollutants considered in the AQA, and identified as the two main air pollution dangers in Brent in the Council's AQAP, these are two key sections from the PHE guidance:-

The Committee on the Medical Effects of Air Pollutants (COMEAP) has established that short-term exposure to NO₂, particularly at high concentrations, is a respiratory irritant that can cause inflammation of the airways leading to - for example - cough, production of mucus and shortness of breath. Studies have shown associations of NO₂ in outdoor air with reduced lung development, and respiratory infections in early childhood and effects on lung function in adulthood.

Epidemiological studies have also shown associations of outdoor NO₂ with adverse effects on health, including reduced life expectancy. It has been unclear whether these effects are caused by NO₂ itself, or by other pollutants emitted at the same time by sources such as road traffic.

Paragraphs on Nitrogen Dioxide from the PHE document "Health matters – air pollution".

PM is often classified according to by aerodynamic size and referred to as:

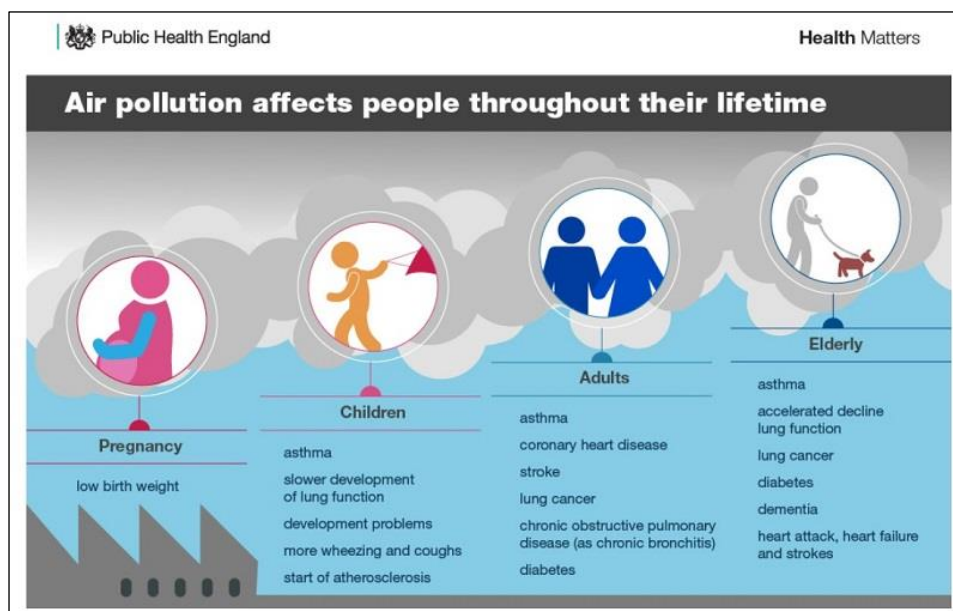
- coarse particles (PM₁₀; particles that are less than 10 microns (µm) in diameter)
- fine particles (PM_{2.5}; particles that are less than 2.5 µm in diameter)
- ultrafine particles (PM_{0.1}; particles that are less than 0.1 µm in diameter)

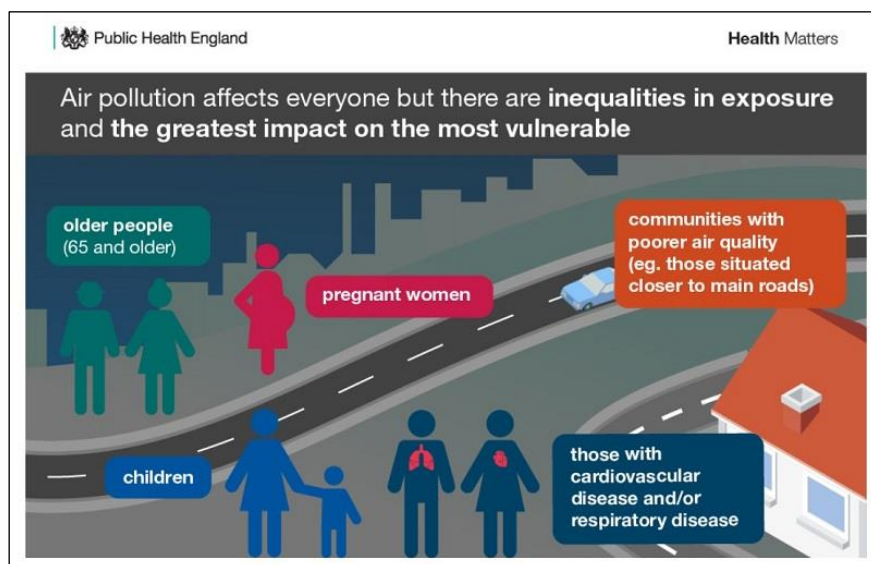
The size of particles and the duration of exposure are key determinants of potential adverse health effects. Particles larger than 10 µm are mainly deposited in the nose or throat, whereas particles smaller than 10 µm pose the greatest risk because they can be drawn deeper into the lung. The strongest evidence for effects on health is associated with fine particles (PM_{2.5}).

There is an extensive body of evidence that long-term exposure to PM increases mortality and morbidity from cardiovascular and respiratory diseases. Outdoor air pollution, particularly PM, has also been classified by the International Agency for Research on Cancer (IARC) as carcinogenic to humans (a Group 1 carcinogen) and causing lung cancer. There is some experimental evidence, however, that ultrafine particles may also pass through the lungs into the bloodstream.

Paragraphs on Particulate Matter from the PHE document "Health matters – air pollution".

3.3 The PHE guidance makes clear that NO₂ and Particulate Matter in air pollution adversely affect people throughout their lives, and especially the most vulnerable. Again, this is highlighted in graphics:





3.4 The Nitrogen Dioxide paragraphs at 3.2 above refer to ‘associations of NO₂ in outdoor air with reduced lung development, and respiratory infections in early childhood and effects on lung function in adulthood.’ The potential risks of increased and exacerbated childhood asthma among those forced to use the “red route” alongside Hillside and Brentfield Road, if the stopping-up of the “green routes” goes ahead, is a major reason for my objection.

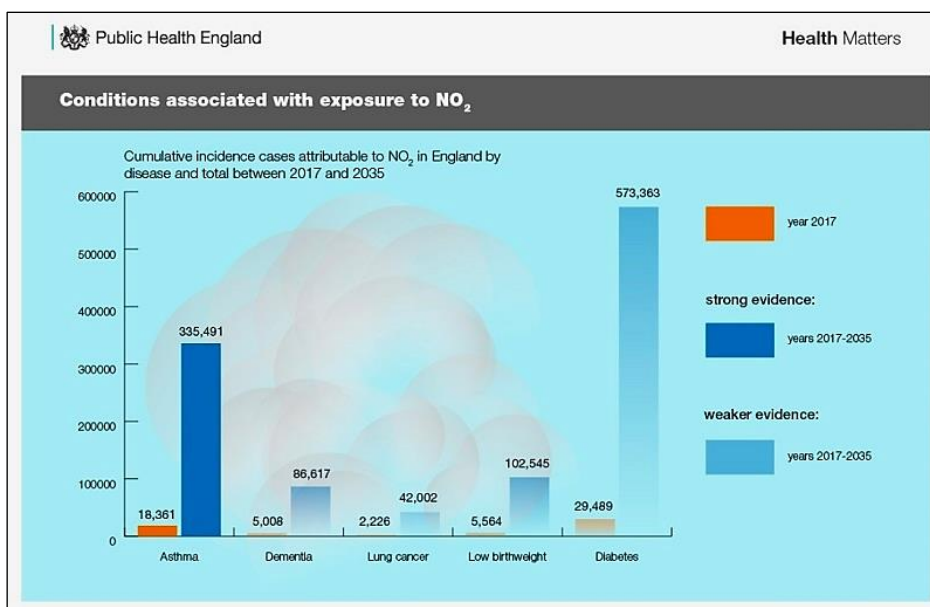
2.3. Asthma

Asthma, a long-term inflammatory condition of the conducting airways of the lungs, leads to cough, wheezing, chest tightness, and shortness of breath. Asthma symptoms in those who have the condition can be exacerbated by various stressors, including respiratory viral infection, allergen exposure, and episodes of elevated air pollution.

There is increasing evidence of air pollution having a potential role in causing asthma, especially in people who live near busy roads, as well as being a trigger that can make an asthmatic’s symptoms worse.

Asthma paragraphs from the PHE document “Health matters – air pollution”.

These paragraphs emphasise that air pollution from road traffic can cause asthma, and worsen its attacks. NO₂, as well as Particulate Matter, is a serious problem, and as asthma, once caused, is usually a lifelong condition, any increased exposure to high levels of NO₂ will have a serious cumulative effect, as shown by this PHE graphic:



3.5 The reality of the risks to children’s health from air pollution was highlighted in the 2020 inquest verdict, following the tragic death of 9-year old Ella Kissi-Debrah, which found that she: ‘died of asthma contributed to by exposure to excessive air pollution.’ These are the key paragraphs from the Coroner’s Report in that case:

1	<p>CORONER</p> <p>I am Philip Barlow, assistant coroner for the coroner area of Inner South London</p>
2	<p>CORONER’S LEGAL POWERS</p> <p>I make this report under paragraph 7, Schedule 5, of the Coroners and Justice Act 2009 and Regulations 28 and 29 of the Coroners (Investigations) Regulations 2013.</p>
3	<p>INVESTIGATION and INQUEST</p> <p>On 17 December 2019 I re-opened an investigation into the death of Ella Adoo Kissi-Debrah. The investigation concluded at the end of the inquest on 16 December 2020. The conclusion of the inquest was:</p> <p>Medical cause of death:</p> <ul style="list-style-type: none"> 1a) Acute respiratory failure 1b) Severe asthma 1c) Air pollution exposure <p>Narrative conclusion:</p> <p>Died of asthma contributed to by exposure to excessive air pollution.</p>
4	<p>CIRCUMSTANCES OF THE DEATH</p> <p>Ella died at the age of 9. She had severe, hypersecretory asthma causing episodes of respiratory and cardiac arrest and requiring frequent emergency hospital admissions. On 15 February 2013 she had a further asthmatic episode at home and was taken to hospital where she suffered a cardiac arrest from which she could not be resuscitated.</p> <p>Air pollution was a significant contributory factor to both the induction and exacerbations of her asthma. During the course of her illness between 2010 and 2013 she was exposed to levels of nitrogen dioxide and particulate matter in excess of World Health Organization Guidelines. The principal source of her exposure was traffic emissions.</p> <p>During this period there was a recognized failure to reduce the level of nitrogen dioxide to within the limits set by EU and domestic law which possibly contributed to her death.</p>

3.6 Exposing children like Ella to increased levels of NO₂, and particulate matter (especially the more harmful PM_{2.5} particles), by stopping-up the “green route” paths across the public highway at Morland Gardens, would be an unacceptable additional risk to their long-term health.

3.7 It might be argued that the relatively short “red route” that pedestrians, including parents and carers with young children, would have to walk alongside Brentfield Road and Hillside, if the existing section of public highway at Morland Gardens is stopped-up and built over, would make very little difference.

That extra distance of exposure to high levels of air pollution would only be around 50 metres or so. I know from my own family experience that even such a short distance alongside a busy main road can cause and exacerbate childhood asthma, with serious long-term health consequences.

3.8 [REDACTED]

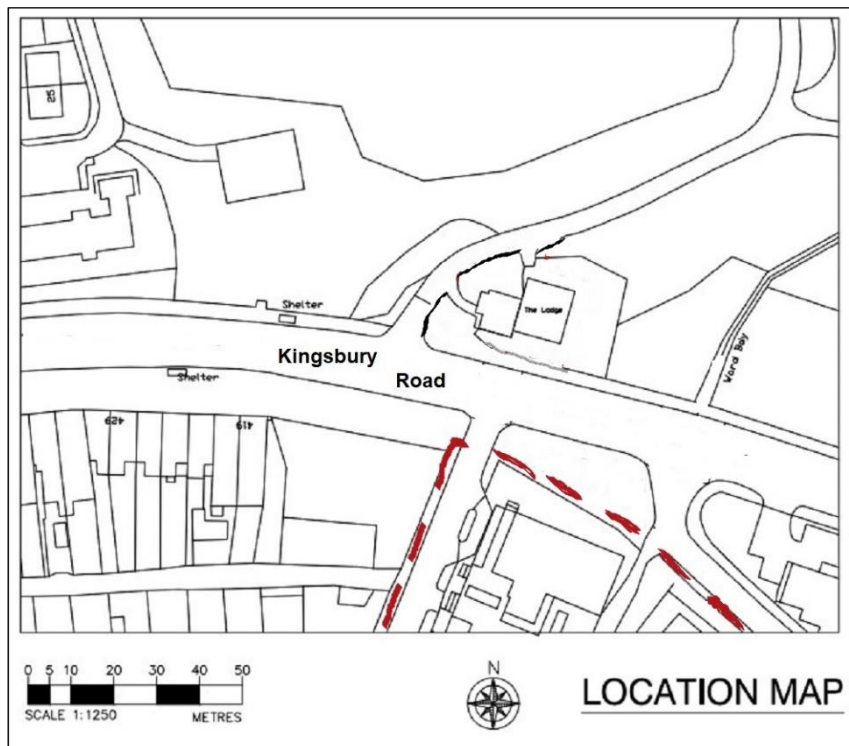
[REDACTED]

[REDACTED]

[REDACTED]

3.9 [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

3.10 [REDACTED]. The walk included coming out of Valley Drive, turning right onto a short stretch of the main Kingsbury Road, then half-right into Old Kenton Lane, near the far end of which the school was situated. This middle section of the walk to and from the school is marked in red on the location plan below:



Location map “borrowed” from a local planning application, with walking route added in red.

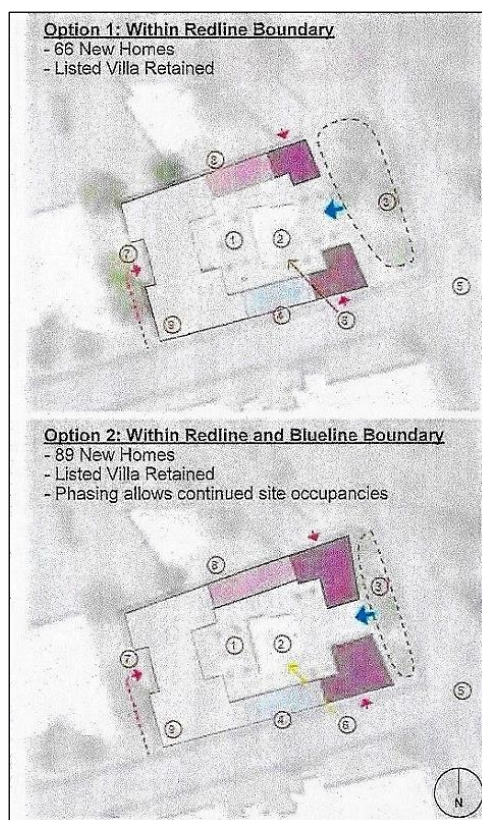
It will be noted that the distance walked along Kingsbury Road is similar to, if not less than, the “red route” along Brentfield Road and Hillside which will have to be used if the Morland Gardens stopping-up order is made (see plan at 1.1 for comparison).

3.11 [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

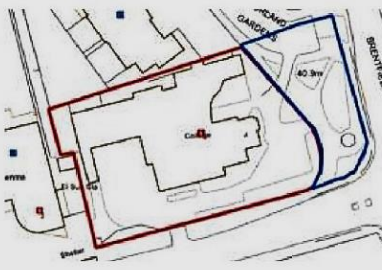
3.12 [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

3.13 [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

The two options proposed were shown on this drawing from the same CLTH submission:



4.3 The opportunity for more homes to be included in the development if the “blue line” land was included in the site appears to have swung the decision of Council Officers in favour of Option 2. The illustration below is taken from CLTH’s RIBA Stage 1 report, to Brent Council as its client, of December 2018. The edge of the “blue line” land is clearly marked.

<p>Site Details (include location map and site plan)</p> <p>The scheme is located in 1 Morland Gardens, Stonebridge, London NW10 8DY. Part of the building is locally listed and will be need to be factored into any design moving forward.</p> <p>The full site is in Brent council's ownership as found in the site plan. It must be noted that some of the site is designated as public footpath which may require appropriation.</p> <p>Options to be considered</p> <ul style="list-style-type: none"> - Commercial + Affordable housing + affordable workspace (1000sq.m). - Commercial + NAIL + affordable work space - Options will need to be considered for the site within the red line and initially with the potential to include the land outlined in blue. <p>Key Drivers of the Project</p> <ul style="list-style-type: none"> • Redevelopment of the site will provide significant good quality housing, provide much needed affordable 	<ul style="list-style-type: none"> • Creation of a well-designed educational facility to support adult learning in Brent. <p>Constraints</p> <ul style="list-style-type: none"> • The site is currently used for education purposes and a lot of thought will need to be given to how the development phasing will work as the intention is to keep the occupiers in-situ. <p>Opportunities</p> <ul style="list-style-type: none"> • Consider add the land to side of the site which is likely to be public highway to the red line boundary thus making the site larger to support more housing. Please see the site plan and refer to the area edged blue.  <p>Strategic Brief Site Boundaries</p>
--	---

It will be seen that CLTH drew the following points to the attention of Brent Council Officers:-

1. 'It must be noted that some of the site is designated as public footpath'

2. '... the land to the side of the site which is likely to be public highway'

4.4 Following discussions in December 2018, CLTH were asked to prepare an amended RIBA Stage 1 report, which they presented on 28 January 2019. This site location page from that report shows that there were significant areas of trees within the "blue line" land, and again makes the point that 'some of the site is designated as public footpath'.



4.5 The Air Quality page from the January 2019 amended RIBA Stage 1 report makes the point that, because of the site's location, 'issues related to ... air quality will have to be addressed'.



4.6 CLTH's January 2019 report was the document on which Council Officers based their discussions with relevant Cabinet members, obtaining approval to proceed with plans for the proposed redevelopment at 1 Morland Gardens. However, once they had approval for the option to include the "blue line" land, in order to build more housing as part of the redevelopment of the Brent Start college, they appear to have focused on the combined site as a single piece of land, and drawn up their plans accordingly.

4.7 From February 2019 onwards, despite being alerted to the footpath and air quality points by CLTH, Council Officers failed to consider what the effect of a stopping-up would be. They appear to have acted on the basis that as the “blue line” land was Council-owned, its stopping-up would be a formality. As a result, they felt that they could ignore what its consequences would be for the pedestrians who used those paths, and would instead have to walk far closer to the junction of Hillside and Brentfield Road, and its polluted air.

5. Planning failure to consider the consequences of the proposed stopping-up

5.1 The Draft Stopping-Up Order for the area of public highway at Morland Gardens has this opening paragraph:

BY THIS ORDER:

1. The Council authorises the stopping up of an area of public highway described in Schedule 1 to this order and shown hatched black on the Deposited Plan (**“the Highway”**), in order to enable development described in Schedule 2 to this order to be carried out in accordance with the planning permission granted under Part III of the Act by the Council on 30 October 2020 under Application No. 20/0345. (**“the Development”**).

The Legal Notice advertising the proposed stopping-up also says: ‘If the order is made, the stopping up will be authorised only in order to enable the development described in Schedule 2 to this notice to be carried out’

5.2 As the proposed Stopping-Up Order is so closely tied to planning application 20/0345, it might be thought that the consequences of stopping-up this area of public highway would have been considered as part of process for granting the planning permission. However, **those consequences were not considered.**

5.3 Brent Council’s planning application 20/0345 was made on 3 February 2020. [Over seventy comments on the application were made by members of the public](#), mainly objections to the proposed development. Several of the objections referred to air pollution and the effect on pedestrians as a reason why the person commenting was objecting, including:

- From **41 Armstrong Road, NW10 9EF on 28 February 2020**: ‘The area is already at breaking point in terms of population, road traffic and congestion, strain on public transport and services, and air pollution - this project will make matters worse and put further strain on the residents, services and roads.’
- From **73 Barry Road, NW10 8DE on 4 March 2020**: ‘Air Quality - Traffic emissions in the Stonebridge area are high - The planning proposals do not make it specifically known what the council will do to prevent/avoid exposure to these emission levels. Therefore, how is planning to be approved if the Plans does not fully state what is the council intend to do?’
- From **21 Thornberry Court, Craven Park, NW10 8GJ on 7 August 2020**: ‘I object for the following reasons: [including] Increased noise, smell, dust, traffic, etc. / traffic safety or congestion, including effects on pedestrians / loss of trees or other natural features.’

5.4 I made my own first detailed objection comments on the planning website on 5 March 2020, and send a pdf document version of them to the Planning Case Officer the following day. Although my objections concentrated on the proposed demolition of the locally listed heritage

building, section 4 of my comments was headed: 'Other planning reasons why application 20/0345 should be refused'. Paragraphs 4.1 to 4.6 were about the loss of open space, and paragraphs 4.7 to 4.11 about air quality.

I would be happy to supply a copy of my March 2020 objections pdf document, if required for evidence

5.5 My comments on both open space and air quality began by referring to Brent's Development Management Policies ("DMP") of 2016, and how the planning application went against those policies. These are two extracts from my March 2020 document, on air quality:

4.8 The London Plan "Air Quality Management" policy 7.14, referred to in Brent's DMP para. 6.10, says:

'Development proposals should minimise increased exposure to existing poor air quality and make provision to address local problems of air quality (particularly within Air Quality Management Areas (AQMAs) and where development is likely to be used by large numbers of those particularly vulnerable to poor air quality, such as children or older people).

4.9 1 Morland Gardens is in an AQMA, next to one of the poorest air quality sites in Brent, at the junction of Hillside and Brentfield Road. The 'baseline local air quality' is poor, and there is no way to address this air quality problem without reducing the amount of traffic on these two very busy and congested roads, which application 20/0345 has no way of redressing.

In fact, the current proposals will make matters worse, forcing both the residents and users of 1 Morland Gardens, and other pedestrians passing the front of the building, closer to the heavy passing traffic.

5.6 Given these objection comments, by myself and others, Brent's Planning Officers should have been "on notice" that air quality, and the possible effects on pedestrians of exposure to air pollution as a result of the proposals in application 20/0345, were an issue which needed to be properly considered as part of the planning process.

5.7 In their [Report to the Planning Committee meeting on 12 August 2020](#), in respect of application 20/0345, Planning Officers did appear to acknowledge these issues, in their brief summary of objections made, and how these would be addressed.

Increase in health concerns as a result of the proposed development	See Environmental Health considerations section of report (paragraphs 60-70) regarding issues of noise, air quality impacts etc.
Proposals would result in the loss of open space around the site	See paragraphs 70-71 for discussion on improvements to public realm
Loss of daylight and sunlight to adjoining properties from proposed development	See paragraphs 78-94
Proposals would result in increased traffic and parking pressures within local streets, and cause concerns around pedestrian and highways safety	See paragraphs 130-160

Two extracts from the "Consultation Comments" at page 8 of the Officer Report of 12 August 2020.

5.8 In fact, the Environmental Health considerations were not dealt with at paragraphs 60-70 of the report. Air quality was actually “covered” in just two paragraphs, 174 & 175, shown here:

Environmental Health considerations

Air quality

174. An air quality assessment considering the impacts of the proposed redevelopment of the site on air quality has been submitted. The report has considered the impacts that would be incurred during the construction phase, impacts that would be incurred by traffic generated by the development, and impact of heating plant emissions. This has been reviewed by Brent's regulatory services team.

175. The assessment is sufficiently robust and detailed, considering the potential emissions to the area associated with the development as well as the potential impact on receptors to the development. Officers acknowledge that there is the potential for high levels of nitrous oxide associated with pollution from adjoining streets to impact on the lower floors of the building (lower ground to second floor). However officers consider that sufficient mitigation measures can be put in place to ensure new openings at lower levels, with air source heat pumps to be installed to ensure a mechanical ventilation system can be used on these floors, rather than having to rely on opening windows for cooling.. Subject to a condition requiring these to be implemented and in operation before any use of the building commences, the development meets the air quality neutral criteria in accordance with adopted and emerging policy.

Extract from the Officer Report to Planning Committee of 12 August 2020 on application 20/0345.

5.9 The Planning Officers report, and the advice from Brent's Environmental Health Officer on which it was based, only looked at the AQA, which was just about the air quality inside the proposed building. But paragraph 175 above includes this important sentence:

‘Officers acknowledge that there is the potential for **high levels of nitrous oxide associated with pollution from adjoining streets** to impact on the lower floors of the building (lower ground to second floor).’

To deal with this, a condition was included in the planning consent, requiring that the mitigation measures recommended in the AQA must be implemented, and proved to have been implemented, before the new building could be occupied. Those measures can be summed up in this extract from the “Building Mitigation” section of the AQA's conclusions:

‘A mechanical ventilation system that draws air in from the roof may be considered acceptable as predicted NO2 concentrations on the fourth floor and above are below the relevant air quality objectives. However, the inlets should be placed as high as possible (roof level) and as far away from the local roads as possible.’

5.10 Planning Officers were clearly aware of the air pollution problems at this site, but they failed to relate that to the concerns raised by objectors to the application over the health effects on pedestrians!

If the air quality at the corner of Hillside and Brentfield Road was only considered to be safe four floors above street level, then surely pedestrians needed to be kept safe from the pollution as well. Deliberately forcing them to use the pavement by the busy junction, rather than the existing paths, shielded from the worst of the traffic pollution by the community garden, should have been an issue considered by those Planning Officers, and brought to the attention of the Planning Committee members who would decide application 20/0345, in their Report.

5.11 Planning Officers were also aware that the new building which was the subject of that application would be built on a site that required the stopping-up of part of the public highway

at Morland Gardens. Despite this, the phrase ‘stopping-up’ only appears twice in the Officer Report, in the section on “Highways and Transportation”.

At paragraph 155 the Report says: ‘Once the stopping up is completed, the remaining area of highway fronting the site is proposed to be re-landscaped, which is welcomed in principle.’

At paragraph 173 it concludes: ‘The Council’s highways officers and TfL are satisfied that the proposed development would be acceptable in highways and sustainable transport terms, subject to the stopping up of the existing highway land on Morland Gardens at the eastern and of the site’

5.12 The Officer Report’s only real reference to the results of the proposed stopping-up is in this paragraph, and that is only to ensure that there will be adequate pedestrian access to the building:

Pedestrian accessibility

154. Pedestrian access to the building is proposed directly from Hillside (in the case of the workspace and residential units) and from Brentfield Road (in the case of the college), which is considered acceptable. The building is to be partially constructed on an existing area of footway though, and officers recommend a condition to ensure that these works are stopped up as highway under S247 of the Town & Country Planning Act 1990 prior to any works commencing on site. Adequate footway will be retained around the site, so this would be acceptable in principle, provided the developer ensures that all utility company services within the existing highway (BT, electricity & water services have been identified) are diverted at their own expense. An informative is attached to advise of this.

Extract from the Officer Report to Planning Committee of 12 August 2020 on application 20/0345.

5.13 As the potential effects on pedestrians’ exposure to air pollution of building ‘on an existing area of footway’ had been “flagged-up” to Planning Officers by objectors as planning issues, they had a responsibility to consider those points. There is no evidence that they gave those points any consideration, and they certainly failed to bring them to the attention of the Planning Committee meeting which considered application 20/0345 on 12 August 2020, and approved it by 5 votes to 2, with one abstention.

5.14 In those circumstances, the fact that planning permission was granted under application 20/0345 for the proposed development at 1 Morland Gardens cannot, and should not, be used as grounds for opposing the objections now brought against the proposed stopping-up order.

6. Other technical objection points

6.1 Although my main objections are set out above, there are three other “technical” points which I am objecting over, and which I will need to be satisfied with answers on before I can decide whether or not to withdraw my objections on those points.

6.2 My first technical point is whether the area of public highway described in Schedule 1, and shown on the Stopping-Up Plan, is the whole of the area which needs to be stopped-up if the development approved under application 20/0345 can proceed to be built.

The shaded area, described on the Plan as ‘Highway to be Stopped Up’, appears to represent just the footprint of the proposed new building within the overall public highway shown by a

blue line, rather than the whole of the approved development. The full development site is shown on this plan, from the Officer Report to Planning Committee of 12 August 2020:



Within the public highway area inside the development site marked in pink on the site plan, but outside the shaded area shown as the area of highway to be stopped-up, are features of the proposed development, such as bicycle stands and raised garden beds, which would prevent vehicles or pedestrians from using those areas.

Shouldn't the proposed Stopping-Up Order also cover those areas of the public highway? If that is not the case, please explain why.

If the proposed Stopping-Up Order should include those areas, then the proposed order is insufficient to meet the purpose for which it is supposed to be designed, and should be withdrawn.

6.3 The proposed order is being made under Section 247, Town and Country Planning Act 1990, which allows Brent Council to 'authorise the stopping up or diversion of any highway within the borough'.

A number of the documents exhibited as evidence in section 4 above refer to some of the land within the area outside 1 Morland Gardens which application 20/0345 intends to build over as being 'designated as public footpath'. The photographs at 1.2 above clearly show defined footpaths which have been in existence since the community garden was created in 1994.

In these circumstances, should not the proposed order be under Section 257, instead of (or possibly as well as) Section 247? Under the proposed order notified on 28 April 2022, there will be lengths of public footpath outside of the area proposed to be stopped-up, which would still exist as rights of way. They would be blocked, perhaps unlawfully, if the proposed new development goes ahead without the appropriate authorisation(s) under Section 257.

6.4 Even if the highway and footpaths are stopped-up by orders under Ss 247 and/or 257, land outside the boundary of 1 Morland Gardens, including the wooded area of the community garden, would need to be appropriated for planning purposes for 20/0345 to proceed.

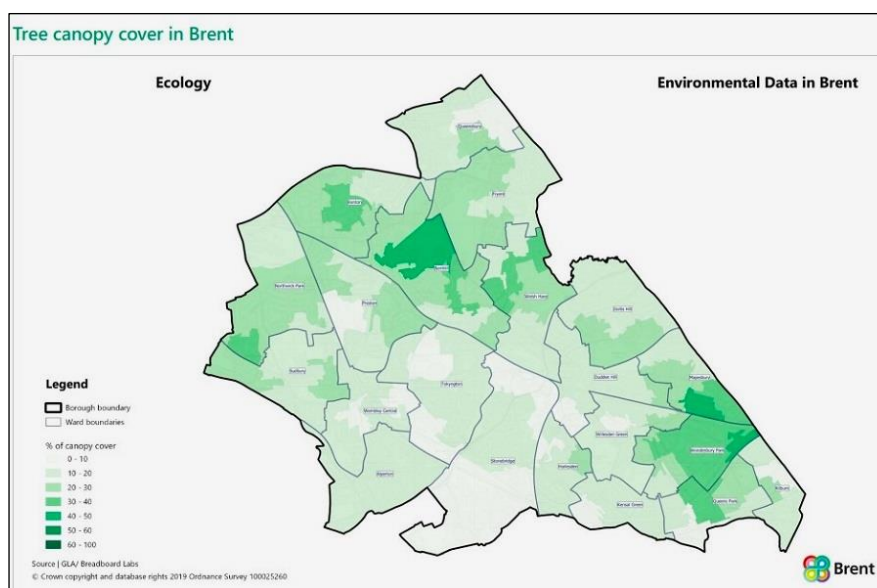
Brent Council declared a Climate and Ecological Emergency in July 2019, and set out its plans for dealing with that in the [Brent Climate & Ecological Emergency Strategy 2021-2030](#). In her Foreword to that document, Brent's Cabinet Member for the Environment, Cllr. Krupa Sheth,

said: 'The time to start acting is now. Brent has declared a climate and ecological emergency and pledged to do all in our gift to achieve carbon neutrality in the borough by 2030.'

One of the Strategy's Key Themes is "Nature and Green Space". The Strategy document rightly states: 'Trees are a significant element of our green infrastructure in Brent. Trees provide a host of environmental, health and well-being benefits, as well as offering a home and habitat for birds and insects which contribute to the functioning of a healthy local eco-system.'

The document goes on to say: 'Brent is below the London average of tree canopy cover. We will seek to increase our canopy cover over the course of the next decade, to move closer to the London average.'

As this map from the Strategy document shows, Stonebridge is the area of Brent with the least tree canopy cover:



Removing the trees of the community garden, some of which are within the area of public highway proposed to be stopped-up, would reduce, not increase the canopy cover in the Stonebridge area.

How could anyone at Brent Council honestly say that the wooded community garden was no longer needed? That would be a requirement if the land is to be appropriated, but would go against the Council's pledge to do everything within its power to meet its environmental targets by 2030. It is another reason to object to this proposed Stopping-Up Order process.

7. Conclusion

7.1 I believe I have shown, with my well-reasoned objection points and the supporting evidence in this objection statement, that the proposed Stopping-Up Order for an area of public highway in Morland Gardens should not be made.

7.2 If Brent's Head of Healthy Streets is not able to accept my objections, and persuade fellow Council Officers and Brent Cabinet Members to accept that the Stopping-Up Order should not be made, then the matter of the proposed order and objections to it should be referred to an Inquiry, where it can be adjudicated by an independent Inspector.

██████████, 9 May 2022.

[REDACTED]

From: [REDACTED]
Sent: 09 May 2022 02:10
To: TrafficOrders
Subject: Objection to proposed stopping-up order.

To [REDACTED],
Head of Healthy Streets,
London Borough of Brent. From [REDACTED]
[REDACTED]

Ref. TO/23/031/NP

Dear Sir,
[REDACTED]

I wish to make an objection to the Stopping-Up Order referred to in the notice of 28th April, 2022 under section 247 of the Town and Country Planning Act, 1990, regarding the footpath between 1 Morland Gardens and Brentfield Road.

I believe the Stopping -up Order should not be made, because of the value of this quiet access path to people walking their children to and from local schools and nurseries. The parents who walk their children to school are avoiding adding pollutants to the air by not joining the "school run" in a car, but theirs are the very children most at risk from breathing in pollutants from traffic exhaust, especially little ones riding in low-level buggies.

The junction at Brentfield Road and Harrow Road can take several minutes to cross, waiting for traffic lights to change at the dual carriageway. Often traffic is heavy at school times, and buses and lorries wait with engines running while Pedestrians cross, breathing in fumes all the while. The pathway at Morland Gardens affords a respite from the pollution, and a chance to take a deep breath beside some friendly trees.

I am shocked to think that our caring Council is contemplating closing the footpath and pavement, and the community garden area. We should be treasuring every green space and safe walkway, and supporting the idea of being a "Cleaner Air Borough."

I would also like to object to the closure on behalf of the mental well-being of our elders, ([REDACTED]). The sadness which accompanies loss of pleasant amenities is not confined to the people of Paris, weeping in the streets as Notre Dame burned. We can all feel upset and depressed when well-loved green spaces and landmarks are swept away.

I have seen the detailed draft of [REDACTED] objections to the Stopping-up Order, and entirely support his views.

Thank you for your kind attention.
Yours faithfully, [REDACTED].

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[REDACTED]

From: [REDACTED]
Sent: 09 May 2022 11:50
To: TrafficOrders
Subject: Stopping up Order in the vicinity of Morland Gardens

Good morning,
I have noted in the 28th of April Willesden and Brent Times, the advertisement of a proposed stopping up order, reference number TO/23/031 B/NP.
I was hoping I might be able to get hold of a pdf copy of the order and relevant plan?
Your help in this matter would be greatly appreciated.
Kind regards,

[REDACTED]

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From: [REDACTED]@vodafone.com>
Sent: 19 May 2022 09:54
To: TrafficOrders
Subject: Morland Gardens Stopping Up Order
Attachments: Brent0001.pdf

Good morning

I am now in receipt of your letter sent into Vodafone.

I work for the Fibre Services Team within Vodafone

I will be the point of contact going forward for Fibre Services so please feel free to reach out to me as and when necessary.

Kind regards



Networks Engineer
Consents & Wayleaves



[REDACTED]@vodafone.com

Vodafone Limited, Vodafone House, The Connection, Newbury,
Berkshire, RG14 2FN

vodafone.co.uk/business



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C2 General

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From: [REDACTED]
To: [Mayor of London](#)
Subject: Morland Gardens, NW10, and Sections 247 & 252 Town & Country Planning Act 1990
Date: 11 June 2022 19:21:18

CAUTION: This email originated from outside this organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear Sadiq Khan,

I am writing to you to request that you ensure that the role of the Mayor of London in consideration of a proposed Stopping-up Order is dealt with fairly.

On 28 April 2022 the London Borough of Brent gave Notice under Section 247, TCPA 1990, of a proposed stopping-up order for an area of public highway at Morland Gardens, London NW10 8DY, under their reference TO/23/031/NP.

I was one of at least three members of the public (there may have been more) who objected to the proposed Order, within 28 days, and I understand that there were at least two utility companies who have also objected.

The main reasons for the objections from members of the public were on public health and environmental grounds, and those objections are not likely to be withdrawn. It follows that the objections should be referred to your office, if they have not already been referred, under Section 252(4)(b) of the Act:

'in a case where the council of a London borough is proposing to make an order, it shall notify the Mayor of London of the objections and shall cause a local inquiry to be held unless subsection (5A) applies.'

The concern which has caused me to write to you is remarks made by Brent Council's Strategic Director, Regeneration and Environment, at one of the Council's Scrutiny Committee meetings, on Thursday 9 June. These remarks gave a strong impression that Brent Council will ask you, as Mayor of London, to decide that it is not necessary to hold an Inquiry into our objections, under Section 252(5A) of the Act:

'(5A) In a case where—

- (a) the council of a London borough is proposing to make the order,
- (b) the council has under subsection (4)(b) notified the Mayor of London of the objections, and
- (c) none of the objections notified is made by such a local authority or undertakers or transporter as are mentioned in that subsection,

the Mayor of London shall decide whether, in the special circumstances of the case, the holding of such an inquiry is unnecessary, and if he decides that it is unnecessary he shall so notify the council which may dispense with the inquiry.'

Given some of the other remarks made by the Strategic Director, I am concerned that, in notifying the objections to you, Brent Council may simply provide your office with a brief summary of the objection points, and claim that most of these were considered when a planning application (ref. 20/0345) was approved in 2020, so that there is little merit in the objections, and that an Inquiry would be a waste of time.

If that is the case, I would ask that your office should request full copies of all of the objection statements submitted (you will find that mine includes a detailed section showing that the key issues were not considered when the planning application was approved), and consider those objection statements carefully before making a decision on whether or not an Inquiry is necessary.

If it is permissible, I would also ask that a copy of any Brent Council submission requesting you to apply Section 252(5A) is sent to me (as a representative of three members of the public who objected to the proposed Stopping-up Order), and that we are allowed at least two weeks to reply to any points in it that we consider to be incorrect and/or misleading. Thank you.

Please acknowledge receipt of this email, and let me know the name, email address and

reference number for your Officer who will deal with Section 252 matters in this case. Thank you. Best wishes,

[REDACTED]

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Openreach

LONDON BOROUGH OF BRENT,
Brent Civic Centre,
Engineers Way,
Wembley,
HA9 0FJ.

(Attention Of [REDACTED])

Openreach,
Roadworks Projects London,
pp 222/29,
Colombo House,
50-60 Blackfriars Road,
London SE1 8NZ.

T [REDACTED]
[REDACTED]
[REDACTED] [i@openreach.co.uk](mailto:[REDACTED]@openreach.co.uk)

Our Ref: 876604/BQRA
Your Ref: TO/23/031B/NP

Dear [REDACTED]

26th May 2022

Regarding: **Stopping Up Order:- Morland Gardens NW10 8EP**

The Town And Country Planning Act 1990 – Section 247

Thank you for your copy of the draft stopping-up order reference TO/23/031B/NP, for a stopping-up at the above location for development purposes to be made under the above act.

After obtaining records of existing Openreach apparatus in the vicinity of the proposed stopping-up area, it appears that Openreach have apparatus consisting of joint boxes and underground duct routes containing cables that could be affected, (see attached duct and structure diagram).

Openreach object to the stopping-up order being made unless assurances are received that the costs of any necessary diversionary works required as a result of the stopping-up, will be borne by the stopping-up applicant.

If you have any queries or require further information, please contact me on [REDACTED]

Yours sincerely,

[REDACTED]


[REDACTED]
Network Rearrangement Technical Engineering

Legend

CAUTION AREA

 BT.CAUTION_AREA


EQUIPMENT

 FIBRE, TCODE

 COPPER, CABINET

 COPPER, DP

DUCT

 AERIAL

 TUNNEL


 DUCT


PROPOSED


 AERIAL

 DUCT

STRUCTURE

 YCODE


 CABINET SHELL


 SPLIT COUPLING


 POLE

 KIOSKS

 MANHOLE

 JOINTBOX

 CHANGE OF STATE

 DUCT TEE

PROPOSED

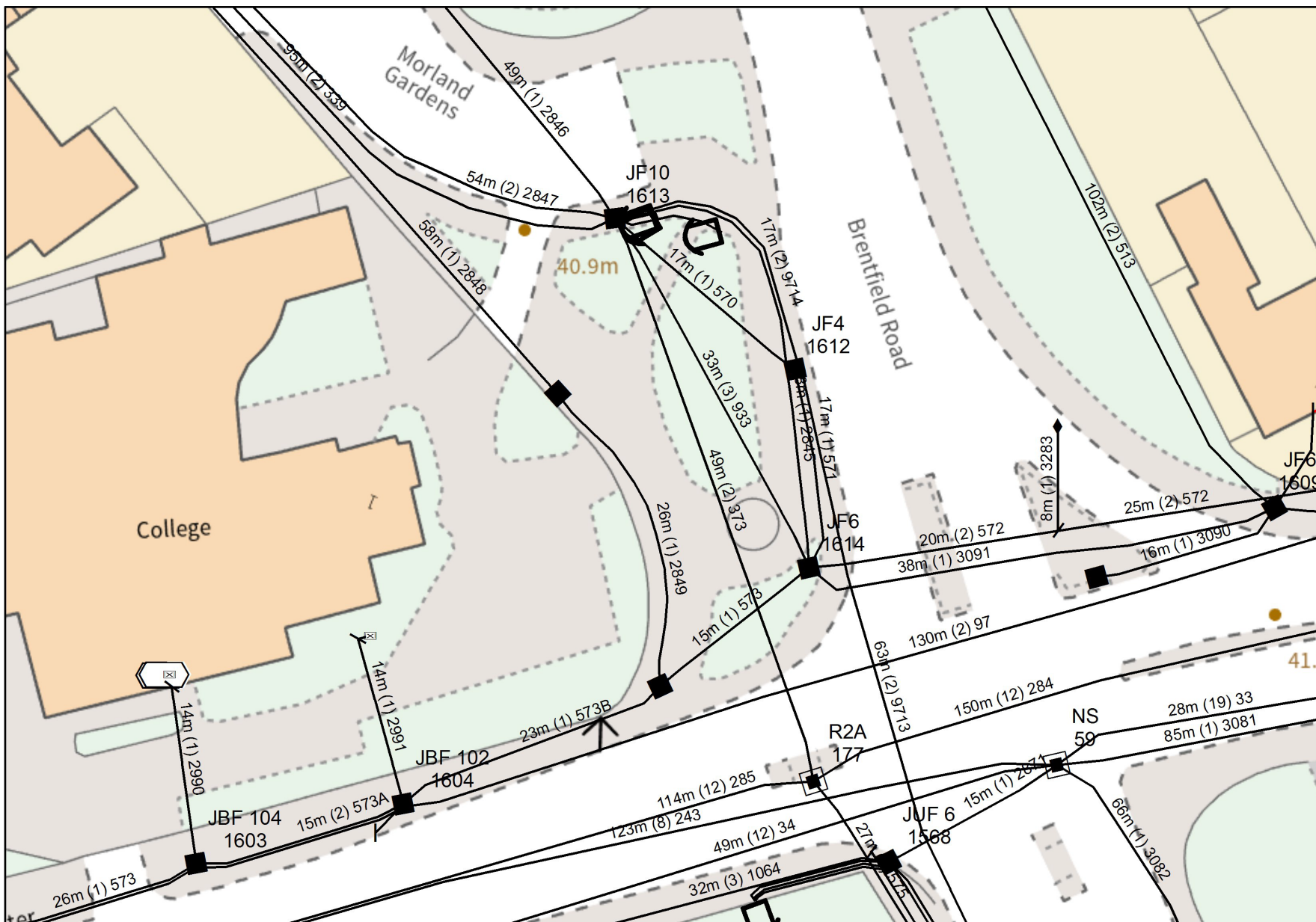
 MANHOLE

 JOINTBOX

 DUCT TEE

Other proposed plant is shown using dashed lines.

BT symbols not listed above may be disregarded.



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Existing BT plant may not be recorded.
Information valid at time of preparation.

CLICK BEFORE YOU DIG
FOR PROFESSIONAL FREE ON SITE ASSISTANCE, PRIOR TO COMMENCEMENT OF EXCAVATION WORKS INCLUDING LOCATE AND MARKING SERVICE
email 

ADVANCE NOTICE REQUIRED
(Office hours Monday - Friday 08.00 to 17.00)



PLANT INFORMATION REPLY

Stopping Up Order: Morland Gardens NW10 8EP

Openreach ref 876604

openreach

[REDACTED]

From: Location Enquiries <SMBLocationEnquiries@tfl.gov.uk>
Sent: 10 May 2022 09:14
To: TrafficOrders
Subject: Morland Gardens Stopping Up order TO/23/031B/NP
Attachments: Scan.pdf

FAO [REDACTED]
Thank you for your consultation.
I can confirm that London Underground/DLR Infrastructure Protection has no objection to the attached Stopping Up Order as submitted.
This response is made as Railway Infrastructure Manager under the "Town and Country Planning (Development Management Procedure) Order 2015". It therefore relates only to railway engineering and safety matters. Other parts of TfL may have other comments in line with their own statutory responsibilities.
Kind regards

[REDACTED]
Safeguarding Engineer (LU+DLR)
Infrastructure Protection
Email: SMBLocationEnquiries@tfl.gov.uk
TfL Engineering | 5 Endeavour Square, Stratford, London E20 1JN



Find out more about Infrastructure Protection - <https://youtu.be/0hGoJMTBOEg>

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From: Devcon Team <devcon.team@thameswater.co.uk>
Sent: 28 April 2022 13:27
To: TrafficOrders
Subject: FW: Your Ref: 14555 Our Ref: TO/23/031/NP



27 April 2022

STOPPING UP: Morland Gardens NW10 8DY

Dear Sir / Madam,

Thank you for your recent correspondence with regards to the above location.

Our records show that Thames Water has apparatus in the area you are proposing to carry out your works.

We are in receipt of your confirmation regarding our rights of access to our apparatus will not be impeded. We therefore have no objection to your proposal.

Yours sincerely,

Developer Services – Development Database Administrator

devcon.team@thameswater.co.uk

Maple Lodge STW, Denham Way, Rickmansworth, WD3 9SQ

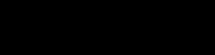
Find us online at developers.thameswater.co.uk



Visit us online www.thameswater.co.uk, follow us on twitter www.twitter.com/thameswater or find us on www.facebook.com/thameswater. We're happy to help you 24/7.

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From: UK OSP-Team <osp-team@intl.verizon.com>
Sent: 05 May 2022 07:49
To: TrafficOrders
Cc: UK OSP-Team
Subject: Stopping Up Order TO/23/031B/NP

Dear Sir / Madam,

Please be advised that Verizon have no objections to Stopping up order TO/23/031B/NP.

Kind Regards,

Plant Protection Officer 

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