



WOKINGHAM BOROUGH COUNCIL

A Meeting of the **EXECUTIVE** will be held at the Civic Offices, Shute End, Wokingham on
THURSDAY 30 JULY 2015 AT 7.30 PM

A handwritten signature in black ink, appearing to read 'Andy Couldrick', written in a cursive style.

Andy Couldrick
Chief Executive
Published on 22 July 2015

This meeting will be filmed for inclusion on the Council's website.

Please note that other people may film, record, tweet or blog from this meeting. The use of these images or recordings is not under the Council's control.

Our Vision

A great place to live, an even better place to do business

Our Priorities

Improve educational attainment and focus on every child achieving their potential

Invest in regenerating towns and villages, support social and economic prosperity, whilst encouraging business growth

Ensure strong sustainable communities that are vibrant and supported by well designed development

Tackle traffic congestion in specific areas of the Borough

Improve the customer experience when accessing Council services

The Underpinning Principles

Offer excellent value for your Council Tax

Provide affordable homes

Look after the vulnerable

Improve health, wellbeing and quality of life

Maintain and improve the waste collection, recycling and fuel efficiency

Deliver quality in all that we do

MEMBERSHIP OF THE EXECUTIVE

Keith Baker	Leader of the Council
Julian McGhee-Sumner	Deputy Leader and Health and Wellbeing
Charlotte Haitham Taylor	Children's Services
Pauline Jorgensen	Resident Services
John Kaiser	Planning and Highways
Philip Mirfin	Regeneration and Communities
Anthony Pollock	Economic Development and Finance
Angus Ross	Environment

ITEM NO.	WARD	SUBJECT	PAGE NO.
24.		APOLOGIES To receive any apologies for absence	
25.		MINUTES OF PREVIOUS MEETING To confirm the Minutes of the Meeting held on 25 June 2015.	7 - 12
26.		DECLARATION OF INTEREST To receive any declarations of interest	
27.		PUBLIC QUESTION TIME To answer any public questions A period of 30 minutes will be allowed for members of the public to ask questions submitted under notice. The Council welcomes questions from members of the public about the work of the Executive Subject to meeting certain timescales, questions can relate to general issues concerned with the work of the Council or an item which is on the Agenda for this meeting. For full details of the procedure for submitting questions please contact the Democratic Services Section on the numbers given below or go to www.wokingham.gov.uk/publicquestions	
27.1	Arborfield	Gill Purchase has asked the Executive Member for Children's Services the following question: Question Could the Lead for Children's Services please tell parents in the South of Wokingham the names of the preferred Education providers that have been put forward to the DfE to run the secondary school along with the reasons why they were considered to be the best?	

27.2 Arborfield Sam Dredger has asked the Executive Member for Children's Services the following question:

Question

It has been reported on the Project 16 Facebook page there is a delay in the start of building work for the South of Wokingham School. Could she offer an explanation as to why and will this delay have an impact on the delivery of the school for September 2016.

28.

MEMBER QUESTION TIME

To answer any member questions

A period of 20 minutes will be allowed for Members to ask questions submitted under Notice

Any questions not dealt with within the allotted time will be dealt with in a written reply

MATTERS FOR CONSIDERATION

29.	None Specific	REVENUE MONITORING 2015/16 - END OF JUNE 2015	13 - 22
30.	None Specific	CAPITAL MONITORING 2015/16 - END OF JUNE 2015	23 - 28
31.	None Specific	COUNCIL OWNED COMPANIES' BUSINESS	29 - 34
32.	None Specific	HEALTH AND SAFETY ANNUAL REPORT 2014/15	35 - 48
33.	None Specific	LOCAL PLANNING ENFORCEMENT PLAN	49 - 96
34.	None Specific	TREASURY MANAGEMENT ANNUAL REPORT 2014/15	97 - 130
35.	None Specific	TRAVEL PLANNING FOR MAJOR DEVELOPMENT SITES (SDLS)	131 - 134
36.	None Specific	LIBRARY SERVICE MANAGEMENT SYSTEM	135 - 138
37.	None Specific	FUTURE DELIVERY OPTIONS FOR OPERATIONAL PROPERTY	139 - 154
38.	Shinfield North; Shinfield South	SHINFIELD NEIGHBOURHOOD PLAN	155 - 168
39.	Norreys	GROUND LEASE TO THE SOUTH EAST RESERVE FORCES AND CADET ASSOCIATION (SERFCA) ON LAND AT ELIZABETH PARK, WOKINGHAM	169 - 172

40.	Wescott	REGENERATION OF PEACH PLACE COMPULSORY PURCHASE	173 - 252
41.	Shinfield South; Wokingham Without	RYEISH GREEN AND GRAY'S FRUIT FARM SPORTS HUB PROJECTS	253 - 260
42.	Shinfield South	COMMUNITY FACILITY AT SM4 STRATEGIC DEVELOPMENT LOCATION	261 - 266

A decision sheet will be available for inspection at the Council's offices (in Democratic Services and the General Office) and on the web site no later than two working days after the meeting.

CONTACT OFFICER

Anne Hunter
Tel
Email
Postal Address

Service Manager, Democratic Services
0118 974 6051
democratic.services@wokingham.gov.uk
Civic Offices, Shute End, Wokingham, RG40 1BN

This page is intentionally left blank

**MINUTES OF A MEETING OF
THE EXECUTIVE
HELD ON 25 JUNE 2015 FROM 7.30 PM TO 8.00 PM**

Committee Members Present

Councillors: Keith Baker (Chairman), Julian McGhee-Sumner, Charlotte Haitham Taylor, Pauline Jorgensen, John Kaiser, Philip Mirfin, Anthony Pollock and Angus Ross

15. APOLOGIES

There were no apologies for absence.

16. MINUTES OF PREVIOUS MEETING

The Minutes of the meeting of the Committee held on 28 May 2015 were confirmed as a correct record and signed by the Chairman.

17. DECLARATION OF INTEREST

Councillor Anthony Pollock declared a personal interest in Item 23, Council Owned Companies Business, by virtue of the fact that he was an unpaid Non-Executive Director of Optalis. Councillor Pollock remained in the meeting during discussions and voted on the matter.

Councillor Pauline Jorgensen declared a personal interest in Item 23, Council Owned Companies Business, by virtue of the fact that her husband was a paid Non-Executive Director of WBC Holdings Ltd. Councillor Jorgensen remained in the meeting during discussions and voted on the matter.

18. PUBLIC QUESTION TIME

In accordance with the agreed procedure the Chairman invited members of the public to submit questions to the appropriate Members.

18.1 Peter Must asked the Executive Member for Planning and Transport the following question:

Question

In noting the paper proposing a Vision for the future in respect of travelling to Wokingham may I: - First point out that elements of this paper derive from previous Public Realm Workshops and consultation through an exhibition, these last being held in 2013. At a stakeholders' meeting on 22 April this year about the development of the Market Place and the surrounding street environment, we were told that a report following those engagements had been intended to be made available to the public and, on further enquiry, I was assured that it would indeed be put on the Council website and stakeholders would be told where to find it. This has not happened and I would urge the Executive Member to ensure the early availability of this long overdue and important public document.

Secondly, ask the Executive Member and the Executive to include in the decision taken about this Vision paper agreement that, in view of its importance as a matter of considerable significance, it be made available to the local community with a view to them knowing of and sharing in, or being able to critique, that vision, so that future discussions about the town centre public realm can be guided by it?

Answer

The Vision document seeks to set out a strategic approach to ensure that visitors to Wokingham have a choice about how they make their journey through a range of sustainable travel options and have a positive experience when they arrive.

It is a high level Vision document but all other third parties interest will of course be taken into consideration as we move forward with initiatives within the town. This is why we have not come up with a straight jacket policy. It is very flexible and will allow us to consider local comments as when they arise. The document is open and loose allowing local input as it develops.

Your question relates to the previous Public Realm work we undertook and I thank you for bringing to our attention that the LDA Public Realm and Design and Delivery Strategy is no longer available on the Council's website. The planning pages of the website have been in the process of being refreshed and now that they have been I will ensure that the LDA document is reinstated as soon as possible, however the information is available on request in the interim.

Supplementary Question

I am not certain that we are talking about the same document. I had assumed that just as there had been for the 2011 public realm engagement where the people that ran that session provided a report back to the public, that a similar report was going to be provided. It is this that I thought was available rather than a strategy document.

Supplementary Answer

I must admit that I am not aware of the original as at that point I was not involved, so I am not quite clear what the references of that were. This document will hopefully be agreed and I have spoken to Officers about it. We have got it in a format which will allow for its modification as we go through the regeneration of the Town Centre. That I feel is the best way rather than a very straightjacketed policy on car parks that the Council has tended to have in the past, this will allow input from other areas such as parish and town councils and other interested parties in the town.

Philp Mirfin, Executive Member for Regeneration and Communities also commented that:

I understand Mr Must that you have a meeting arranged with Sarah Morgan, Regeneration and Design Manager in the next couple of days. If there is further information you require, I would suggest that you put those questions to her. I understand she will be covering a lot of the points raised by your question anyway, but if there is anything further then it would be suitable to put additional questions in after that. But I think you will find that she will give you quite a lot of information around that subject when you meet her. However, if there is anything remaining please feel to contact to the Executive Member for Planning and Highways or myself.

19. MEMBER QUESTION TIME

In accordance with the agreed procedure the Chairman invited Members to submit questions to the appropriate Members

19.1 Rachele Shepherd-DuBey had asked the Executive Member for Planning and Highways the following question:

Question

I have been informed that the second part of the Loddon Viaduct repairs on the westbound carriageway are to be delayed. When the work took place last year during the school summer holiday period, this council stated that this was a major maintenance project that had to be done and was very complex and necessary. Can you be certain that by taking a decision to delay the work probably for a further year, you are not putting people's safety at risk?

In light of Rachelle Shepherd-DuBey not being able to attend the meeting the following written answer was provided.

Answer

The works on the Loddon Viaduct are essential to maintain the structure in a safe condition and to reduce the risks for users by upgrading the safety barriers.

When the Shinfield Eastern Relief Road project began we met with the contractor, Hochtief, and they told us of the need to close the A327 whilst they built a key part of the new road. The impact on the network of these works meant that the best time to close the A327 would be during the school holidays. This would overlap with the programme for the Loddon viaduct works and would result in two key routes through the Borough being closed or severely restricted at the same time.

Even during the school holidays the result of these simultaneous closures would mean considerable congestion for drivers and potential delays to emergency service vehicles.

Following a risk analysis of the proposals it was decided to proceed with the A327 in 2015 and postpone the Loddon viaduct works to summer 2016. We feel that the risks involved in this programme are acceptable and are unlikely to increase the risk to users of the A3290.

It needs to be borne in mind that the repairs to the Loddon viaduct will be in place for several decades and that this is a 12 month delay.

20. TRAVELLING TO WOKINGHAM TOWN CENTRE - OUR VISION FOR THE FUTURE

The Executive considered a report relating to a co-ordinated, strategic approach to travelling to Wokingham Town Centre to ensure that visitors would have a choice and flexibility in how they travel including a range of sustainable travel options.

The Executive Member for Planning and Highways informed the meeting that the report set out how there would be a good quality environment for pedestrians, cyclists and space for motorists to park their cars. He stressed that a really important aspect of the vision was that it set out how the Council intended to deliver choice, but that it had to be recognised that the car remained the primary means of travel for many people. The policy recognised that the Borough had the largest rate of car and second car ownership in the United Kingdom.

Members asked that as the document was developed further and specific proposals put forward in respect of measures such as cycle ways, that appropriate consultation was undertaken with schools and parents so that their local knowledge could be applied and possible unworkable routes identified at an early stage. Councillor Kaiser stated that a major element of the Vision was that it was not a straightjacketed policy and allowed for appropriate consultation.

Councillor Kaiser confirmed that as the Council moved forward with the Vision it would be considering the eventual position in 2026 by which point it was anticipated that the Northern Relief Road and Southern Distributor Road would have opened. With regard to car parking around railway stations he referred to the proposed redevelopment of Carnival Pool and that it was also hoped that there might be a car parking development at Twyford Station. With regards to Park and Ride facilities he commented that as they developed he felt that consideration should be given to them being multi-destination park and ride locations.

Various Members also made reference to the desirability where possible of ensuring clear physical separation between cyclists and motorists in the provision of cycle ways and that the cycle way along Lower Ealey Way was a good example of this.

RESOLVED: That the approach outlined in Travelling to Wokingham Town Centre – Our Vision for the Future, as set out in Appendix A to the report, be endorsed.

21. CHANGES TO CHARGING FOR ADULT SOCIAL CARE SERVICES

The Executive considered a report relating to Changes to Charging for Adult Social Care Services available under the Care Act 2014.

The Executive Member for Health and Wellbeing emphasised that the report was an addition to that previously considered by the Executive in February. He asked that the Executive note that the recommendations arose out the implications of the Care Act and that the Council was under significant financial pressure. He also asked Members to note that the effect of the changes would only take effect when a person had assets other than their homes of more of £23,250. If a house was included, the Council could take that into account, up to a level of 70% equity loan to value with a family taking that decision on behalf of the person needing care.

It was confirmed that in relation to recommendation 6c), a decision around whether or not to extend the equity review limit would be taken in consultation with the client affected or their carer. Such a request would be initiated by the client or their carer.

RESOLVED: That further to the Government's introduction of the Care Act 2014, the Executive agrees to introduce new social care charges for social care customers in Wokingham Borough. The Care Act requires the Council to review all of its charges for care services. The recommendations set out at 1) to 4) below are consistent with current practice; recommendation 5) is a new charge; and recommendation 6) updates current practice to be Care Act compliant. The recommendations are as follows:

- 1) That, in accordance with current practice, the council does not set a maximum charge for non-residential services;
- 2) That , in accordance with current practice, the council does not include any further disregards within the financial assessment other than those determined by the Department of Health;
- 3) that no charges for services provided to the carer will be introduced prior to April 2016 and then only by decision of the Executive;
- 4) that, in accordance with current practice, respite services continue to be treated as being provided for the cared for person and not the carer;
- 5) That for new Self-funders an administration charge for non-residential services is introduced from 1st July 2015. The charge to be £260 set up and £194 annually

thereafter (both amounts exclusive of VAT). However for existing customers the effective date of the Annual charge will be 1st October 2015

- 6) That for Deferred Payment Agreements (DPA) effective from 1st July 2015:
- a) an administration charge is introduced to be £755 or £600 plus disbursements at set up, and £261 or £172 plus disbursements annually thereafter (both amounts exclusive of VAT); and
 - b) an interest rate equivalent to the maximum set by the Department of Health is applied to all new agreements; and
 - c) the Council set an equity review limit of 70% of the asset value. However the Director of Health & Wellbeing could increase this to 80% as an exception to be determined on a case by case basis; and
 - d) the only acceptable security should be property related; and
 - e) the Council set the maximum rental income that can be retained at 50%. However the Director of Health & Wellbeing can increase this on an exceptional basis; and
 - f) that the DPA policy at Appendix D is approved.

22. PROCEDURE FOR DEALING WITH SPECIAL EVENT TEMPORARY CLOSURES ON PUBLIC RIGHTS OF WAY

The Executive considered a report relating to the procedure for dealing with Special Event Temporary Closures on Public Rights of Way. The procedure, as recommended by a Working Group established by the Executive in 2014, sets out how the Council would consult on future applications for closure for events held on high profile recreational routes such as the Thames Path and the Blackwater Valley Path.

The Executive Member for Environment highlighted that the procedure had been developed in light of experience resulting from the annual temporary closure of a right of way for the Henley Festival and the outcome of a working party looking into how local ward Members and local residents could be provided with additional comfort regarding the process followed. However, the recommendations within the report would be applicable to all similar requests for temporary closures, not only for the Henley Festival.

RESOLVED: That for applications for temporary closures on rights of way on the Thames Path and the Blackwater Valley Footpath for special events the following policy will be adopted:

- 1) prior consultation will be carried out with the following groups: The Ramblers' Association, The Open Spaces Society, Natural England, the relevant Parish Council and the ward member/s for the area through which the path is situated; and
- 2) the decision as to whether a closure will be made will be taken by the Executive.

23. COUNCIL OWNED COMPANIES' BUSINESS

The Executive considered a report setting out the budget monitoring position and an operational update for the financial year 2014-15 of the Council Owned Companies.

The Leader of Council highlighted the following changes in Directorships which would be incorporated into the next report.

- That Councillor John Jarvis had replaced Councillor Gary Cowan as Non-Executive Director on Wokingham Housing Limited;

- That Councillor Gary Cowan remain a Non-Executive Director of Loddon Homes Ltd, the Council's registered provider and become its Chairman.

Councillor Charlotte Haitham-Taylor referred to the issue of turnover of staff within Optalis as set out in report and reported on the some of the successful strategies used to recruit staff within Children's Services and initiatives such as Elevate. However, affordable housing for staff including teachers close to schools remained an issue and she felt key worker housing might be one focus area to help with recruitment and retention.

Councillor Keith Baker commented that this issue of key worker housing and the link with affordable housing was one which the Executive Member for Planning and Highways would be investigating. Anthony Pollock responded that the issues that Optalis faced in recruiting staff were recognised and did represent a real challenge which was being looked into. As such the potential impact of affordable housing for staff on modest incomes was acknowledged.

RESOLVED: That

- 1) the budget monitoring position for the financial year 2014-15 be noted;
- 2) the operational update for the financial year 2014-15 be noted.

Agenda Item 29.

TITLE	Revenue Monitoring 2015/16 – June 2015
FOR CONSIDERATION BY	The Executive on 30 July 2015
WARD	None specific
DIRECTOR	Graham Ebers, Director Finance and Resources
LEAD MEMBER	Anthony Pollock, Executive Member for Economic Development and Finance

OUTCOME / BENEFITS TO THE COMMUNITY

Effective management of the Council's finances to ensure Value for Money for council tax payers, tenants and schools.

RECOMMENDATION

The Executive is asked to note the forecast outturn position of the revenue budget and the level of forecast balances in respect of the General Fund, Housing Revenue Account, Schools Block and the Authority's investment portfolio.

SUMMARY OF REPORT

To consider the Revenue Monitoring, General fund, Housing Revenue Account, Schools Block and Treasury Management Reports. The Executive agreed to consider Revenue Monitoring Reports on a quarterly basis.

The General fund is forecasting a net overspend of £450,000, Housing Revenue Account a net underspend of £115,000 and Schools Block is forecasting to budget.

Background

The table below shows the expected forecast outturn for 2015/16 by Service. An explanation of the major budget variances are shown in Appendix A.

Service	End of Year Position		
	Current Approved Budget £,000	Current Forecast £,000	Net over/(under) spend £,000
Chief Executive	5,660	5,665	5
Children's Services	24,381	24,579	198
Health & Wellbeing	43,190	43,448	258
Environment	35,174	35,174	0
Finance & Resources	10,847	10,836	(11)
Net Expenditure	119,253	119,703	450

1. The forecast represents a General Fund net overspend of £450,000.

General Fund balances as at 31 March 2016 are projected to be £10.018m. The Statement of General Fund balance is shown in Appendix B.

2. The Housing Revenue Account forecast is a net underspend of £115,000.

The indicative Housing Revenue Account (HRA) balance as at the 31st March 2016 is £2,875,000. Shown in Appendix C.

3. The Schools Block forecast is to budget.

The indicative Dedicated Schools Grant (DSG) reserve balance as at 31st March 2016 is £297,000. Shown in Appendix D.

4. The authority's investment portfolio shows current investments of £73.1m being invested by the Council's External Fund Managers. Shown in Appendix E.

Analysis of Issues

Effective monitoring of budgets is an essential element of providing cost effective services and enables any corrective action to be undertaken, if required. Many of the budgets are activity driven and can be volatile in nature.

FINANCIAL IMPLICATIONS OF THE RECOMMENDATION

The Council faces severe financial challenges over the coming years as a result of the austerity measures implemented by the Government and subsequent reductions to public sector funding. It is estimated that Wokingham Borough Council will be required to make budget reductions in excess of £20m over the next three years and all Executive decisions should be made in this context.

	How much will it Cost/ (Save)	Is there sufficient funding – if not quantify the Shortfall	Revenue or Capital?
Current Financial Year (Year 1)	£450k	Yes – continued work to contain within overall budget.	Revenue
Next Financial Year (Year 2)	To be determined	Yes	Revenue
Following Financial Year (Year 3)	To be determined	Yes	Revenue

Other financial information relevant to the Recommendation/Decision
--

The Council will continue to review cost reduction measures to contain expenditure with the overall budget.

Cross-Council Implications

None

List of Background Papers

None

Contact James Norris	Service Finance & Resources
Telephone No 0782 44 06 992	Email james.norris@wokingham.gov.uk
Date 10 July 2015	Version No. v3

This page is intentionally left blank

REVENUE MONITORING REPORT June 2015

GENERAL FUND SUMMARY

Service	Current Position			End of Year Position		Comment on major areas of estimated over/underspend
	Planned £,000	Actual £,000	Variance £,000	Current Approved Budget £,000	Net over/(under) spend £,000	
Chief Executive	1,606	1,539	(68)	5,660	5	No material variance to report.
Children's Services	3,828	3,801	(27)	24,381	198	DoE Adoption Reform Grant notification of grant ending received February 2015. Up to that stage indication from Department was funding would continue; funding supports cross Service activities £198k. Net increase in Placements £256k matched by budget efficiencies achieved in year including Joint Legal Team prior year rebate of £111k.
Health & Wellbeing	11,440	11,115	(324)	43,190	258	Continued workforce pressures due to an inability to recruit have led to slippages in delivering ambitious savings targets. This is currently being offset by lower than anticipated numbers for the Care Act.
Environment	9,125	8,428	(697)	35,174	0	£150k Carry Forwards identified against Waste & Minerals plan, Dinton Pastures and Increase Recycling Invest to Save Schemes. New Park and Ride site at Winnersh opening delayed until Sept £80k, Service will work to contain within existing budget.
Finance & Resources	1,307	1,175	(132)	10,847	(11)	No material variance to report.
Net Expenditure	27,306	26,058	(1,248)	119,253	450	

STATEMENT OF GENERAL FUND BALANCE

	£,000	£,000
G.F. Balance (as at 31/3/2015)		(10,765)
<u>Supplementary Estimates</u>		
None	0	0
<u>Carry Forwards from 2014-15</u>		
Chief Executive	5	
Environment	292	297
<u>Projected Service Unit Variance</u>		
Chief Executive	5	
Children's Services	198	
Health & Wellbeing	258	
Environment	(0)	
Finance & Resources	(11)	450
Forecast General Fund Balance 31/3/2016		<u>(10,018)</u>

REVENUE MONITORING REPORT 2015/16
 Report Date: June 2015

Service	Current position			End of year position		Comment on major areas of estimated over/underspend
	Planned £,000	Actuals £,000	Variance £,000	Current Approved Budget £,000	Provisional Variance £,000	
Housing Revenue Account						
Capital Finance	1,801	1,802	0	7,205	0	No material forecast variances.
Fees & Charges / Capital Finance Charges	(123)	(104)	20	(396)	(0)	No material forecast variances.
General Management	361	313	(48)	1,562	(15)	Reduction in training & development (£15k).
House Sales	0	0	0	0	0	No material forecast variances.
Housing Repairs	731	427	(304)	2,926	(100)	Reduction in the number of responsive maintenance jobs delivered by Reading Borough Council (£100k).
Other Special Expenses	50	43	(7)	217	0	No material forecast variances.
Rents	(3,802)	(3,485)	317	(15,209)	0	No material forecast variances.
Sheltered Accommodation	152	85	(67)	525	0	No material forecast variances.
Subtotal Excluding Internal Recharges	(830)	(920)	(90)	(3,169)	(115)	
Internal and Capital Charges	1,021	1,021	0	4,086	0	
	191	102	(90)	918	(115)	

61

HRA Reserves brought forward 1st April 2015
 Service Improvement Carry Forward
 HRA Reserves as at 31st March 2015
 Forecast Variance 2015-16
Estimated HRA balance as at 31st March 2016

(2,760)
 0
 (2,760)
 (115)
(2,875)

SCHOOLS BLOCK MONITORING REPORT June 2015

	End of year position		Comment on major areas of estimated over/underspend
	Current Approved Budget	Net over/(under) spend	
	£,000	£,000	
Total Individual Schools Budgets & Early Years Allocations	111,653	0	No material forecast variances.
Total Central Expenditure	13,588	0	No material forecast variances.
TOTAL SCHOOLS BUDGET EXPENDITURE	125,241	0	No material forecast variances.
TOTAL SCHOOLS BLOCK FUNDING INCOME	124,556	0	No material forecast variances.
NET TOTAL SCHOOLS BUDGET in-year (surplus) / deficit	685	0	No material forecast variances.
Brought Forward (surplus) / deficit balance	(982)	0	No material forecast variances.
TOTAL YEAR-END (SURPLUS) / DEFICIT	(297)	0	TOTAL (£297k) (SURPLUS)

20

Schools Block Reserves brought forward 1st April 2015	(982)
Service Improvement Carry Forward	0
Schools Block Reserves as at 31st March 2015	(982)
Net in-year planned deficit	685
Estimated Schools Block balance as at 31st March 2016	<u>(297)</u>

INVESTMENT PORTFOLIO									
	Fitch Long Term Rating *	In House Limit £000	Max Duration Months	Rate	In House Investment £000	RLAM Investment £000	SWIP Investment £000	WBC Total Investment £000	% of Portfolio
Others									
Local Authorities:								0	0%
Woking Borough Council	AAA	5,000	12	0.48%	5,000			5,000	7%
Blackpool BC	AAA	5,000	12	0.43%	3,000			3,000	4%
Barnsley Borough Council (15/09/14)	AAA	5,000	12	0.45%	3,000			3,000	4%
London Borough of Enfield (18/09/14)	AAA	5,000	12	0.40%	5,000			5,000	7%
Eastleigh Borough Council (15/04/15)	AAA	5,000	12	0.48%	5,000			5,000	7%
Salford City Council (31/01/15)	AAA	5,000	12	0.40%	5,000			5,000	7%
Birmingham City Council (16/06/2014, 14/08/14)	AAA	5,000	12	0.40%	2,000			2,000	3%
Lancashire County Council (28/08/14,	AAA	5,000	12	0.50%	5,000			5,000	7%
Dudley Cpouncil	AAA	5,000	12	0.40%	3,000			3,000	4%
Monmouthshire Council	AAA	5,000	12	0.45%	3,000			3,000	4%
Leeds City Council	AAA	5,000	12	0.40%	5,000			5,000	7%
Fife Council	AAA	5,000	12	0.45%	3,000			3,000	4%
South Lanarkshire	AAA	5,000	12	0.65%	3,000			3,000	4%
Debt Management Office (DMO)	AAA	20,000	12					0	0%
Cash	AAA						2	2	0%
Money Market Funds									
Invesco Global Cash management (formerly AIM MMF)	AAA	5,000	36	0.54%	0			0	0%
Deutsche Bank Sterling Fund (formerly Henderson MMF)	AAA	5,000	36	0.62%	0			0	0%
Goldman Sachs	AAA	5,000	36	0.31%	0			0	0%
Goldman Sachs - govt backed	AAA	5,000	36	0.19%	0			0	0%
SWIP Global Liquidity Fund	AAA						9,558	9,558	13%
SWIP Investment CA	AAA							0	0%
RLAM Investment CA	AAA					1,324		1,324	2%
BANKING GROUPS									
Nordea Group									
Nordea Bank Finland (27/06/15)	AA-	3,000	12	0.50%	0			0	0%
Credit Agricole Group									
Credit Agricole CIB (22/07/14)	AA-	3,000	12	0.53%	0			0	0%
Bank of New York Co, Inc Group									
Bank of New York	AA-	3,000	12		0			0	0%
Banco Santander Hispano Group									
Banco Santander UK plc(On Call)	A+	3,000	6	0.35%	0	0		0	0%
HSBC Group									
HSBC Bank	AA	3,000	6					0	0%
Lloyds Banking Group									
Bank of Scotland Plc	AA-	3,000	6					0	0%
Lloyds Bank (On call)	AA-	3,000	6	0.42%		1,316		1,316	2%
Group Limit		5,000							
Royal Bank of Scotland Group									
Royal Bank of Scotland Group (On Call)	A	3,000	6	1.28%				0	0%
Royal Bank of Scotland plc(25/10/12)	A	3,000	6	1.32%				0	0%
Natwest	AA-	3,000	6		0			0	0%
Group Limit		3,000							
INDIVIDUAL BANKS									
Deutsche Bank	AA-	3,000	12		0	0		0	0%
Societe General	AA-	3,000	12			0		0	0%
Toronto Dominion Bank	AA	3,000	12	0.65%		0		0	0%
Close Brothers	A	3,000	6	0.90%	0			0	0%
Barclays Bank	AA-	3,000	12	0.45%	0	0		0	0%
ING Bank	A+	3,000	12	0.52%	0	2,002		2,002	3%
Svenska Handelsbanken	AA	3,000	12	0.47%		250		250	0%
BNP Paribas	AA	3,000	12	0.51%		0		0	0%
Rabobank	AA	3,000	12	0.75%	0	2,518		2,518	3%
National Australia Bank	AA	3,000	12	0.78%		2,149		2,149	3%
Commonwealth Bank of Australia	AA	3,000	12	0.63%				0	0%
Building Societies									
Nationwide Building Society (13/08/14)	A+	2,000	6	0.48%	0	0		0	0%
Coventry Building Society (19/08/14)		2,000	6	0.45%	2,000			2,000	3%
Leeds Building Society (15/10/13)	A-	2,000	6	0.40%	2,000			2,000	3%
TOTAL EXTERNAL INVESTMENTS					54,000	9,559	9,560	73,119	1
					54,000	9,559	9,560	73,119	

In House figures as at 31/05/15 and Fund Managers figures as at 31/05/15

This page is intentionally left blank

Agenda Item 30.

TITLE	Capital Monitoring 2015/16 – End of June 2015
FOR CONSIDERATION BY	The Executive on 30th July 2015
WARD	None specific
DIRECTOR	Graham Ebers, Director Finance and Resources
LEAD MEMBER	Anthony Pollock, Executive Member for Economic Development and Finance

OUTCOME / BENEFITS TO THE COMMUNITY

Effective use of our capital resources to meet service investment priorities, offering excellent value for resident's council tax.

RECOMMENDATION

The Executive is asked to note the Capital Monitoring report for 1st quarter of 2015/16.

SUMMARY OF REPORT

To consider the 2015/16 Capital Monitoring Report to the end of June 2015. Executive agreed to consider Capital Monitoring Reports on a quarterly basis. This report is to the end of the 1st quarter forecasts, and shows a small overspend of £4,000.

Background

The capital monitoring report to the end of June (Appendix A) shows a small over spend of £4,000. The forecast variance has been arrived at by analysing the actual commitments to date and assessing how expenditure may continue to the end of the year based on the latest information available.

The current approved Capital Budget is £106,305,000. However, it has been estimated £64,791,000 will be spent this financial year. The remaining budget will be carried forward into 2016/17. The Carry forward is estimated at £41,514,000.

Analysis of Issues

Effective monitoring of budgets is an essential element of providing cost effective services and enables any corrective action to be undertaken, if required. There is a forecast £4k overspend variance on the Capital Programme for the current financial year.

Uncommitted Capital balances are currently estimated to be £20,000 as at 30th June 2015 (prior to any announcement about funding cuts and on the assumption that the level of capital receipts will be achieved). The estimated capital receipts for 2015-16 as at the 30th June 2015 are expected to be £150,000.

Release of S106

None in Capital.

FINANCIAL IMPLICATIONS OF THE RECOMMENDATION

The Council faces severe financial challenges over the coming years as a result of the austerity measures implemented by the Government and subsequent reductions to public sector funding. It is estimated that Wokingham Borough Council will be required to make budget reductions in excess of £20m over the next three years and all Executive decisions should be made in this context.

	How much will it Cost/ (Save)	Is there sufficient funding – if not quantify the Shortfall	Revenue or Capital?
Current Financial Year (Year 1)	£65 million	Yes	Capital
Next Financial Year (Year 2)	£42 million	Yes	Capital
Following Financial Year (Year 3)	To be determined	Yes	Capital

Other financial information relevant to the Recommendation/Decision

None

Cross-Council Implications

Budgets are clearly monitored and do not impact on other Council services and priorities

List of Background Papers

None

Contact James Sandford	Service Resources
Telephone No 0118 974 6577	Email James.Sandford@wokingham.gov.uk
Date 20 July 2015	Version No.1

This page is intentionally left blank

Appendix A

Capital Expenditure Monitoring as at 30th June 2015

Service Unit	Full Year Budget 2015/16 £000	Profile Year 1 £000	Profile Year 2 £000	Forecast Outturn 2015/16 £000	Proposed Carry Forward 2016/17 £000	Estimated (Under)/ Overspend £000	Total Works Complete £000	Comments
Chief Executive	18,399	3,556	14,843	3,556	0	0	795	Explanations of year 2 profile - £14.8m Town Centre Regeneration - programme planned over a number of years
Children's Services	31,260	26,181	5,079	26,175	0	(6)	2,207	Explanations of year 2 profile - £1.3m Basic Need - Shinfield Junior Expansion re-tender, £1.1m Secondary Improvement Programme - Emmbrook Comprehensive in development, £1.9m Special Education Needs - strategy including Autistic Spectrum Disorder Unit construction planned for year 2, £368k Schools Led Enhancement various projects
Environment	19,394	13,660	5,734	13,660	0	0	2,126	Explanations of year 2 profile - £1.5m Crash Barriers - phase 2 delayed to summer 2016 due to conflict with diversion routes, £3.9m Street Lighting - Joint working revised procurement timetable Explanations of variances - Budget issues to be covered within Service: Station Link Road (SLR) - indicative overspend £400k due to initial budget setting being premature and unforeseen utility issues. To be funded from Structural Maintenance elements of SLR to be offset against £380k Structural Maintenance budget, and revenue contribution to capital. Final position of SLR being investigated and confirmed
Finance & Resources	4,464	2,781	1,683	2,791	0	10	357	Explanations of Year 2 profile – £1.1m Strategic Capital Reserve
Health & Wellbeing	32,788	18,613	14,175	18,613	0	0	1,426	Explanations of year 2 profile - £10.7m Wokingham Housing Limited (WHL) - construction programmed by WHL in year 2, £1.2m Supported Living Accommodation - staged scheme, £1.2m Extra Care / Enhanced Sheltered Housing - at feasibility stage, deliver mechanism to be determined, £545k Replacement for Day Services for Adults (physical disabilities) at planning stage
TOTAL	106,305	64,791	41,514	64,795	0	4	6,911	

Please note when a negative number is shown in the Proposed Carry Forward this shows that the schemes expenditure has accelerated from the original profile of spend

This page is intentionally left blank

Agenda Item 31.

TITLE	Council Owned Companies Business
FOR CONSIDERATION BY	The Executive on 30 July 2015
WARD	None specific
DIRECTOR	Graham Ebers, Director of Finance and Resources
LEAD MEMBER	Keith Baker, Leader of The Council

OUTCOME / BENEFITS TO THE COMMUNITY

Transparency in respect of Council Owned Companies

RECOMMENDATION

The Executive is asked to:

- 1) note the budget monitoring position for the month ending 30 April 2015;
- 2) note the operational update for the period to mid June 2015.

SUMMARY OF REPORT

Directorship Report

There have been no changes to WBC (Holdings) Ltd directorships since the last report to Executive in June 2015.

There have been changes in directors and responsibilities in Wokingham Housing Limited, Loddon Homes Limited and Optalis Limited.

Strategy and Objectives of the Council's Subsidiary Companies

There has been no change to the Strategy and Objectives of the Council's Subsidiary Companies since the last report to Executive in June 2015.

Operational Update

An operational update is provided from each of the companies as at mid June 2015 in paragraph 1 below.

Financial Report

A budget monitoring report is provided for each of the companies for April 2015, which confirms that overall the group has incurred a deficit as forecast. This reflects the high level of WHL capital works being undertaken which has previously been reported, and which will be followed in later years by income flows from the investments. This together with the management costs of WBC (Holdings) Ltd, offset the profit earned by Optalis. The position for each of the companies is explained in paragraph 2 below.

REPORT

1. Directorship Report

Directors are appointed to the companies on a 3 year rolling basis and are subject to possible re-election at the end of the fixed period. Contracts for services are likewise fixed for the same period.

The 3 year term of directorship for Gary Cowan, Simon Weeks and David Chopping has now expired. WBC (Holdings) Limited as shareholder has elected to :

- Re-appoint David Chopping as director of both WHL and Loddon Homes and chairman of WHL. WHL will renew his WHL contract for services
- Re-appoint Simon Weeks as a director of Optalis group of companies and renew his Optalis contract for services.
- Re-appoint Gary Cowan as a director and chairman of Loddon Homes Limited and enter into Loddon Homes contract for services
- Appoint John Jarvis as a director of WHL and enter into a WHL contract for services
- Re-appoint Robin Fielder as a director of Loddon Homes Limited and enter in a Loddon Homes contract for services

All new appointments are on a 3 year basis.

2. Operational Update to June 2015

2.1 WBC (Holdings) Ltd

WBC (Holdings) Ltd does not undertake any operations as it is a holding company.

2.2 Optalis

- Recruitment continues to be the main priority and the main challenge. The primary challenge remains with front line home care staff, but Optalis still has a number of vacancies to fill in its residential/extra care schemes, which is impacting on high levels of agency spend. Recruitment into the residential/extra care schemes is relatively easier than home care, and they have a pipeline of new recruit offers that will start to fill the vacancies during June and into July. After a slow start, Optalis has had some traction to home care appointments made during May and June. The Optalis business plan requires they increase homecare headcount by a net 5 per month but they are not yet meeting that target. Feedback from applicants has indicated that the a hurdle to successful recruitment is the lack of affordable accommodation available in the area for potential applicants. Optalis and the Council are working together to identify ways of overcoming this.
- Agency spend decreased in April but has increased again in May, the main reason being rota gaps (i.e. vacancies and staff leave), so entirely linked to recruitment.
- Sickness absence improved in April to 8.8 days, and has improved further in May (approx 7 days against a target of 5 days).

2.3 Wokingham Housing Ltd (WHL)

2.3.1 WHL Completed schemes:

The business of managing the first developments at Hillside and Vauxhall Drive is

becoming 'business as usual' for WHL. In moving to this position there are still matters to resolve around defects management at Hillside and some outstanding matters with Property Services on maintenance issues that have arisen at Vauxhall Drive (Beverly House) that arguably WHL should not be liable to repair under the terms of the lease. WHL are also working closely with Tenant Services on rent collection and ensuring the income stream from Hillside is managed effectively.

2.3.2 WHL Schemes in Progress and/or Development:

Phoenix Avenue (formally Eustace Crescent): The design and build contract for Phoenix has been tendered via the Homes and Communities Agency's (HCA) Development Partner Framework and were returned on Monday 15th June 2015. At the time of writing, WHL's Employers Agent partners Ridge and WHL are undertaking due diligence on the submitted bids. It is hoped to be able to appoint the successful contractor at the end of June. The first handovers are scheduled for mid-February 2017.

Fosters Extra Care Home: The detailed design process is continuing with specialist architects and with input from WBC's Adult Social Care Team, who sign off the final decisions on the specification. This scheme will also be procured via the HCA's Development Framework, with a contractor due to be appointed in October for a start on site in November. Handover is expected in April 2017. As previously mentioned this project has confirmed HCA grant funding of £1.4m allocated towards it.

Pipe-line sites: A pipe-line of around 9 smaller sites (41 properties) is at various stages of development and will go before the Planning Committee during the summer and autumn period. A further 18 sites are being considered for future development. WHL is also working with WBC on bringing forward proposals for the regeneration of Gorse Ride and a number of other significant opportunities on WBC sites and other locations.

Loddon Homes: The Registered Provider (RP) work is nearing completion and is due to be finished by end of July 2015 for submission to the HCA. The registration application will be considered by the LHL and WHL Boards, followed by WBC (Holdings) Ltd in mid-July. This is understood to be the first registration of a local authority housing company sponsored registered provider. A total of £1.75m of grant funding has been secured to date for WHL's Hillside and Fosters schemes.

Staffing Update: A Business Support Manager is being recruited to further strengthen the team and succession arrangements for replacing with current temporary Finance Director in the autumn are well advanced. Work is on-going in updating WHL business plan to be circulated to clarify WHL's key objectives and targets in supporting the Council's agenda's.

3. Financial Report

Budget Monitoring for 2015-16 financial year (To 30th April 2015)

3.1 WBC Group Consolidated, (i.e. comprising WBC (Holdings) Ltd, Wokingham Housing Ltd, and Optalis Ltd).

The figures shown below represent the overall expenditure and income of the Council's subsidiary companies. Budget figures are being reviewed by WHL and therefore an

overall comparison of spend against budget is not possible for WHL at present:

At the operational level, the net deficit was £34k.

3.2 WBC (Holdings) Ltd

A loss of £14k is reported compared to a budgeted loss of £27k. This is largely due to a saving of £13k on interest as anticipated works on Eustace Crescent did not take place, and as a result forecast loans from the Council to WBC (Holdings) Ltd were significantly lower than the forecast, resulting in lower interest charges. The budget will be reviewed once the WHL budget for capital works is approved.

3.3 Optalis

- The pre-tax result for April is a profit of £10k - favourable to budget by £5k (budget £5k)
- The key favourable variances to budget relate to the recognition of phase 1 income from work undertaken in Bury, and cost savings from the deferral of appointments to both the Chairperson and Managing Director roles respectively.
- These were mitigated by unfavourable variances in agency spend, investment in additional staffing in the reablement team, and lack of private homecare growth.
- The April result assumes a drawdown of £8k against the budgeted underwriting of £100k made by WBC against the impact of implementing the National Pay Agreement in January 2015.
- The full year pre-tax result is forecast at £50k as budgeted.
- Net assets at 30 April are £163k (budget £157k).
- Cash at 30 April was £543k (budget £459k).
- The April results are summarised in the table below

Total Company April	Apr Actual	Apr Budget	Budget Variance	Mar Actual	Prior Month Variance
	(£000)	(£000)	(£000)	(£000)	(£'000)
Turnover	935	889	46	939	(4)
Costs	(918)	(877)	(41)	(915)	(3)
Operating Profit	17	12	5	24	(7)
Non trading costs	-	-	-	(10)	10
Depreciation	(7)	(7)	-	(7)	-
Profit before tax	10	5	5	7	3
Taxation	(1)	(1)	-	(6)	5
Net Profit	9	4	4	1	8

3.4 Wokingham Housing (Including Wokingham Housing Ltd & Loddon Homes Ltd)

Wokingham Housing Limited (Consolidated)

Profit and Loss Account for the month to 30th April 2015	April YTD Actual £	April YTD Budget £	April YTD Variance £
Income	8,461	Note (a)	
Operating Expenditure	45,128	Note (a)	
Operating Loss	(36,667)	Note (a)	

Note (a) - Budget for the Group is under review, approval is being sought to reflect the current operational plan.

Income for April 2015 is £8k. Detailed work is on-going by the FD and new MD to review budget costs and forecasts to update the WHL budget and set out an accurate profit and loss profile for the business moving forward, which will provide an appropriate budget for approval by all appropriate boards.

Operating expenditure for the month and year to date is £45k. The current month activity was viewed against the closing run-rate of costs from the year to 31st March 2015. The following variances were noted:

Payroll +5k due to new MD contract being effective from March 2015. Professional fees include £5k for costs to support the work to develop the HCA Registered Provider submission.

Balance Sheet

Net assets total £969k at 30 April 2015. In total there are 1,900,000 issued and fully paid Ordinary £1 shares held by WBC (Holdings) Ltd. The share capital remains at £1.9m.

FINANCIAL IMPLICATIONS OF THE RECOMMENDATION

The Council faces severe financial challenges over the coming years as a result of the austerity measures implemented by the Government and subsequent reductions to public sector funding. It is estimated that Wokingham Borough Council will be required to make budget reductions in excess of £20m over the next three years and all Executive decisions should be made in this context.

	How much will it Cost/ (Save)	Is there sufficient funding – if not quantify the Shortfall	Revenue or Capital?
Current Financial Year (Year 1)	See other financial implications below	Yes	Revenue
Next Financial Year (Year 2)	See other financial implications below	Yes	Revenue
Following Financial Year (Year 3)	See other financial implications below	Yes	Revenue

Other financial information relevant to the Recommendation/Decision

The Council will benefit from reduced costs in commissioning services, the interest and management charges to WBC (Holdings) Ltd and future profits paid out as dividend. These will be factored into the Medium Term Financial Plan under the appropriate service.

Cross-Council Implications

No Cross-Council Implications

List of Background Papers

None

Contact Stephen McGrail	Service Resources
Telephone No 0118 974 6560	Email Stephen.McGrail@wokingham.gov.uk
Date 21 July 2015	Version No. 1

Agenda Item 32.

TITLE	Health and Safety Annual Report 2014/15
FOR CONSIDERATION BY	The Executive on 30 July 2015
WARD	None specific
STRATEGIC DIRECTOR	Graham Ebers, Director Finance and Resources
LEAD MEMBER	Pauline Jorgensen, Executive Member for Resident Services

OUTCOME / BENEFITS TO THE COMMUNITY

The Council has a legal duty to protect the health and safety of its employees and other people who come into contact with the Council's services e.g. service users, pupils, contractors etc.; the standard of that duty is set by law with employers required to do what is considered to be 'reasonably practicable'.

The effective management of health and safety is an essential part of good corporate governance; furthermore, the active management of accidents at work is essential, not only to protect our employees and others but to also minimise financial loss through employee absence and other direct and indirect related costs.

The legal responsibility and thus accountability for health and safety lies with the employer. In addition to service staff, the Authority is the employer in the case of community schools, community special schools, voluntary controlled schools, maintained nurseries and pupil referral units. The Governing Body is the employer in respect of foundation schools, voluntary aided schools, academies and free schools.

Although a wholly owned subsidiary of Wokingham Borough Council, Optalis is an employer in its own right and as such must discharge its own health and safety statutory duties. The Council's Health and Safety Annual Report 2014/15 does not include Optalis health and safety performance or issues; it is up to the Optalis Board to regularly monitor and review their own health and safety performance.

RECOMMENDATION

The Executive is requested to:

- 1) note the corporate health and safety performance for 2014/15; and
- 2) endorse the approach described and the health and safety priorities for the current municipal year.

SUMMARY OF REPORT

The purpose of this report is to introduce the Wokingham Borough Council Health and Safety Annual Report 2014/15 for consideration by the Executive. Whilst not a statutory report, the preparation and issue of an annual health and safety report by a local authority (a health and safety regulator in its own right) reflects good practice and provides assurance. The annual report relates to occupational health and safety in respect of this Authority's services and schools and provides:

- a summary of the corporate health and safety performance during the reporting year;

- an update on the progress made to date in respect of the three year corporate Health and Safety Plan which provides the mechanism for the formal follow through and tracking of actions to support the key objectives for health and safety; and
- for recommendations in relation to the corporate health and safety priorities for action during the current municipal year.

Background

The Health and Safety Annual Report 2014/15 looks back at the corporate health and safety performance within the Council during that period, highlights the main achievements and significant issues and outlines the key priorities for the current year.

The annual report is transparent; it provides stakeholders with information on health and safety performance to enable an understanding of the key issues facing Council staff and provides assurance that the main risks have been identified, appropriately prioritised and are being adequately addressed.

The annual report is reviewed internally by various management and staff consultation groups; the Corporate Leadership Team and the central employee consultation forums for services and schools receive supplementary information in the form of statistical charts with data breakdowns, for example, by work area and hazard type to aid analysis, identification of trends and patterns and to support the ongoing development of suitable risk prevention strategies.

Analysis of Issues

Overall the Council's internal health and safety performance for 2014/15 can be viewed as positive although the statistics themselves may at first glance indicate otherwise.

High levels of incident reporting do not necessarily equate to poor health and safety performance; in fact they can often be viewed as a positive indicator of good health and safety management.

The number of incident reports raised by employees during 2014/15 is nearly double that of the previous year; however, that increase has been mainly driven by one school's efforts to bring about total reporting. Addington School, a special school whose standard of incident reporting has always been high, increased its efforts over the last year to focus on this area of management to help meet the challenges of providing education to a more complex pupil population. The majority of incidents reported by Addington staff resulted in minor injuries, for example, a scratch, bruise or hair pull; however, the collection of this information is vital to the ongoing development of tailored support plans designed to protect staff and pupils alike.

The introduction last year of an additional reporting classification to provide an indicator of severity in relation to the outcome of an incident has added a new dimension to the data being collected centrally. 98.5% of school employee incidents and 94% of those raised by service employees fell into the 'minor injury' or 'no injury' category i.e. either no attention was required after the incident or the injured person received basic first aid.

Whilst the number of reports submitted by the Council to the Health and Safety Executive (HSE) under The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013 (RIDDOR) in respect of serious injuries sustained by employees went up from three in 2013/14 to five in 2014/15, the Council's reportable injury rates are considerably lower than the most recently published national average for comparable sectors. All of the Council's RIDDOR incidents were subjected to a detailed corporate investigation and appropriate remedial action was taken in all cases.

RIDDOR requires for work related injuries involving members of the public to be

reported where the injured person was taken straight to hospital for treatment. The one report of this nature in 2014/15 related to an incident involving a basket swing at Dinton Pastures Country Park; a subsequent investigation by an external specialist concluded that the play equipment’s design, installation and condition were not at fault.

2014/15 saw a relatively small decrease in employee slip/trip incidents compared to the previous year with no discernible trends in the service areas and poor housekeeping the main issue in schools. Awareness raising efforts amongst staff of slip and trip hazards and the need for personal responsibility in preventing accidents of this type continue.

There was one report of a work related violent incident in 2014/15 involving a public car park user who aggressively challenged a member of staff over a parking ticket; fortunately the staff member was not hurt but the matter was taken up with the Police. On a general note, violence at work has been recognised as a priority area for 2015/16; a project has been initiated to ensure that the Council’s policy and arrangements remain appropriate, supportive and suitable.

The annual report lists some of the highlights from 2014/15; two of note were: the Council’s policy to support and encourage schools to consider installing an Automated External Defibrillator and, where feasible, to do so in partnership with Parish Councils in order to extend the potential benefits to the wider community; and the upgrade and development of WiSER which has created opportunities to capture additional information about incidents and provide service managers with the ability to be self-sufficient in their monitoring of incident reports within their areas of responsibility.

Looking forward to 2015/16, the HR Service is working on a number of key projects designed to support the continuous improvement of the Council’s overall health and safety management system, the most major of which is a complete review and update of the policies and guidance in the health and safety manuals.

FINANCIAL IMPLICATIONS OF THE RECOMMENDATION

	How much will it Cost/ (Save)	Is there sufficient funding – if not quantify the Shortfall	Revenue or Capital?
Current Financial Year (Year 1)	£0	Yes	
Next Financial Year (Year 2)	£0	Yes	
Following Financial Year (Year 3)	£0	Yes	

Other financial information relevant to the Recommendation/Decision
None

Cross-Council Implications
Health and safety is a cross cutting issue that should be given due consideration and be integrated into all the Council’s decisions and priorities.

List of Background Papers

The Management of Health and Safety at Work Regulations 1999 and 'Managing for Health and Safety' (HSG65), a guide published by the HSE.
--

Contact: Graham Ebers	Service: Finance and Resources
Telephone No: (0118) 974 6557	Email: graham.ebers@wokingham.gov.uk
Date: 11 July 2015	Version No. One

This page is intentionally left blank



WOKINGHAM
BOROUGH COUNCIL

HEALTH AND SAFETY
ANNUAL REPORT
2014/15

1. INTRODUCTION

First introduced twelve years ago, this report relates to Wokingham Borough Council's internal health and safety performance and that of this Authority's maintained schools; each year we take advantage of the opportunity this review process presents to reaffirm our ongoing commitment to continuous improvement in the management of health and safety in an open and public way.

The routine monitoring and review of arrangements and performance are an integral part of our overall management system. In the case of health and safety, at the end of each municipal year we take a look back at our achievements and the progress we've made against our three year health and safety plan; this enables us as an organisation to re-evaluate and determine our health and safety priorities and key actions for the current and future years. The process we adopt incorporates every level of the Council; from Councillors and the Executive, to the Corporate Leadership Team, Headteachers and managers and with our service and school workforces through their representatives.

Without doubt, at the core of every successful organisation there needs to be a positive health and safety culture and that is something that relies on the commitment and participation of the entire workforce. I would like to use this occasion to acknowledge everybody for their input and efforts with a particular note of thanks to the many individuals who play a vital part towards the management of health and safety across the organisation by undertaking essential additional duties such as first aiders, fire wardens and risk assessors.



Andy Couldrick
Chief Executive
Wokingham Borough Council

2. HEALTH AND SAFETY POLICY

Wokingham Borough Council is committed to providing its employees with safe conditions of work and having effective arrangements in place for the management of health and safety. Our aim is to set and maintain sensible and proportionate standards of health and safety management to protect our staff and those others who may be affected by our activities and to minimise the losses (financial and reputational) to our Council from ill health and injury.

The Wokingham Borough Council health and safety policy is reviewed and updated each year; jointly signed by the Chief Executive and the Wokingham Borough Mayor, the policy signals the Council's commitment to health and safety and sets out the direction for service departments and our maintained schools to follow.

3. ORGANISATION FOR HEALTH AND SAFETY

The Corporate Leadership Team (CLT) leads on the overall direction for internal health and safety with support from:

- a Director and an Elected Member designated as the leads for corporate health and safety;
- Managers and Headteachers to whom the day to day management of health and safety is delegated to;
- health and safety professionals who provide technical advice on all aspects of health and safety at work to assist CLT, managers and Headteachers to discharge their health and safety responsibilities; and
- the HR service who manage the occupational health contract and support the delivery of the central health and safety training programme.

4. ARRANGEMENTS FOR HEALTH AND SAFETY

The Council's framework for health and safety management, which is linked to a three year plan, converts the health and safety policy into action; it includes:

Employee involvement and consultation: in addition to consultation arrangements at a local level, changes to policies, plans or decisions affecting staff health and safety are discussed by two parallel central committees (one for each workforce i.e. services and schools); membership of the committees consists of management and trade union representatives.

Health and safety training: based on identified needs, training in the core health and safety competencies is delivered by either in-house trainers, external specialist training providers or via an e-learning platform; examples of the courses available centrally include: risk assessment; fire warden, first aid; asbestos awareness and managing team stress. Job specific health and safety training is organised at local level.

Occupational Health: the Council's Occupational Health provider works in partnership with HR to provide advice and support to service managers in maintaining and improving employee health and minimising absences due to ill health.

Incident Reporting: staff are encouraged to report all incidents regardless of the severity of the resulting outcome or injury; this allows for a larger number of incidents, including near misses, to be analysed to identify any potential trends or patterns to determine what more can be done to mitigate risks to the health and safety of our staff on or off Council premises.

Compliance monitoring: determined by risk profiles and ongoing performance information, along with input from senior managers, Corporate Health and Safety undertake a variety of health and safety assurance activities, either as one off ad hoc reviews as necessary or as part of a wider, planned programme.

Contractor management: health and safety is a key criterion for consideration in the selection of competent contractors and service providers; designated contract managers are responsible for overseeing individual contracts and for monitoring the contractor's health and safety performance on an ongoing basis.

5. 2014/15 HIGHLIGHTS

Health and safety incident reporting: September 2014 saw the launch of WiSER, an upgraded version of the Council's information management system. WiSER supports the recording, management and monitoring of health and safety incidents and accidents for both services and maintained schools. Standard reports have been devised to assist in the analysis of data, the results of which then feed into the update of risk prevention strategies. Where service departments are concerned, WiSER provides a superior electronic self-service function for managers and staff which has removed the need for paper forms. A significant additional benefit is the system's ability to help make the correlation between employee workplace injuries and consequential sickness absences; this better informs our risk profiles and priorities and also triggers the notification of statutory reports to the Health and Safety Executive (HSE).

Employee Engagement Survey 2015: Council staff were invited to take part in a survey to provide their views and opinions on a wide number of employment related topics including health, safety and welfare at work. About 55% of the workforce responded, an excellent result given that research shows most staff surveys only receive around a 40% return rate. So far, the information from this survey has been broken down and analysed; realistic plans for improvement are currently being drawn up and these will be shared with staff across the organisation in early summer 2015.

Automated External Defibrillators: following the tragic death of a young pupil from Sudden Arrhythmic Death Syndrome at a local school in 2014, the Council issued a position statement strongly encouraging all schools in the Borough of Wokingham to consider installing an Automated External Defibrillator. In line with the funding arrangements in relation to the Dedicated Schools Grant, individual schools make their own purchasing decisions about such equipment; to support our schools in their consideration and installation of this potentially lifesaving device, the Council has provided policy and guidance along with further advice where requested.

Health and wellbeing: with links to the Council's wider priority relating to public health and wellbeing, February 2015 was designated as Staff Wellbeing Month. Classes, workshops, competitions and fundraising events were organised to get Council staff involved, encourage them to be more active and to help them tackle issues such as stress. Building on this initiative and worked around their personal time, a series of fitness activities have since been offered to staff. Future Staff Wellbeing events will take note of the results of the 2015 staff survey to ensure that common wellbeing issues are addressed.

School Governors: in response to concerns raised by a number of schools, one of the regular School Governor health and safety forums was dedicated to road safety at peak times outside of schools. Representatives from Thames Valley Police and the Council's Highways Team took questions from Governors and put forward various suggestions and solutions in respect of traffic management and raising driver awareness of the issues; support was offered to all schools on an individual basis to provide assistance where needed in helping to deal with local traffic issues and challenges.

6. HEALTH AND SAFETY PERFORMANCE IN 2014/15

Incident Reports

The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013 (RIDDOR) require certain specified work-related accidents to be reported to the HSE. It is our internal policy for all incidents, no matter how minor and including near miss events, to be formally reported, investigated and for suitable remedial action to be taken.

The Corporate Health and Safety Team undertake the routine monitoring of all incident reports to enable the wider identification of emerging trends and to ensure actions to prevent recurrences are appropriate, proportionate and timely. In addition, statistical data is reviewed by management and staff groups.

Table 1 shows the total number of reports raised by employees across a 3 year period

Number of incidents reported by:	2012/13	2013/14	2014/15
employees working in Council services	60	45	53
employees working in maintained schools	126	131	286
Total	186	176	339

Note. Employee numbers: Council services = 1,100 Authority maintained schools = 3,469

Table 2 shows a breakdown of the 2014/15 reports by incident category

Incident category	Services	Schools
Major injury: RIDDORs or other injuries resulting in absence	5	5
Minor injury: requiring no attention or received basic first aid	37	268
Work related ill health	0	0
Other: no injury, near miss event or verbal abuse	11	13

With the size of the combined workforces remaining fairly static, 2014/15 saw a 93% increase in the total number of incidents reported by employees against the previous year. Whilst the number of incidents reported by service staff has risen by 18% (something that was anticipated when the reporting process became easier as the result of the transfer to an upgraded electronic self-service reporting tool) the overall steep rise was directly attributable to one school which raised 60% of those reports. Such a dramatic increase in incidents would normally be a cause for concern; however, this is a special school catering for pupils with learning needs, many of whom have associated sensory, motor and/or behaviour difficulties and the increase is the direct result of the following: a drive by the school leadership team to raise the staff teams' awareness of the formal reporting requirements; greater diligence in reporting even the most minor of incidents; and an increasingly complex pupil population with behaviours that in some cases are more challenging. For the vast majority of those incidents the outcome for the staff member was minor, for example, a scratch or bruise; however, each reported incident enables the school an opportunity to review and update the pupil's behaviour management plan for the good of all concerned.

In general terms slips and trips continue to feature as a main hazard type with reported incidents for 2014/15 running at a level similar to previous years. More often than not with minor injury outcomes, housekeeping, spills on floors that had not been attended to and rushing appear as the main trends; awareness raising efforts amongst staff will, therefore, be stepped up in an effort to help address this hazard type which remains an ongoing priority.

HSE reportable incidents

Table 3 gives a breakdown of reports made to the HSE across a three year period

RIDDOR category	2012/13	2013/14	2014/15
Fatalities – any person	0	0	0
Service employees - specified injuries	1	0	1
Service employees - over 7 days incapacitation	0	0	1
Service employees - specified occupational diseases	0	0	0
School employees - specified injuries	2	2	3
School employees - over 7 days incapacitation	0	1	0
School employees - specified occupational diseases	0	0	0
Dangerous occurrences	0	1	0
Non employees – work related injuries	0	1	1
Total reports to the HSE	3	5	6

The total number of RIDDOR reports for 2014/15 were slightly up on the previous year with specified/major injuries to employees being behind the increase. Four out of the five employee injury reports raised were in respect of fractures: one a fractured wrist following a fall from a chair whilst putting up a wall display in a classroom; another was as a result of a sliding door that came off its runners causing a fractured hand; and two incidents involved staff who work with pupils with special educational needs, one a hairline fracture sustained when an excitable young person unexpectedly kicked their support worker's knee, the other to the foot of a teacher who was escorting a pupil off from a football pitch. The report of an over 7 day incapacitation related to an employee in a Council workplace who was struck on the head by a falling metal strip ceiling light.

For the purpose of comparison, the provisional national statistics produced by the HSE for employees working in public administration and the education sector in 2012/13 give an average RIDDOR reported injury rate of 270 and 160 injuries per 100,000 employees respectively; the Council's reportable injury rates for 2014/15 for public services were 181.81 and 86.5 for education, considerably lower than the most recent published national average.

The one non-employee injury RIDDOR report during 2014/15 related to a child who received hospital treatment for cuts to the head following a fall from a swing in a Council play area. Where incidents of a more serious nature occur investigations are more exacting and extensive and as such are overseen by the Corporate Health and Safety Team to ensure that the root cause(s) are established with suitable action taken to prevent a recurrence. In this particular instance an external play equipment specialist was commissioned whose review

concluded that neither the design nor the installation of the equipment were deemed to be a causal factor in this accident.

During 2014/15 no enforcement action was instigated against the Council for breaches of statutory health and safety duties nor were any Improvement Notices or Prohibition Notices served upon the Council by the HSE.

6. HEALTH AND SAFETY IN WBC FOR 2015/16 AND BEYOND

The Council's three year Health and Safety Plan includes the following key objectives for the 2015/16 municipal year; due to their nature and potential changes to priorities as determined by organisational needs and risks, delivery against some of these objectives may extend beyond that point:

- To revise the policies and procedures in the health and safety manuals, both the service and schools' versions, to make them easier to use and understand whilst also bringing them in line with the revised HSE guidance HSG 65 'Managing for health and safety'.
- To continue working with maintained schools to refine and deliver our risk based seeking health and safety assurance programme which has the added benefit of supporting schools to develop greater health and safety competency at a local level through a guided self-evaluation process.
- To follow through on the health, safety and welfare issues raised by staff in the services' 2015 Employee Engagement Survey.
- To continue the development of WiSER in terms of the function for Council staff to self-serve the reporting of third party incidents e.g. member of the public and introducing a suite of incident data reports to enable service managers to be self-sufficient in monitoring local incidents and determining their own team/service area trends and priorities.
- Where health and safety topics are suited to this learning style, to continue in the development of further e-learning modules aimed at meeting the health and safety training needs of both service and school staff.
- To add to the corporate health and safety training programme a new event covering the selection and management of contractors.
- With input from staff, to review the Council's arrangements for protecting staff from violence at work across both the service and schools workforce; a key step will be to encourage this type of incident report in order to gauge a better understanding of the types of behaviours staff are exposed to at work.
- To improve the health and safety induction training for service managers ensuring it offers new starters a timely programme that better reflects their needs as individuals.
- To review the health and safety training needs of Elected Members to assist in ensuring that health and safety responsibilities are understood and, therefore, acted upon within the Council's decision making process.

This page is intentionally left blank

Agenda Item 33.

TITLE	Local Planning Enforcement Plan
FOR CONSIDERATION BY	The Executive on 30 July 2015
WARD	None Specific
DIRECTOR	Heather Thwaites, Director of Environment
LEAD MEMBER	John Kaiser Executive Member for Planning and Highways

OUTCOME / BENEFITS TO THE COMMUNITY

The Local Planning Enforcement Plan (LPEP) sets the Council's policy and procedures in respect of planning enforcement in order to preserve and enhance the built and natural environment and protect public amenities.

RECOMMENDATION

The Executive is asked to approve the Local Planning Enforcement Plan (LPEP) for adoption.

SUMMARY OF REPORT

The LPEP has been written to comply with the recommendations of the Silvester Report into the Council's Planning Enforcement service. The Council's draft LPEP was considered by the Council's Executive and released for consultation in January 2015. Consultation took place in February/March 2015. This report summarises the responses and recommended changes to the document in response to the consultation exercise.

Generally the LPEP was welcomed by those who responded in respect of the draft document. Some of the comments that have resulted in amendments and additions to the LPEP but the changes are not substantive or fundamental to the approach set out in consultation draft.

Background

The report that was considered by the Council's Executive in January 2015 sets out the background to the LPEP, its purpose and content. Consultation was undertaken by the Council and ran from 9 February to the 22 March 2015.

Consultation

The following methods of consultation were undertaken by the Council during February /March 2015.

- LPEP was made available on the council's website and hard copies available to view in the Council's Civic Offices and in all of the Borough's libraries
- Emails (where email addresses were provided) sent to all of the people on the LDF database
- The consultation advertised in several different places on the Council's website
- An email advertising the consultation and explaining what the Draft LPEP is about was sent to all of the schools across the Borough. The Council asked the schools to forward the email on to all those parents on their parent mail list
- The Draft LPEP was publicised via social media on both the Council's Facebook and Twitter pages
- Adverts were placed in the Wokingham Times, Henley Standard, Maidenhead Advertiser, Reading Chronicle, Bracknell News and Wokingham News
- A press release advertising the event was sent twice over the consultation period to the newspapers listed above. The press release should be advertised on the Council's website and passed to local radio stations
- Copy of the document provided to the Overview and Scrutiny Committee for formal comment

The Council received 14 responses in total as a result of the consultation exercise. In addition, there were comments made by the Overview and Scrutiny Committee. These comments are contained in the summary document in Appendix 1.

Summary of Consultation comments

Generally the draft LPEP was well received by those who responded to the consultation exercise. It was felt that the document will help to standardise the enforcement service and to explain what the service can provide and how it will allocate its resources. The Council's responses to the comments and the recommended changes to the document are contained in the table in Appendix 1. These have been incorporated within the final draft of the LPEP contained in Appendix 2. While some of the points made were specific, there were also number of broader themes that which shall be addressed below.

Planning Harm

A clearer explanation of planning harm has been requested. In addition, a request for more specific explanation of terms such as significant harm, expediency and acting proportionately.

These terms are used by in legislation, policy and guidance and it can be difficult to be very specific. This is because each piece of land and development is different as is the relationship and impact on its neighbouring uses. Furthermore, the definition of harm is subject to redefinition and refinement which is informed by appeal decisions and case law which is constantly changing. This results in any definition becoming out of date virtually as soon as it is identified.

Despite the above, the LPEP has been updated from the consultation draft to provide more clarity about what planning issues can be taken into account to identify if harm has occurred as a result of a breach. Further, in order to clarify the expediency of taking action, a checklist has been included in an appendix to the document. This is a useful tool to be used to identify if the harm resulting from a breach is such that the Council should take action against this. It will also provide useful in enabling the Council to identify which cases to prioritise.

Compliance and monitoring development

Reference has been made in the consultation responses to the opportunity to use Building Control Officers to check for compliance with planning permissions and for there to be a more pro-active approach towards compliance.

Historically, the Council has not had the resource to undertake proactive compliance checking but this has now been introduced. This is reflected in the LPEP (Section 20). The Council has adopted a procedure for monitoring major developments and compliance with conditions. Unfortunately, the Council does not have the resource to undertake the comprehensive checking for compliance for all permissions and does rely on local residents, town and parish councils and the general public to notify the team about potential breaches.

Involvement of Ward Members

There have been comments from 8 of the total 15 respondents (5 from Wargrave) about the involvement of ward members in enforcement cases. In particular, the current practice of 48 hrs given to ward members to notify them of the closure of an enforcement case which has been reflected in the LPEP.

Ward members receive notification of a Request For Service when an enforcement case is raised with the Council and as a result, they are able to seek more information and clarification from the enforcement team while the case is being investigated. On the intended closure of the case, they are also informed with 48 hours' notice to challenge this, to seek further clarification or to request further work. If there are unresolved issues raised by the ward member, the case is not closed until these have been addressed and the ward member is satisfied with this.

Despite comments made that the time period of 48 hours is too short, only one ward member has ever commented about this time period. As ward members are informed when a complaint is received and are therefore already be aware of the case, the 48 hours closure notice is considered reasonable, However, amendments to the wording of the document have been made to clarify the position and that that if the member is not happy with the closure of the case, then this is not closed until all issues are resolved.

Role of the Town and Parish Councils

Some of the town and parish councils have commented that they do not have the knowledge and resources to undertake enforcement work on behalf of the Council. The LPEP is not advocating that the town and parish councils undertake the local planning authority's enforcement work. It provides the framework for town and parish councils to take a more active in planning enforcement if they wish to do so. The approach advocated is to keep the town and parishes involved in cases given their in-depth knowledge of their areas to use them as the 'eyes and ears' of the Council on the ground. They are a highly valued source of information and if willing, they can often help bring things to a more successful conclusion informally and more quickly than the formal process is able to do.

Role of residents

One comment has been made that it is difficult to believe that the Council is 'strongly encouraging that residents communicate with each other to try and resolve breaches'. The Council is not suggesting that it will not investigate an alleged breach unless the complainant has contacted the alleged offender. However communication between residents is often the most effective way to resolve issue and often prevents neighbour disputes escalating. This approach is encouraged within policy and examples of good practice.

Performance Monitoring

The Overview and Scrutiny Committee recommended that monitoring information could be simplified to look at trends in breaches, and that the amount of information monitored and reported is reduced. The monitoring suggested in the LPEP has therefore been simplified (Appendix 2 of the LPEP). Another request was for regular updates on long term cases and this has also been reflected in the monitoring section of the document.

Conclusion and recommendation

It is good planning practice for local authorities to have a Local Planning Enforcement Plan. The LPEP has been written to comply with the recommendations of the Silvester Report into the Council's Planning Enforcement and to balance the demands on the service's resources. It is recommended that this LPEP is adopted by the Council in the amended form to reflect the outcomes of the consultation exercise.

FINANCIAL IMPLICATIONS OF THE RECOMMENDATION

The Council faces severe financial challenges over the coming years as a result of the austerity measures implemented by the Government and subsequent reductions to public sector funding. It is estimated that Wokingham Borough Council will be required to make budget reductions in excess of £20m over the next three years and all Executive decisions should be made in this context.

	How much will it Cost/ (Save)	Is there sufficient funding – if not quantify the Shortfall	Revenue or Capital?
Current Financial Year (Year 1)	£0	Yes	Revenue

Next Financial Year (Year 2)	£0	Yes	Revenue
Following Financial Year (Year 3)	£0	Yes	Revenue

Other financial information relevant to the Recommendation/Decision
--

See above section - Resource and finance Implications

Cross-Council Implications

Improved working with other regulatory services

List of Background Papers

Silvester Report National Planning Practice Guidance (NPPG) (updated in March 2014)
--

Contact Clare Lawrence	Service Development Management and Regulatory Services/ Commercial Services
Telephone No 01189 746444	Email clare.lawrence@wokingham.gov.uk
Date 20 July 2015	Version No. 3.0

This page is intentionally left blank

Date	Contributor	Comments	Points to take forward
04/02/2	Conservation and Design Officer	<p>The draft plan looks good. Is intended to cover listed buildings? Early on in the draft (last point under 5. The Principles of Planning Enforcement) it states that LB's and trees are specifically excluded. But it then goes on (under 6. What is a Breach of Planning Control?) to include LB's and trees as examples of breaches in Planning Control and then again (under 9. Priorities) as examples of the Highest Priority (Category 1) breaches. I can see the predicament of trying to be clear about the scope by focusing the Plan on the provisions of the Planning Act, but if the Listed Buildings Act is intended to be excluded I think all references to LB's should be removed. Having said this, my preference would be to include LB's as these can often raise quite vocal public concerns. What do you think?</p>	<p>In Section 2 after Town and Country Planning Act 1990 (as amended) add and Planning (Listed Buildings and Conservation Area) Act 1990 (as amended)</p> <p>Last bullet point under Section 5 remove listed buildings and trees</p>
04/02/	Corporate Services Overview and Scrutiny Committee, held on Tuesday 27th January 2015	<p>31. PLANNING ENFORCEMENT SERVICE ACTION PLAN AND CONSULTATION ON THE LOCAL PLAN -</p> <p>The Committee received a report, which asked Members to consider the consultation on the Local Enforcement Plan, which would set out the Council's policy and procedure to address improvements to the service. The plan had received an input from John Silvester, who was pleased that most of his draft comments had been retained. The Head of Development Management and Regulatory Services advised that officers had tried to simplify what was a very complex document so that it was more user friendly for the general public. The document set out what constituted a breach of planning control and what the Council's policy was to deal with that.</p> <p>The document also set out a number of priorities. With the Council's resources being finite, when breaches were investigated, they needed to be prioritised, for example: whether they posed significant harm or whether they posed minor harm. Officers tried to focus on the advice they had been given from the Government and the legislation and guidance notes provided.</p> <p>One particular thing the document focussed on was that where the Council could not negotiate with an applicant who breached planning control, then action would be taken, where the Council felt it was expedient to do so. All bar one of the Town and Parish Councils were present at the event discussed above and it is expected that the Town and Parish Council acts as the 'eyes and ears' on the ground to advise the Council of any breaches of planning control. It was important that the Town, Parish and Borough Council worked together. Councillor Kaiser explained that the emphasis tonight was on the plan, which had been improved over the last 18 months. The comments received so far had been positive. Councillor Kaiser congratulated the officers present for their hard work and stressed that the document was a living document and would be amended when and as legislation changed. He added that he was looking forward to the outcome of the consultation. The Chairman thanked Councillor Kaiser for attending the meeting.</p> <p>A Member stressed that harm was subjective and asked if it was possible to include a more coherent definition of harm. The Head of Development Management and Regulatory Services advised that it was not easy to give a precise definition of harm because each case is different as is every site. Any breach needs to be considered</p>	<p>A more explicit explanation/definition of planning harm will be included in the LPEP</p> <p>A checklist for expediency of action will be appended to the LPEP as a tool</p> <p>Monitoring (Appendix 2) to be simplified to show trends in breaches and the amount of information will be reduced</p> <p>Monitoring reports will provide more information about long term cases</p>

56		<p>addressing all material consideration in planning terms and if the proposal did have a negative impact, planning harm could result. This is similar to assessing a planning application. She suggested that the request by the member for this to be made clearer will registered as a comment as part of the consultation process.</p> <p>The Vice-Chairman advised that he had been very happy with the outcome of the Town and Parish Council event referred to above. He referred to a barn conversion which had appeared in the Daily Mail newspaper and the fact that the council was taking enforcement action against it.</p> <p>A Member asked if there was a general trend in breaches of planning control and were the Council's policies having an effect on Priority 1 statistics set out in Appendix 2 to the report. The Head of Development Management and Regulatory Services advised that the number of requests for the service had been consistent over the years. There is anecdotal evidence of a general increase in awareness of the need to comply with planning regulations, and people have therefore been more likely to contact the planning department to check if permission was required before carrying out the work.</p> <p>The Chairman asked about timelines. The Service Manager, Regulatory Services and Compliance advised that a period of 8 weeks has been given as a target to deal with cases (and included in Appendix 2 to the report) but it is difficult to quantify for complicated cases as this is outside of the council's control. A quarterly report was included in the agenda to the Planning Committee.</p> <p>The Head of Development Management and Regulatory Services advised that the action plan was already in place and almost everything on the plan had been implemented. She circulated the action plan and gave copies to Mr Berman and Mr Meadowcroft. She explained that is residents had made an allegation of a breach of planning control, they will receive monthly updates to advise them of what the Council was doing. A new IT system was being implemented in April 2015 which would assist officers to meet the expectations and requirements set out in the plan.</p> <p>The Chairman acknowledged that it is intended that comments made by John Silvester will be fed into the document via the consultation process.</p> <p>The members of the OSC made the following comments which will be fed into the consultation that commenced 9th February 2015:-</p> <ul style="list-style-type: none"> • It would be helpful if there was a clearer explanation of planning harm • The monitoring (Appendix 2) should be simplified to show trends in breaches and the amount of information should be reduced • It would helpful if long term cases could be identified through monitoring to provide detail about these 	
24/02/20	Cllr Gary Cowan	The only comments that I would like to make are firstly that I am pleased to see that something is being done to standardize the service, it is long overdue, and although this service is labelled as 'discretionary', if WBC provide a department for Enforcement there will be an expectation amongst residents that it will be carried out.	Noted

		Secondly, there is one problem in relation to Enforcement where I cannot see your new framework will help. This is in cases familiar to us here on Carter's Hill where although neighbouring residents report transgressions and they are investigated with little or no evidence found, in due course the owner applies for retrospective permission. It would be very useful for good neighbour relations if a way could be found to solve this problem.	
57	David Parsons	<p>"The plan is well written. The enforcement team is a scarce resource, and the policy seeks to provide a framework for 'rationing' its activity. The policy [paragraph 4] provides [third bullet] that the Council will act proportionately to the scale of the breach.</p> <p>It seems that a high proportion of cases investigated arise from complaints, many of these arising from jealousy or ill-feeling. There may therefore be a tendency for small breaches to be disproportionately followed up because of a complaint, leaving serious ones not attended to because no one had complained. This is not making the best use of the staff resources available.</p> <p>Paragraph 16 recognises the importance of pro-actively monitoring development. More emphasis being placed on this could pick up serious breaches which would otherwise go unpursued because officers are so busy following up complaints.</p> <p>I have personal experience of a minor case which arose from a complaint being pursued at considerable expenditure of officers' time, involving an EN, and a retrospective application refused but allowed on appeal, when many hundreds of more serious cases of comparable breach have not been pursued and remain as eyesores to this day.</p> <p>I have three recommendations</p> <ol style="list-style-type: none"> 1. Could Building Control Officers be specifically charged with checking that construction accords with the approved plans and looking out for breaches on their travels? 2. Could more emphasis be put on pro-active work, and could Appendix 2 provide for monitoring the % of time spent pro-actively rather than reacting to complaints [or if that is difficult the % of cases pursued ? 3. Before issue of an EN, could someone independent review the case to get a dispassionate view of whether it is 'proportionate' use of resource to pursue it? This could be the local Councillor or a senior officer outside planning department. <p>"</p>	<p>Recommendations noted:</p> <p>Proactive plan checking with Building Control is already being undertaken on a sample basis.</p> <p>Proactive compliance checking of major development is being undertaken</p> <p>% cases pursued to formal action is already provided.</p> <p>Shared Legal Solutions review EN's prior to service as a check of whether it is appropriate to proceed with enforcement action.</p>
	Liz Halson (Swallowfield Parish)	<p>"The document has been reviewed by the Chairman of Planning for Swallowfield Parish Council and he has made the following comments:</p> <ol style="list-style-type: none"> 4. The Council's Local Planning Enforcement Policy <ul style="list-style-type: none"> - second bullet – "unlawful", should this be "unauthorised"? - the statement "inappropriate circumstances" is vague and lacks clarity, should this be deleted. - some form of action should take place whenever there is planning harm and the next bullet qualifies this by saying it should be proportionate. It could be said that, regardless of whether there is any planning harm, at the very least something should be done to regularise the situation such as a full planning application of CLEUD application as appropriate. It is important to encourage people to adhere to the rules in all cases. - last bullet – "The Council will:- Perform against agreed standards....". What at the standards? Suggest adding "as defined in this policy document". Reference Section 20 and Appendix 2 maybe. 	<p>Comments noted:</p> <p>Section 4 second bullet point change "unlawful" to "unauthorised".</p> <p>Section 4 last bullet point add "(see priorities table in</p>

58		<p>- last bullet – “... resources will be targeted to prioritise those cases where the greatest harm is being caused.” Suggest adding “as detailed in Section 9”.</p> <p>16. Monitoring Development Suggest the criteria for identifying developments to be monitored should include: - past record of applicant and/or of site (e.g. past complaints, enforcement investigations or unauthorised uses or developments regularised through the CLEUD application process). - where planning pre-conditions have been imposed.</p> <p>In addition, Building Control should be expected to play a role in reporting any potential breaches or deviations from plan that are seen during their inspections.</p> <p>21. Conclusions Second bullet - “... resolving most breaches throughout negotiation” should read through not throughout</p> <p>As Clerk I think the document will be very useful and clearly sets out expectations and certainly Swallowfield Parish Council would like to be fully engaged with supporting your activities. I would like some guidance (not sure it’s part of this document) regarding onward communication of the RFS notifications I receive. They say “Please remember that this information should be treated as confidential” but what does that mean. At the moment I forward them to all Councillors and they are referred to on the agenda & minutes of our Council meetings but no details of the sites is given – I think it would sometimes be useful for residents to know which sites are subject to enforcement investigations and why investigations are closed with no action (or at least that’s what residents think!). Can you confirm what information I can publish. Thanks Liz</p>	<p>Section 9)” after “Perform against agreed standards”</p> <p>Noted – not practical and each case should be determined on its own merits.</p> <p>Already happening</p> <p>Section 21 second bullet point change “throughout” to “through”.</p> <p>To be advised separately</p>
18/	Tom Berman	<p>"I have been following the development of improved planning enforcement through the presentations to the WBC Corporate Services Overview and Scrutiny Committee, and I herewith propose three further improvements to the Local Planning Enforcement Plan (LPEP -designed to replace WBC Planning Enforcement Policy 2007).</p> <p>1. Definition of planning harm Throughout the LPEP document there are references to situations where there has been a breach of planning control but the council’s judgement is that no significant planning harm is being caused, and therefore it is not expedient to use planning enforcement powers. Space should be found within the LPEP document to provide a definition of “planning harm” (Note 1)</p> <p>2. Section 11 of LPEP: Ward Members’ Influence In the second part of the tabulation under Section11, concerning action to be taken when a planning “breach has been identified but it is not expedient to pursue”, it is currently stated that “...the ward member given 48 hrs notification. The case will then be closed and no further action taken”. This understates the potential influence of the ward member and It should be specifically stated here that the ward member may challenge (and overturn) the officer’s decision</p>	<p>Noted</p> <p>Ward member may, challenge, seek clarification or request further work. They are notified on receipt of RFS so have had opportunity to be involved with the case prior to its closure.</p> <p>Only the 2 Wargrave</p>

59		<p>that it is not expedient to pursue enforcement action (Note 2)</p> <p>3. 48 hrs notification In the same part of Section 11 as above (where a planning breach has been identified) the 48 hrs notification to ward members is far too short. The period of notification to ward members should in this case be increased to 20 working days. (Note 3)</p> <p>Notes</p> <p>1. "Planning Harm": WBC officers have suggested that it is too difficult to provide a definition of this. In so far as there is some subjectivity in determining degrees of planning harm, the difficulty is appreciated, but this makes it all the more important to attempt a definition. Wokingham Borough Council should be following best practice in this matter viz. Definitions re planning enforcement and planning harm provided by other LPAs such as Eastleigh, Tendring and Newport</p> <p>2. Ward Members Influence: Up till recently the Planning Enforcement officers have been "judge and jury" in determining when a case presents no planning harm and therefore it is not expedient to pursue enforcement action. In the normal checks and balances of democratic governance this should not be acceptable: the elected members, particularly ward members who have local knowledge (and particularly where the judgement of "no harm" might be somewhat subjective) should be able to challenge the officer's decision of "no harm". In this matter Councillor Kaiser has recently confirmed that ward members can "if they so wish challenge the decision" (to close a case on the grounds of "no harm") and that this is now a part of members' training. Challenging the decision implies the possibility of overturning the decision (otherwise "challenge" is meaningless.). In the light of this, and returning to the "Action" in Section 11 concerning when a "breach (is) identified but it is not expedient to pursue", the statement that ".....an expediency report will be prepared and the ward member given 48 hours notification. The case will then be closed and no further action taken." is clearly misleading. The case will not be closed, if the ward member challenges the decision and that challenge is upheld (by whatever internal council process –which need not concern us here).</p> <p>3. 48 hours notification: When officers have decided that there is "no harm" and no need to pursue enforcement action, the matter is by definition non-urgent and there is no time pressure and no need for such a short deadline by which members should respond. Obviously too, ward members might be unavailable for various reasons for a week or two, and should not be "disenfranchised" by a 48 hr deadline. The council, when setting deadlines normally quotes them in terms of "working days", and should do so in this case. Whatever period is set for any deadline, it should mean what it says i.e. a 48 hr deadline should not be supported on the grounds that members might on occasion be allowed some leeway.</p>	<p>members of the Council has made any comment about the time period of 48 hours' notice to ward members about closure of enforcement cases. There is no plan to alter this arrangement (see notes under John Halsall below)</p> <p>A more explicit explanation/definition of planning harm will be included in the LPEP</p> <p>A checklist for expediency of action will be appended to the LPEP as a tool</p>
	Cllr Bob Pitts	<p>It is mentioned early on in the plan that legislation does not allow planning permission to be sought retrospectively. However, the mention of seeking retrospective permission is mentioned frequently throughout the document. This needs to be clarified.</p> <p>2) Giving Ward members 48 hours to respond to comments about enforcement proceedings being terminated is too short. I would like to see ten working days. We have commented on this in the main comment responses.</p>	<p>The legislation does allow pp to be sought and granted retrospectively.</p> <p>In half of cases reported to us there is no breach and</p>

		<p>Planning harm is such a subjective term. It might help if this was defined within the plan, together with some examples.</p>	<p>this would just prolong the agony for those people involved. It would also impact on the timescales set out in the document. As members are notified of the RFS receipt, they can be asked to be kept informed through the investigation period so the close down notification will not be the first they know of a case.</p> <p>There is further definition of this and a checklist in the final version</p>
60	Town & Parish Comments from meeting	<p>Communication, Communication - list to residents, no monitoring. Tell people. Shout - Encourage people to report breaches. Website - Project. Simple email address or telephone number. Examples of outcome - info coming back. Check if PP given. Detailed letter to Town & Parishes. Explain not check every development - need to be reported. Language(Plain English), Surgery - set time, rapid response, accessibility. Finchampstead GRT Site.</p>	Noted
	Cllr John Halsall	<p>"I would endorse the comments made by Wargrave Council as follows: Part 8 – Reporting a breach Some concern is expressed at the suggestion that town/parish councils seek an informal resolution to possible breaches. Apart from possible liability issues, not all town/parish councils possess the necessary skill sets or qualifications to provide advice on planning enforcement issues. Parish councils can hold information on the Borough Council's procedures, provide low level and simple advice on what does not constitute enforcement issues (such as an effect on a property value, private matters and non development issues) as well as passing on appropriate enforcement requests and assisting with Borough Officer enquiries. Part 18 - (48 Hours' notice to Ward Members to take no further action) With reference to the policy in relation to the above, that this time scale is an insufficient period in which to receive, consider, possibly consult and respond. If the recommendation is for no action, surely there is no urgency to impose such a restrictive two day limit. It is suggested that this period should be extended to at least five working days but most probably twenty working days. In addition, the policy is silent on the procedure that would be followed if a Ward Member was to disagree with the recommendation. The only reference made is to allow a Ward Member two working days to contact the</p>	<p>Noted</p> <p>Noted – there is no requirement for the parish council to take an active role but an opportunity to become more involved in the process if it wishes.</p> <p>Only 2 members of the Council have made any comment about the time period of 48 hours' notice to ward members about closure of enforcement</p>

61		<p>relevant Officer to discuss the case, albeit with a presumption that the case will be closed. The Ward Member should be able to overturn the officer's recommendation.</p> <p>Overall comment on document - The document could benefit from some expansion and explanation as not all readers of it will be as fully conversant with planning and more specifically 'development'. For example the absence of a definition of 'harm' suggests that it is subjective and open to interpretation, a few examples such as 'building on Green Belt' or 'loss of daylight or privacy caused by a neighbour's extension' may assist with furthering the public understanding of appropriate enforcement reporting.</p> <p>Whilst it is accepted that it is difficult to compile such a detailed policy that will be fully understood by all, an example that strives to achieve this is one adopted by Chiltern District Council (available from its website).</p>	<p>cases. There is no plan to alter this arrangement</p> <p>If the ward member seeks more information or discussion then there is an opportunity for this and the case is not closed</p> <p>Section 11 - change wording in table Action boxes 1 to "Ward members to be provided with 48 hours notification of intention to close case and take no further action. If no challenge then case is closed. The complainant will be notified of closure and the reasons for this."</p> <p>Box 3 to "Ward members to be provided with 48 hours notification of intention to close case and take no further action. If no challenge then case is closed. A certificate of lawful development may be invited."</p>
19/03/	Philip Meadowcroft	<p>"There is an overwhelming need for WBC's LPEP to define "planning harm" / "not expedient" (like other Council's have done).</p> <p>1. Implementing the LPEP with key decision indicators which have defied definition by WBC's officers - who act, in effect, as both as judge and jury – is a fundamentally and critically unsound practice.</p> <p>I urge you to visit the websites of three LPAs - Tendring, Eastleigh, and Newport - who have tackled the question of defining "planning harm" and "not expedient". They have gone to considerable trouble to express their policies and place them for public examination on their respective website.</p> <p>The websites are: http://www.tendringdc.gov.uk/planning/enforcement/enforcement-policy</p>	<p>A more explicit explanation/definition of planning harm will be included in the LPEP</p> <p>A checklist for expediency of action will be appended to the LPEP as a tool</p>

		<p>http://www.eastleigh.gov.uk/planning--building-control/planning/planning-enforcement.aspx http://www.newport.gov.uk/_dc/index.cfm?fuseaction=planning.developmentcontrol&contentid=CONT423204</p> <p>2. The current “48 hour rule” granting Ward Councillors to opportunity to challenge and overturn any proposed “planning harm”/“not expedient” is totally impracticable and requires amendment. There is a clear need, in my view, for Ward Councillors to retain their current power to challenge proposed enforcement judgments by officer where “planning harm” and “not expedient” are key factors in the proposed decision. The current 48 hour rule for such a challenge is little short of absurd given the commitments faced and undertaken by Ward Councillors; instead a 25 working-day challenge period would be more appropriate and would enable a considered view to be taken by the Ward Councillor.”</p>	<p>Only 2 members of the Council have made any comment about the time period of 48 hours’ notice to ward members about closure of enforcement cases. There is no plan to alter this arrangement</p> <p>If the ward member seeks more information or discussion then there is an opportunity for this and the case is not closed (see notes under John Halsall above)</p>
<p>20/03</p> <p style="text-align: center;">62</p>	<p>Stephen Hedges (Wargrave Parish)</p>	<p>“Local Planning Enforcement Plan Consultation The Parish Council respectfully submits the following comments:-</p> <p>Part 8 – Reporting a breach Some concern is expressed at the suggestion that town/parish councils seek an informal resolution to possible breaches. Apart from possible liability issues, not all town/parish councils possess the necessary skill sets or qualifications to provide advice on planning enforcement issues. This Council is happy to hold information on the Borough Council’s procedures, provide low level and simple advice on what does not constitute enforcement issues (such as an effect on a property value, private matters and non development issues) as well as passing on appropriate enforcement requests and assisting with Borough Officer enquiries.</p> <p>Part 18 - (48 Hours notice to Ward Members to take no further action) With reference to the policy in relation to the above, the Parish Council suggests that this time scale appears to be an insufficient period in which to receive, consider, possibly consult and respond. If the recommendation is for no action, surely there is no urgency to impose such a restrictive two day limit. It is suggested that this period should be extended to at least five working days.</p> <p>In addition, the policy is silent on the procedure that would be followed if a Ward Member was to disagree with the recommendation. The only reference made is to allow a Ward Member two working days to contact the relevant Officer to discuss the case, albeit with a presumption that the case will be closed. Overall comment on document This Council respectfully suggests that the document could benefit from some expansion and explanation as not all readers of it will be as fully conversant with planning and more specifically</p>	<p>Noted – there is no requirement for the parish council to take an active role but an opportunity to become more involved in the process if it wishes.</p> <p>Ward member may, challenge, seek clarification or request further work. They are notified on receipt of RFS so have had opportunity to be involved with the case prior to its closure. (see notes under John Halsall above)</p>

		<p>'development'. For example the absence of a definition of 'harm' suggests that it is subjective and open to interpretation, a few examples such as 'building on Green Belt' or 'loss of daylight or privacy caused by a neighbour's extension' may assist with furthering the public understanding of appropriate enforcement reporting.</p> <p>Whilst it is accepted that it is difficult to compile such a detailed policy that will be fully understood by all, an example that strives to achieve this is one adopted by Chiltern District Council (available from its website)."</p>	<p>A more explicit explanation/definition of planning harm will be included in the LPEP</p> <p>A checklist for expediency of action will be appended to the LPEP as a tool</p>
	Finchampstead Parish	We have considered the documents and agree with the principles. We assume that WBC will have sufficient staff resources to implement the strategy.	Noted
63	Gloria Triggs	<p>Comments on the Local Planning Enforcement Plan</p> <p>1. I would like to see a Planning Enforcement Committee of Councillors formed (as is done with listed Planning Applications) and for that Committee to decide not the Officers, which Breach of Condition etc., to enforce, having firstly involved the Ward Councillors together with the Town or Parish Council where the breach is occurring for their input, as they know best the impact of a Breach(s) on residents and the community, not the Officers.</p> <p style="text-align: center;">OR</p> <p>Planning Enforcement to be out-sourced to a professional company thus releasing the current Planning Enforcement team who have been deemed as not fit for purpose which I can endorse and hence not a good use of Council Tax money.</p> <p>2. Where there is clear evidence of a "Breach(s) impacting on the health, safety or the resident(s)' right to peaceful enjoyment of their home and environment, "Enforcement" without question must be swiftly actioned, especially having submitted years of medical evidence to W.B.C. along with CCTV footage, photographs, log of vehicle registration numbers etc., of ASDA, Lower Earley breaching their permitted delivery times. To have been forced to endure over 12 years of severe sleep disruption resulting in permanent health damage is disgraceful, showing W.B.C. has completely failed in their "DUTY OF CARE".</p> <p>3. A rapid escalation procedure put into place to quickly serve a Breach of Condition Notice where resident(s)' health, safety and peaceful enjoyment of their home and environment is involved.</p> <p>4. Conditions placed on a Planning Consent are done for a good reason. Without the Conditions in place, Consent for the Planning Application would not be given. Equally, having placed Conditions on a Planning Consent there is an implied obligation to enforce, if breached, otherwise the whole thing is a mockery. W.B.C. Planning Enforcement's current function of operation is disgraceful and for some reason appears to take a different interpretation of Planning Guidelines and Regulations from that of other Councils. Other Councils take Conditions placed on Planning Applications more seriously and do enforce. W.B.C. is well known for it's lax</p>	<p>Members have the opportunity to become involved with enforcement cases. They are also informed before a case is closed. Controversial cases are taken to planning committee and/or considered in conjunction with the executive member.</p> <p>Other points noted.</p> <p>Conditions are being proactively monitored for major developments.</p> <p>The performance of the planning enforcement team will be monitored and reported to members regularly as set out in the plan.</p>

64		<p>stanz on Enforcement and, therefore, failing in their "Duty of Care".</p> <p>5. When a Planning Officer gives an assurance that something will definitely be done in connection with a Planning Application in order to achieve Planning Consent, then when it is not, Enforcement must be followed through to ensure the integrity of the Planning Officer, Planning Consent and Conditions, at the moment this is not done which calls into question the integrity of the Officer and the system.</p> <p>6. Where an Enforcement Officer has been economical with the truth, I want a system to be put into place for that Officer to be disciplined or dismissed.</p> <p>7. To suggest neighbours to get together to sort out parking problems rather than use enforcement is again disgraceful. Due to Planning Officers allowing over-development in our Close, even with objections from the Town Council and residents which the Planning Officers choose to ignore and vehicles not being placed into garages as Conditions dictate. There is a serious parking problem which has over the years resulted in fights, Police attendance, W.B.C. legal Department involvement and still the situation has not improved as Enforcement is very much needed to control this issue.</p> <p>8. W.B.C. Enforcement Officers do not appear to understand residents' Human Rights which must be foremost in decision making. A professional company would know this and act accordingly. I am very much in favour for Planning Enforcement to be out-sourced to a professional company.</p> <p>9. When a "Consented Planning Application" is completed, the completed works must be inspected by a new Committee of Coucillors (not Officers as I have no confidence in them) to ensure all Conditions and the submitted plans have been adhered to and if not the Applicant must be made to do so, however, definately not by Officers telling them to submit a variation to get round the non-compliance of the Consent and Conditions. W.B.C. is well known for their lax attitude to non-compliance of Planning Consent and Conditions and reluctance to enforcement, which questions the integrity of the Officers and is in effect conning residents, Councillors, Town and Parish Councils.</p>	
	Jennifer Lissaman	<p>An efficient and effective planning enforcement service is to be welcomed and Wokingham Borough Council's (WBC) new approach should be widely advertised so that 'developers' will be aware that they should work within the planning permission they have been granted and residents will have confidence that their concerns will be investigated promptly and thoroughly.</p> <p>Unfortunately the current document does not inspire confidence. For whatever reasons WBC residents already assume that developers 'get away' with too much and they definitely do not like retrospective applications. This document reads as though it really isn't a problem if a plan or condition isn't being adhered to as WBC is only too happy to make it all right for the applicant, but not so 'all right' for the local resident.</p>	

<p>65</p>	<p>In addition, to improved enforcement, more emphasis needs to be made when approving planning applications that developers should build what they have permission for. A google search for 'planning enforcement plans or policy' would assist in producing a sharper text with suitable references to relevant policies and pointers to other parts of the document. Eg Section 4 refers to 'Perform against agreed standards'so let the reader know where these standards can be found in the document (I assume Section 9?). There are no definitions or explanations for non planners (the majority of Wokingham residents) of such terms as harm, significant harm, expedient, reasonable resource, act proportionately. It is not difficult to find these in other Council's enforcement plans.</p> <p>Residents do not know that the extension, or new houses, being built near them will not be monitored by anyone. They assume it will because they pay their council tax, but they don't know that the only people keeping an eye on what is being built will be them alone. Residents need to have this explained. They may also need to know where to find the approved plans and who can help them understand the plans if they are not familiar with planning procedures."#</p> <p>"There are no time periods mentioned for how long a breach can remain in place before it can no longer be investigated eg 4 years for one type of breach, 10 years for another.</p> <p>It is not acceptable to write in the 'outcome of investigation' at 11, second para, that 'a retrospective application will be requested to regularise a breach or an expediency report will be prepared and the ward member given 48 hours notification. The case will then be closed and no further action taken.' A ward member should be able to see the expediency report and have the ability to challenge it on grounds such as Health and Safety, Loss of amenity etc. One of your recent successful prosecutions was a development that was originally quoted as 'not expedient to pursue'.</p>	<p>The Council has to work within the constraints of the national policy and legal system. The service has gained resource to proactively check compliance and to take more action when appropriate and this has been implemented</p> <p>See Section 11</p> <p>A more explicit explanation/definition of planning harm will be included in the LPEP</p> <p>A checklist for expediency of action will be appended to the LPEP as a tool</p> <p>To be addressed via the new planning website</p>
-----------	---	--

			<p>If the ward member seeks more information or discussion then there is an opportunity for this and the case is not closed</p> <p>Section 11 - change wording in table Action boxes 1 to "Ward members to be provided with 48 hours notification of intention to close case and take no further action. If no challenge then case is closed. The complainant will be notified of closure and the reasons for this."</p>
<p>23/03/</p> <p style="text-align: center;">66</p>	<p>Gavin Dunbar</p>	<p>I note the references to consulting and informing Ward Councillors but would doubt if the 48 hours response time is sufficient. However the people with best knowledge of the local situations are the Parish and Town Councils so breaches of planning control should be formally reported to them so they can comment to meet the aims as stated in paragraph 19. The significant cases should then be discussed at their open meetings in a similar way to Planning Applications.</p>	<p>Parish and Town Council's are notified of RFS's. Only 2 ward members have commented about the 48 hour time period.</p> <p>Ward members may, challenge, seek clarification or request further work. They are notified on receipt of RFS so have an opportunity to be involved with the case prior to its closure. (see notes under John Halsall above)</p> <p>Members have the opportunity to become involved with enforcement cases. They are also informed before a case is</p>

68		<p>1</p>	<p><i>great deal of local knowledge and awareness of what is happening in their areas and the council encourages that they act as its eyes and ears on the ground.</i></p> <p><i>Town and parish councils can inform the planning enforcement and compliance process.</i></p> <p><i>The Council encourages town and parish councils to engage with officers over planning enforcement issues and could play a helpful role in alerting officers that development has commenced on site. They can also help to monitor development and alleged breaches of planning control. This way the town and parish council can take an active role in the investigation process.</i></p>	<p><i>basis. We would however, take this opportunity to question how WBC intend to deal with issues that arise at weekends, when their enforcement officers are off duty and cannot be contacted.</i></p> <p><i>WTC are happy to <u>inform</u> the process, but it is not our responsibility to implement it. WTC are happy to undertake an informal role of alerting officers to development works. However, we emphasise that it is WBC's formal responsibility to monitor development and alleged breaches of planning control and to undertake any necessary investigation.</i></p> <p><i>WTC do not have the ability, resources or responsibility for carrying out these roles.</i></p>	<p>The level of town and parish council's involvement is a matter for them to agree. The council encourages their involvement in the process if this is required by them.</p> <p>Effective immediate action to address breaches can only really be secured through an injunction issued by the courts that are not open at the weekend. Weekend enforcement cover could not address breaches any more quickly than that provided Monday to Friday only.</p> <p>Noted</p>
----	--	----------	--	--	--

69		<p><i>Section 19 Paragraph 2</i></p>	<p><i>Often the town and parish councils can also help to resolve breaches informally through negotiating on behalf of residents.</i></p> <p><i>It is intended that town and parish involvement should operate on an entirely voluntary basis but even if they do not want to be directly involved in an enforcement case, they are a source of valuable advice about the process and how to report a breach of planning control.</i></p>	<p><i>If approached by residents, WTC are happy to assist them with information about the enforcement and compliance process and to direct them to the appropriate WBC officers for the latter to take appropriate action.</i></p> <p><i>However, WTC do not have the resources or responsibility to negotiate on behalf of residents and, indeed, would not wish to do so, as this is WBC's sole preserve. It is not a matter of WTC opting in or out of wanting to be involved. As we operate on an entirely voluntary and informal basis, we will not be "directly involved in an enforcement case". This paragraph is misleading and should be deleted.</i></p>	<p>Noted see above</p> <p>Noted</p>
		<p>Conclusion</p> <p>An informal network of contact already exists between WTC and WBC's enforcement officers, so that when a potential breach of planning control is reported to WTC Councillors or officers by a resident, WBC are immediately alerted so that appropriate action can be taken. This approach of informal contact on an as required basis functions very efficiently and we suggest that it requires no change.</p> <p>WTC are happy to operate on an entirely voluntary basis, to support residents and provide advice to them about the enforcement process, and to act as an informal network of eyes and ears on the ground. However, WTC do not wish our role to be a formal part of the enforcement process and the policy document needs amending to reflect this approach.</p>			

This page is intentionally left blank



Wokingham Borough Council

Local Planning Enforcement Plan

Produced in conjunction with:-



Foreword

The Council is committed to protecting the quality of its existing environment through ensuring that new development is of the highest quality and that the things that make it one of the best places to live and work in the country are retained and enhanced. To meet this objective, the Council recognises the importance of planning enforcement and compliance and is committed to providing an effective and efficient service.

The Local Planning Enforcement Plan sets out the principles and procedures that the Council will adopt to regulate development and how it will communicate with residents, and town and parish councils. The focus in the first instance will be on negotiation to resolve breaches of planning control and to encourage local residents to talk to each other and developers to resolve issues. The Council also recognises that the town and parish councils have a very important role to play.

While it is encouraged that issues are resolved informally where possible at the local level, the Council recognises that this cannot always be achieved and will monitor development and investigate reported breaches. When the reported breaches give rise to planning harm, the Council will look to enforce using all legal powers at its disposal including prosecutions via the courts at the same time looking to recover the cost incurred in pursuing such cases. To ensure that resources are used in the most effective way, requests for service will be prioritised to focus on breaches that result in the greatest planning harm and will undertake this in line with government policies and best practice.

The Council is committed to ensuring the quality of development in the borough is of the highest quality and is authorised and the LPEP helps this becomes a reality.

John Kaiser
Executive Member
Planning and Highways
Wokingham Borough Council

Contents

1. Introduction	Page
2. The purpose of planning enforcement	Page
3. The Local Planning Enforcement Plan comprises	Page
4. The Council's local Planning Enforcement Policy	Page
5. The principles of planning enforcement	Page
6. What is a breach of planning control?	Page
7. Non planning enforcement issues	Page
8. Reporting a breach	Page
9. Priorities	Page
10. Investigating a Breach of Planning control	Page
11. The possible outcomes of the Council's planning investigation	Page
12. Types of formal enforcement action	Page
13. Consequences of planning enforcement	Page
14. Timescales	Page
15. Human Rights issues	Page
16. Monitoring development	Page
17. Customer role	Page
18. Ward Members	Page
19. Parish and Town Councils' involvement	Page
20. Monitoring the Council's own performance	Page
21. Conclusions	Page

1. Introduction

The Borough Council is firmly committed to providing an efficient and effective planning enforcement service. The **purpose of this Local Planning Enforcement Plan** is to explain what the planning enforcement service comprises and how the Council will deliver the service to the Community. This guidance replaces the Wokingham Borough Council Planning Enforcement Policy 2007.

2. The purpose of planning enforcement

Planning laws and policies are designed to control the development and use of land and buildings in the public's interest. They are not meant to protect the private interests of one person against the activities of another. The relevant background legislation to these powers is contained primarily within the [Town and Country Planning Act 1990 \(as amended\)](#) the [Planning \(Listed Buildings and Conservation Area\) Act 1990 \(as amended\)](#). This legislation is supported by Government advice, which includes the [National Planning Policy Framework \(NPPF\)](#) and the [National Planning Practice Guidance \(NPPG\)](#).

3. The Local Planning Enforcement Plan comprises

- The Council's Planning Enforcement Policy
- The principles of planning enforcement
- What constitutes a breach of planning control and how to report a breach
- Priorities for investigation, case categories and target times
- How the Council investigates possible breaches of planning control and possible outcomes
- The role of the customer, ward members and town and parish councils
- How the checking of compliance with permissions will be undertaken
- A simplified flowchart of complaint handling procedures
- Monitoring of development for compliance
- How the LPEP will be monitored and reviewed

4. The Council's Local Planning Enforcement Policy

The Council recognises the importance of planning enforcement to maintain the quality of the existing environment in the Borough and to ensure that new development is carried out to a high standard. The purpose of the local planning enforcement plan is to set out what can and what cannot be controlled through the planning legislation and the Council's approach to undertaking planning compliance and enforcement. The Council will:-

- Commit reasonable resources to ensure that planning enforcement control can be put into effect and maintained.
- Exercise all reasonable powers (granted under the provisions of the Town and Country Planning Act 1990, and all other subordinate and any subsequent legislation), to control unauthorised development in appropriate circumstances when planning harm is being caused. We will take account of the policies in the adopted Development Plan and all other material considerations when deciding what approach will be taken to address breaches and whether or not to take formal enforcement action.
- Act proportionately to the scale of the alleged or actual breach and the level of planning harm that result from this. To be consistent in its actions - having a similar approach to similar circumstances to achieve similar outcomes.
- Be transparent in its actions - being open when dealing with business and the public. (Although some information, such as the name of the complainant, will remain confidential)
- Be helpful, courteous and efficient at all times.
- Perform against agreed standards (see priorities table in Section 9) – resources will be targeted to prioritise those cases where the greatest harm is being caused.

5. The Principles of Planning Enforcement

- The use of planning enforcement powers by the Council is discretionary and the carrying out of development without planning permission, although unauthorised, is not illegal. Some actions may become illegal only following non-compliance with a formal Enforcement Notice.
- All alleged breaches of planning control will be investigated by the Council except anonymous complaint unless the harm resulting is significant
- The Council will seek to resolve all breaches of planning control through informal negotiation in the first instance unless the breach is causing irrevocable harm requiring immediate

action. This occurs in only a very small number of cases (less than 1%). The focus is to achieve compliance without resorting to formal proceedings.

- Where appropriate, the Council will give reasonable timescales for voluntary compliance through removal of the breach or through regularisation.
- Legislation does allow planning permission to be sought retrospectively and government guidance recommends that local planning authorities seek to regularise potentially acceptable unauthorised development through granting planning permission. Where there is a breach of planning control an application will be requested by the Council where it believes consent could be granted with conditions imposed to satisfactorily control the development. Despite this, the Council has to accept all valid applications and determine these even if they have not been invited and formal action will not usually be taken when there is an undetermined valid planning application or appeal. When determining a planning application for non-authorised development, the non-authorised nature of the development will not influence the planning assessment in any way.
- Any action should be proportionate to the level of harm (see box below for explanation of harm) involved and should take into account relevant circumstances where it is expedient and necessary to do so, i.e. in the public interest. The Council needs to consider whether it is expedient having regard to the Development Plan and any other material considerations and in the public interest to undertake formal enforcement action to remedy breaches of planning control. Expediency will depend on the level of harm caused and the likelihood of achieving voluntary compliance. There is a box below which explains harm in more detail and a tool to assist in assessing harm at Appendix 1.
- There are a suite of formal enforcement powers available to Councils to address breaches of planning control and the Council will apply the most appropriate power dependant on the circumstances of each particular case.
- This LPEP applies to the enforcement activities carried out under the legislation enforced by the (Planning) Enforcement Team. The Council also has other powers of enforcement in relation to other legislation such as highways and environmental health but this plan does not apply to these powers (see below).

Planning harm is not defined in the Planning Regulations. The Oxford English Dictionary defines harm as: “Physical injury especially that which is deliberately inflicted, material damage, actual or potential ill effects or danger”. Government guidance contained within the National Planning Policy Guidance advises that formal planning enforcement action should be taken when: “There is a clear public interest in enforcing planning law and planning regulation in a proportionate way”. Advice contained in an earlier Government publication (PPG1 1997) explained that: “The planning system does not exist to protect the private interests of one person against the activities of another.....but whether the proposal would unacceptably affect amenities and the existing use of land and buildings which ought to be protected in the public interest”. Harm caused by unauthorised development can be described as the injury caused to public amenity or public safety. Planning enforcement action will not be taken where the matter is addressed through other legislation. Before taking planning enforcement action regard will be made to the Development Plan and other material planning considerations. It would not be appropriate to issue an enforcement notice for unauthorised development which is acceptable in planning terms i.e. If planning permissions would normally be granted for this development if it was the subject of a planning application.

Harm can include an unacceptable impact on:

- Planning Policy
- Visual amenities and the character of the area
- Privacy/overbearing/daylight/sunlight
- Noise/smells/pollution such as contamination
- Access/traffic/Highway safety
- Health and safety
- Undesirable precedent
- Ecology, Trees and Landscape
- Amenity standards of users of the development

A tool to assist in assessing harm is set out in Appendix 1.

6. What is a Breach of Planning Control?

Breaches of planning control vary considerably and could involve such matters as the unauthorised erection of a building or extension to a building, a material change of use of land or building, or the display of unauthorised advertisements. Other breaches of planning control include the following:

Breach of planning control	Not a breach of planning control
<ul style="list-style-type: none"> • Unauthorised works to Listed Buildings • Unauthorised advertisements • Unauthorised works to trees subject of a tree preservation order (TPO) or in a Conservation Area • Unauthorised demolition within Conservation Areas • Breaches of conditions attached to planning permissions • Not building in accordance with the approved plans of planning permissions • Untidy land where it adversely affects the amenity of the area • Unauthorised engineering operations, such as raising of ground levels or earth bunds • Unauthorised stationing of a caravan or mobile home for use as an independent dwelling • Unauthorised material changes of use of land or buildings 	<ul style="list-style-type: none"> • Internal works to a non-listed building • Obstruction of a highway (Contact Thames Valley Police), public right of way (PROW) (Contact the Council's foot-paths officer) or a private right of way • Parking of private and commercial vehicles on the highway or on grass verges (contact Thames Valley Police) • Parking caravans on residential driveways or within the curtilage of domestic properties as long as they are incidental to the enjoyment of the property • Running a business from home where the residential use remains the primary use • Land ownership or boundary disputes or trespass issues eg scaffolding erected on neighbouring property (these are private matters) • Covenants imposed on property deeds (these are private matters) • Any works that are deemed to be 'permitted development' under the Town and Country Planning (General Permitted Development) Order 1995 as amended • Advertisements that are either excepted from deemed and express consent under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 as amended • Clearing of land of overgrowth, bushes

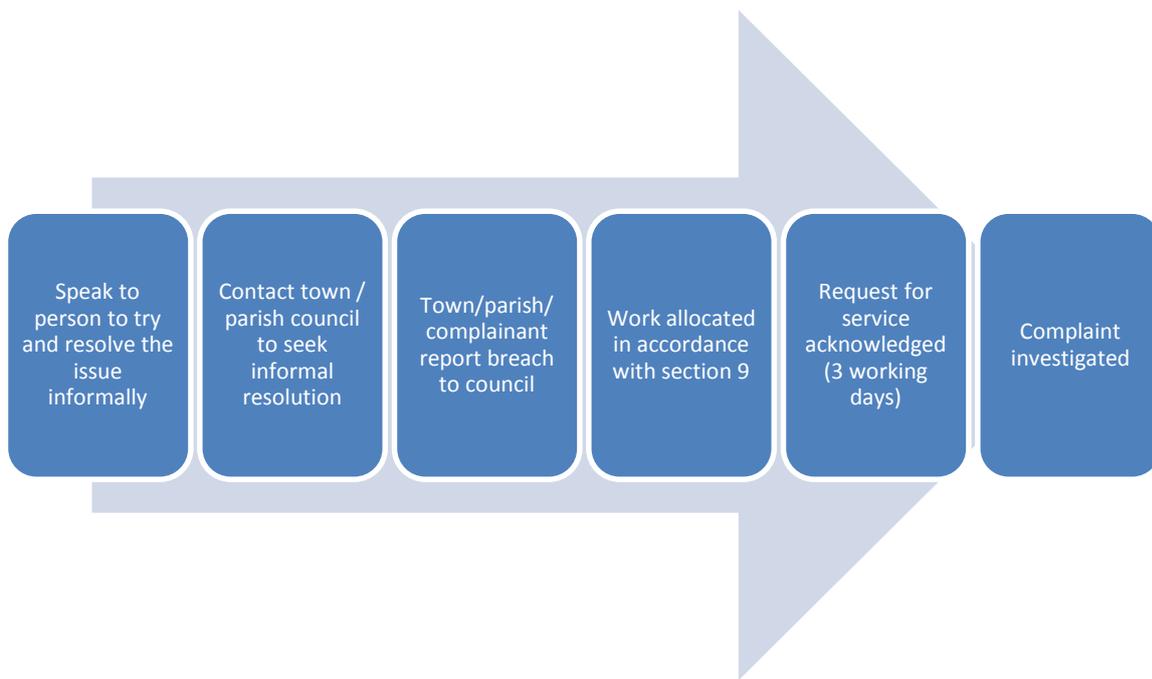
	<p>or non protected tress (unless within a designated nature conservation area)</p> <ul style="list-style-type: none"> • Dangerous structures or other health and safety issues (Building Control Solutions 01189746239) • Damage caused to neighbouring property during construction work (this is a private matter) • The behaviour of builders and other antisocial behaviour
--	---

7. Non planning enforcement issues

Planning enforcement sits within the wider regulatory service within the Council and where a complaint refers to matters not within the remit of planning legislation but still capable of being pursued by the Council, the complaint will be considered by the relevant regulatory team. Enforcement action across the different regulatory regimes is coordinated and in some cases using alternative means and powers available to the Council (e.g. serving a Noise Abatement Notice) may well result in the speedier resolution of a complaint.

8. Reporting a breach

The diagram below sets out the process by which the council will deal with a reported breach of planning control.



The Council strongly encourages that residents communicate with each other and developers to try and resolve a breach of planning control informally. They can also approach their ward members: (<http://wokingham.moderngov.co.uk/mgFindMember.aspx>) or town or parish council to help achieve an informal solution: (<http://wokingham.moderngov.co.uk/mgParishCouncilDetails.aspx?bcr=1>). If the suspected breach cannot be resolved informally, they can be reported in confidence as set out below however anonymous RFSs will not normally be investigated:-

How to report a breach

- Via the Council’s interactive Request for Service form (available on the Council’s web site at:
<http://www.wokingham.gov.uk/planning-and-building-control/development/tell-us-about-unauthorised-development/>)
- Through your local ward members
- By telephone (01189 746000)
- In person at the Council Offices at Shute End.

Information required to report a breach

- An accurate description of the location or address for the particular site, ideally including the town or parish
- A detailed description of the activities taking place that are cause for concern, including what harm the breach is causing and/or how it affects the complainant
- Names, addresses and phone numbers (if known) of those persons responsible for the alleged breach or the land owners
- The date and times of when the alleged breach took place including when it first started
- Any other information or evidence that may be able to assist, e.g. a planning application number; any previous problems / breaches
- Your name, address, phone number and e-mail address (Note :Anonymous complaints will not normally be investigated unless they relate to matters causing serious harm to public safety, or irreversible harm to the environment)

9. Priorities

The Council receives approximately 700 Requests for Service (RFS) every year. Because of the often lengthy and complex nature of planning investigations and staff resources, it is necessary to prioritise, as set out below.

Category	Type of development	Level of service
Category 1 – <i>High priority</i>	When irreversible and serious damage to the environment or public amenity would result. Examples include works to protected trees; works affecting the character of a listed building; demolition works in a conservation area; serious traffic hazards; contamination and or pollution being	Receive immediate attention , where possible the same day; where this is not possible, within one working day. The planning enforcement team may be required to devote all of its time to the investigation of one category 1 complaint depending on its nature, but

	created.	in normal circumstances will be able to address more than one complaint of this nature at any given time.
<i>Category 2 – Medium priority</i>	This covers less immediate yet still serious and harmful breaches and is likely to include breaches where building works have just commenced, where severe harm is being created and non-compliance with certain planning conditions (particularly pre-commencement conditions).	The complaint will normally be investigated within 10 working days of the complaint being received.
<i>Category 3 – Low priority</i>	This category relates to breaches that are likely to remain stable and that are unlikely to give rise to any severe or lasting harm to amenities. Such breaches may include untidy sites, non-compliance with other planning conditions, erection of satellite dishes, the unauthorised display of advertisements and the erection of fences.	The complaint will normally be investigated within 28 working days of the complaint being received.

Category 1 – High priority

Where a negotiated approach is unsuccessful in bringing a halt to development which has been identified as category 1, a further assessment will be made to identify the course of action which is proportionate to the nature of the breach.

Category 2 – Medium priority

Retrospective applications will be sought where there is considered to be a reasonable prospect that planning permission could be granted, subject to necessary conditions and or legal agreements. Where it is considered that an application could not be supported it may be necessary to resort to formal action if it is considered expedient to do so.

Category 3 – Low priority

Resolution of this category of breach is likely to be sought by negotiation and/or the submission of a retrospective planning application to secure a development which is acceptable in planning terms. In cases which cause no significant harm, the Council may decide not to pursue any action even when a breach of planning control has occurred. In these cases, the Council will undertake an expediency assessment (report) and will be available to interested parties on request.

10. Investigating a Breach of Planning Control

A summary of the procedure adopted for the handling of enforcement complaints is shown in the flow chart included as Appendix 2. Compliance following enforcement action can take considerable periods of time. Reasonable time periods must be given for compliance and if this is challenged, then the council is subject to timescales imposed by the Planning Inspectorate (in the case of appeals), or by the courts. As a result sometimes there is limited progress with which to update a complainant and interested parties about. In these cases the Council welcomes interested parties contacting the responsible officer to check timescales and action. However the Council will:-

- Acknowledge in writing the receipt of all Requests for Service (RFS) within 3 working days.
- Provide the complainant with an update of the progress on a case under investigation within 28 working days of an acknowledgement or, as there are developments to report.
- For ongoing cases, provide an update every month thereafter until the case is resolved.

11. The Possible Outcomes of The Council’s Planning Investigation

In over 50% of cases investigated, there is no breach of planning control and no action can be taken. In those cases where there is a breach, in accordance with government guidance the Council will seek to secure a negotiated solution, unless there is substantive irreversible harm that necessitates immediate action. While adequate timescales for compliance following a negotiated solution must be given, the Council will not allow negotiations to result in delay to formal enforcement action if this is necessary. A tool to assist with determining whether formal action should be taken or not is set out in Appendix 1.

Outcome of investigation	Proportion of cases	Action
No breach established eg. no development has taken place, the development is permitted development or is not within the control of planning legislation,	Represents approximately 50% of the 700 RFSs submitted per year	Ward members to be provided with 48 hours notification of intention to close case and take no further action. If no challenge then case is closed. The complainant will be notified of closure and the reasons for this.
Breach identified but it is not expedient to pursue. e.g. if a technical breach has taken place, for example a house extension that is only marginally larger than permitted development limits, then it is not normally expedient to pursue enforcement action.	Represents approximately 3% of the 700 RFSs submitted per year	A retrospective application will be requested to regularise the breach or an expediency report will be prepared and the ward member given 48 hours notification. The case will then be closed and no further action taken
Development is lawful i.e. The development or use has been in existence for a period of time that makes it exempt from enforcement activity (4 years for a building operation and 10 years for a use)	Represents approximately 5 % of the 700 RFSs submitted per year	Ward members to be provided with 48 hours notification of intention to close case and take no further action. If no challenge then case is closed. A certificate of lawful development may be invited.
Attempt to negotiate a resolution. In line with government guidance, the first priority is to try to resolve a breach of planning control through negotiation.	Approximately 40% of breaches are resolved through a negotiated solution through the submission of a planning permission or removal of the breach.	An retrospective application will be requested and appropriate timescales will be given for :- <ul style="list-style-type: none"> • Removal of breach • Alterations to the development to make it acceptable

<p>The development is harmful and not acceptable and amendments cannot be achieved that will result in removing the harm</p>	<p>Approximately 1-3% of all cases</p>	<p>Formal action will take place. This is a lengthy process and the last resort if a negotiated solution and voluntary compliance cannot be achieved. Adequate timescales for compliance with a formal action must be provided.</p>
---	--	---

12. Types of Formal Enforcement Action

If negotiation does not secure compliance with what the Council considers acceptable then it has the discretionary power to take formal action against any breach. The nature of the breach will dictate what route the Council chooses to pursue. The formal tools available include:

Type of enforcement action	Purpose
<p>Planning Contravention Notice</p>	<p>Requires persons to divulge information in respect of land and activities. This is often undertaken to determine if there is a breach of control and to inform the appropriate course of action</p>
<p>Breach of Condition Notice</p>	<p>To secure compliance with conditions specified within a planning permission</p>
<p>Enforcement Notice</p>	<p>To require steps required to remedy the situation</p>
<p>Stop Notice / Temporary Stop Notice</p>	<p>To require the unauthorised activities to cease</p>
<p>Section 215 Notice</p>	<p>To secure the proper maintenance of land and buildings</p>
<p>Injunctions</p>	<p>To prevent unauthorised development and only used in a very limited number of specific circumstances</p>
<p>Prosecution</p>	<p>To secure compliance with any formal enforcement notice. Failure to comply with a notice is a criminal offence</p>

13. Consequences of Planning Enforcement

There are a number of consequences for a person who has undertaken a breach of planning control if the development has an unacceptable harmful impact and these include:-

- Failure to comply with a notice is a criminal offence and prosecution may result in the person getting a criminal record.
- The owner or persons responsible will be required to remove a building work and/or cease an activity and remove from the site and everything associated with the activity at their own expense.
- The Council may take direct action to undertake the appropriate works and recover the costs from the responsible person.
- Where a crime has been committed the Council will consider whether to make an application under the Proceeds of Crime Act.

14. Timescales

Seeking to resolve enforcement cases can be a lengthy and complex process. For example, someone may decide to appeal against an enforcement notice, which will significantly extend the times for resolving a case. In the event of both a negotiated solution and formal action, a reasonable time period for compliance must be given. Following formal action, legal action to secure compliance is sometimes necessary and the timescales for this are set out by the courts and can be very long. As a result, it is not possible to give a standard time for dealing with enforcement cases but enforcement officers will work to the targets identified above in section 9 above.

15. Human Rights Issues

The Council is committed to treating all recipients of enforcement action fairly, keeping them informed of action being planned, or taken, at each stage, and informing them of any rights of appeal. In particular, regard will be had to the Human Rights Act 1998¹. However when decisions are taken

The European Convention on Human Rights (ECHR) was brought into English law via the Human Rights Act 1998 (HRA) with effect from October 2000. The HRA introduced an obligation on the Council to act consistently with the ECHR. There are 3 Convention Rights likely to be most relevant to planning decisions:

- Article 1 of the First Protocol - Protection of Property
- Article 6 - Right to a Fair Trial
- Article 8 - Right to respect for Private and Family Life

It is important to note that these types of right are not unlimited. Although in accordance with the concept of 'proportionality' any interference with these rights must be sanctioned by law, (e.g. The Town and Country

relating to enforcement action the public interest must be taken into account. Decisions will, therefore, be taken by balancing private rights, the public interest and, as appropriate, the resources required to take action. The Council will also comply with its public sector equality duty as set out in the Equality Act 2010.

16. Monitoring Development

The Council recognises the importance of pro-actively monitoring development that occurs within the Borough. However, the Council issues approximately 3000 planning permissions every year and these range from small-scale residential extensions to major housing and commercial developments. As such it is impossible for the council to monitor all permissions and relies on the local knowledge of local people, ward members and the town and parish council to be its eyes and ears and to follow the process outlined above.

The Council will focus its resources for compliance checking on those cases identified at application stage as being particularly controversial/sensitive in planning terms. Of course, what is “sensitive” will always be a matter of judgement; however, for the purpose of identifying permissions to be monitored the Council will take into account the following factors with each case being considered on its merits (e.g. in some instances a factor may be more important than others):

- location in relation to a Conservation Area and/or Listed Building and/or Designated Heritage Assets, which includes Historic Parks and Scheduled Monuments
- significant number of objections at application stage
- scale of development
- condition(s) requiring defined relationship to adjoining properties

Whilst the Council’s enforcement officers, with the assistance of planning staff, undertake monitoring of ongoing development, it is very important that those who obtain and implement a planning permission take full responsibility for compliance with that planning permission.

A valid commencement of a planning permission can only take place if the following steps have been undertaken:

Planning Act 1990) and must go no further than necessary. Essentially, private interests must be balanced against the wider public interest and against competing private interests. Such a balancing exercise is essential in the decision-making processes when considering enforcement action.

1. *Firstly*, fully discharge all pre-commencement conditions of the permission, i.e. those conditions which start with “No development shall take place until ...”
2. *Then*, commence building work on the ground which is in accordance with the approved plans, before the expiry date of the permission.

An explanatory note will be sent to all applicants when approval is given for major development applications reminding them of their responsibility to comply with the conditions on the planning consent. If development proceeds without complying with the above steps then it must be noted that this may render the whole development unauthorised which has serious implications and could result in enforcement action being taken.

It is also very important if anyone undertaking development wishes to make any amendments to an approved scheme that they contact the Case Officer for the original application to discuss these and obtain the necessary further approval prior to carrying out the work. Some amendments will require the submission of a further application for planning permission, and if this is the case, this further application will be assessed in accordance with normal planning policy and procedure.

The Council will prepare reports for the information of the Planning Committee on a quarterly basis clearly setting out what enforcement action has been taken.

17. Customer Role

The Council welcomes the involvement of its residents and businesses in the preparation of this Local Planning Enforcement Plan. The Council will:

- Undertake public consultation prior to the adoption of the LPEP
- Provide periodic advice to the complainant as to the progression of the matter not less than every month
- Undertake an annual monitoring assessment of the operation of the LPEP
- Undertake periodic reviews of/ and amendment as appropriate to the LPEP
- Enable effective engagement of the Parish and Town Councils

It is accepted good practice that neighbours should talk to each other to attempt to resolve any issue between them.

For major developments, the Council will set up a page on its website with a contact number of the developer and residents are advised to contact developers directly to try and resolve any issue throughout construction period. If matters cannot be resolved it is recommended that neighbours/residents should contact their ward member/ Town or Parish Council to see if they can help resolve the issue or advise on appropriate action.

18. Ward Members

Elected ward members are representatives of local residents on the council and are available to help resolve issues about all council matters including planning enforcement. If local people have concerns about any possible breach of planning control they can contact their ward members to discuss this with them and they will coordinate with officers to address these concerns. A list of ward members can be found on the Council's web site at:

<http://wokingham.moderngov.co.uk/mgMemberIndex.aspx?bcr=1>

Ward members are kept informed about requests for service by the enforcement team when they are received. In the event that a case likely to be closed for one of the reasons outlined in section 11 above, the ward members are notified of this via email and given 48 hours (2 working days) to contact the relevant officer to discuss the case before the closure.

19. Parish and Town Councils' involvement

The Council recognises that parish and town council members have an important role to play. Town and parish councils have a great deal of local knowledge and awareness of what is happening in their areas and the council encourages that they act as its eyes and ears on the ground. Town and parish councils can inform the planning enforcement and compliance process. The Council encourages town and parish councils to engage with officers over planning enforcement issues and could play a helpful role in alerting officers that development has commenced on site. They can also help to monitor development and alleged breaches of planning control. This way the town and parish council can take an active role in the investigation process.

Often the town and parish councils can also help to resolve breaches informally through negotiating on behalf of residents. The Council also encourages them to bring breaches of planning control to its attention. Parish and Town Councils also receive notification of all new Requests for Service within their area and information when a request for service is closed. They are therefore able to update

local residents about planning enforcement and compliance issues. It is intended that town and parish involvement should operate on an entirely voluntary basis but even if they do not want to be directly involved in an enforcement case, they are a source of valuable advice about the process and how to report a breach of planning control.

20. Monitoring the Council's own performance

The Council is keen to demonstrate that it is operating this LPEP in a fair, equitable and transparent manner; that it adheres to its responsibilities; and that its performance is openly monitored and reviewed when appropriate.

The Council will:

- Submit quarterly monitoring reports to the Planning Committee clearly setting out what enforcement action has been carried out in the preceding period;
- Cross-reference to the standard documents used by the Council in the Enforcement Service with other authorities to ensure they remain up to date and applicable.
- Prepare an annual enforcement monitoring report, submitting it for consideration by the Planning Committee; and that it be used to feed into the monitoring and review of Development Management (as appropriate) and planning policy (as appropriate).
- Describe what we will do to improve our performance if it falls below the established levels and targets.

The performance targets the Council will monitor are attached in Appendix 3.

21. Conclusions

- Formal enforcement action is discretionary and the relevant planning circumstances of each case must be considered.
- In line with government policy and guidance, the Council will focus on resolving most breaches through negotiation without resorting to formal action.
- Where development could be acceptable, the Council will encourage the submission of an application to regularise the breach. The unauthorised nature of the breach will not influence the planning assessment of a retrospective application in anyway.

- If a negotiated solution cannot be reached , in deciding whether to pursue enforcement action the Council is required to consider whether it is “expedient” to do so and that the action is “proportionate” to the breach.
- Enforcement action will be taken when there is an unacceptable effect on the built and natural environment and public amenity that cannot be resolved through information negotiation or regularisation
- When the breach of planning control is causing serious harm or nuisance to public amenity formal action will not be delayed by protracted negotiation.
- The formal enforcement process is lengthy and open to challenge.
- In exercising the Council’s discretionary enforcement powers the Council aims to be reasonable, equitable and proportionate.
- The Council will provide feedback to complaints and town and parish councils about cases they have reported on a monthly basis until they are resolved.
- The Council will undertake to monitor and review its enforcement service and to update policies and processes where appropriate.

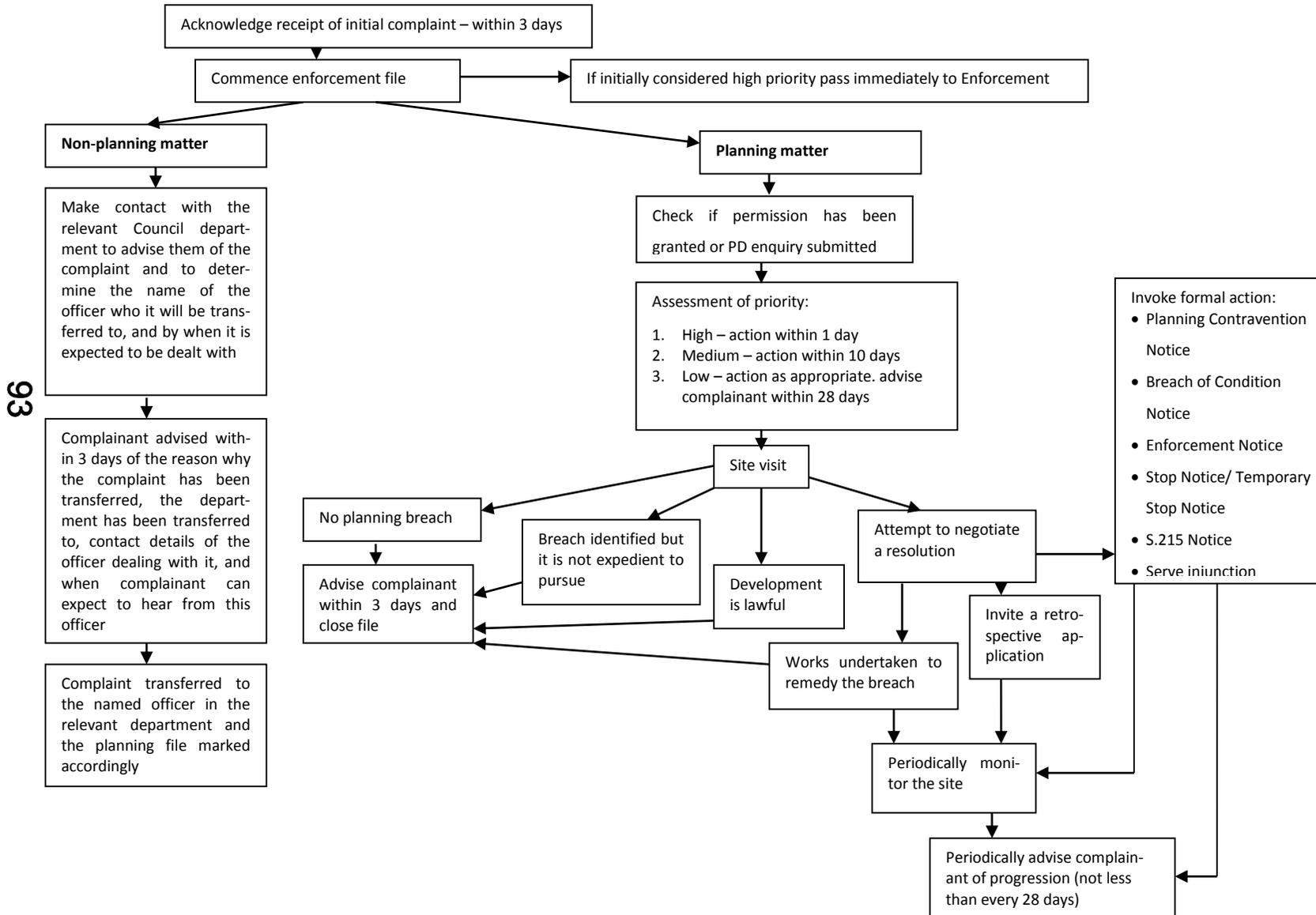
The relevant background legislation to these powers is contained primarily within the [Town and Country Planning Act 1990 \(as amended\)](#). This legislation is supported by Government advice, within the [National Planning Practice Guidance \(NPPG\)](#)

Appendix 1- Tool to assist with assessing harm

			Score
1	Is the breach:	Worsening? (1) Stable? (0)	
2	Highway safety issue	Yes? (2) No? (0)	
3	Other safety issue (not covered by other legislation)	Yes? (2) No? (0)	
4	Is it causing serious or irreversible harm to the environment or surrounding area	Yes? (1) No? (0)	
5	Complainant	Immediate neighbour? (2) Parish Council/Other? (1) Anonymous/malicious? (0)	
6	Age of breach	Within 6 months of immunity? (2) Less than 3 months old? (1) More than 3 months old? (0)	
7	Major planning policy breach	Yes? (1) No? (0)	
8	Flood risk	Zone 3 (2) Zones 1-2 (1) NFR (0)	
9	Is there harm	Widespread? (2) Local? (1) None?(0)	
10	Breach of planning condition or Article 4 direction	Yes? (1) No? (0)	
11	Conservation Area or adjacent to	Yes? (1) No? (0)	
12	Listed Building or affecting character or setting of	Yes?(1) No? (0)	
13	Particularly sensitive site eg SSSI, AONB, Scheduled Ancient Monument, Listed Garden, Archaeological Importance	Yes? (1) No? (0)	
14	Undesirable precedent (please provide details)	Yes? (1) No? (0)	
		Total	

NB For formal enforcement action to be taken it is likely that the harm score will need to be 6 or more. This is only one of the tools/tests that the Council will use to assess whether formal action should be taken.

Appendix 2 – Simplified Request for Service (Enforcement Complaint) Handling Process



Appendix 3 - Performance targets the Council will monitor are as follows:

- Proportion of new RFS cases acknowledged within 3 working days
- Proportion of RFS cases closed because they are not a breach of planning control
- Proportion of breaches resolved through negotiation
- Proportion of High priority cases actioned within 1 working day
- Proportion of Medium priority cases actioned within 10 working days
- Proportion of Low priority cases actioned within 28 working days
- For all closed cases- proportion where the complainant has been advised of closure within 3 working days
- Proportion of cases where a monthly update is issued to complainant
- Proportion of cases resolved within 8 weeks – target is 60%
- Number of Planning Contravention Notices served
- Proportion of PCNs checked for compliance after the notice period has expired
- Number of Breach of Condition Notices served
- Proportion of BCNs checked for compliance after the notice period has expired
- Number of Enforcement Notices served
- Proportion of cases where ENs checked for compliance
- Number of Stop/Temporary Stop Notices served

- Number of s215 Notices served
- Number of Injunctions served
- Number of cases where direct action taken
- Number of prosecutions carried out
- Amount of compensation received under the terms of the Proceeds of Crime Act

Agenda Item 34.

TITLE	Treasury Management Annual Report 2014-15
FOR CONSIDERATION BY	The Executive on 30 July 2015
WARD	None specific
DIRECTOR	Graham Ebers, Director Finance and Resources
LEAD MEMBER	Anthony Pollock, Executive Member for Finance

OUTCOME / BENEFITS TO THE COMMUNITY

Effective and safe use of our resources to deliver service improvements and service continuity through capital investments.

RECOMMENDATION

The Executive is asked to:

- 1) note that this report was presented to the Audit Committee on 23 June 2015;
- 2) approve and recommend to Council:
 - a) the Treasury Management Annual Report for 2014/2015; and
 - b) the actual 2014/2015 prudential indicators within the report.

SUMMARY OF REPORT

Treasury Management is the management of the Council's investments and cash flows, its banking, money market and debt transactions together with the effective Control of the risks associated with those activities.

Background

The ‘Treasury Management Annual Report’ is a requirement of the Council’s reporting procedures. It covers the treasury activity during 2014/2015 and the actual Prudential Indicators for 2014/15.

The report highlights the Council’s treasury position as at 31 March 2015, sets out the treasury management decisions taken during 2014/15 and shows that the council has complied with its strategy and the prudential indicators that were set in February 2014. The key actual prudential and treasury indicators detailing the impact of capital expenditure activities during the year, with comparators, are found in Appendix B.

Other prudential and treasury indicators are to be found in the main body of this report (Appendix A). The Director of Finance and Resources confirms that no new external borrowing has been undertaken in 2014/15 and the statutory borrowing limit (the authorised limit), was not breached during the year.

The financial year 2014/15 continued the challenging investment environment of previous years, namely low investment returns and continuing heightened levels of counterparty risk.

Taking the above into account the in-house team were still able to achieve an average rate of return of 3.7% on investments (including internal loans) compared to the fund managers average rate of 0.6%.

As at 31st March 2015 the Non- HRA external debt was £46.6m
The HRA External Debt as at 31st March 2015 was £85.0m
The HRA has an internal loan of £8.9m from the council general fund.

During a fair valuation (completed by Capita Asset Services) our debt portfolio was valued at £163.6m compared to the actual principal of £131.6m. This means that if we were to refinance our loan portfolio it would cost an additional £31.96m. This demonstrates that the treasury function has achieved favourable rates and durations of loans when financing its capital programme.

In 2014/2015 the council took the opportunity to use internal funds for capital expenditure in recognition of the unfavourable gap between investment returns and borrowing costs (See below).

Investment rate 1.00% 1 year libor rate @ 31st March 2015
Borrowing rate 1.32% 1 year PWLB loan rate @ 31st March 2015

Analysis of Issues

Prudential and Treasury Indicators		2014/15 Actual £'000
Capital expenditure		
	Non-HRA	38,774
	HRA	6,561
	Total	45,335
Capital Financing Requirement:		
	Non-HRA	102,540
	HRA	93,876
	Total	196,416
External debt		
	Non-HRA	46,584
	HRA	85,018
	Total	131,602
Investments		
	Fund Managers	169
	In house	278
	Wokingham Housing Limited	19
	Housing Revenue Account	399
	Total	865

The Director of Finance and Resources confirms that as at 31st March 2015 there have been no breaches of the treasury strategy during 2014-15.

List of Appendices:

The full Annual Treasury Management Report for 2014/15 is shown in Appendix A.

The Councils Prudential and Treasury Indicators are shown in Appendix B

The Councils Current Loan Portfolio Appendix C –(including HRA)

The Councils Counter Party Limits at the 31st March 2015 are shown in Appendix D

The Councils Current Investments at the 31st March 2015 are shown in Appendix E

A Glossary of Terms is shown in Appendix F.

FINANCIAL IMPLICATIONS OF THE RECOMMENDATION

The Council faces severe financial challenges over the coming years as a result of the austerity measures implemented by the Government and subsequent reductions to public sector funding. It is estimated that Wokingham Borough Council will be required to make budget reductions in excess of £20m over the next three years and all Executive decisions should be made in this context.

	How much will it Cost/ (Save)	Is there sufficient funding – if not quantify the Shortfall	Revenue or Capital?
2014-15	£45.34m Expenditure £0.9m Return on Investments	Yes	Capital Revenue
Next Financial	N/A		
Following Financial Year (Year 3)	N/A		

Other financial information relevant to the Recommendation/Decision
--

None

Cross-Council Implications

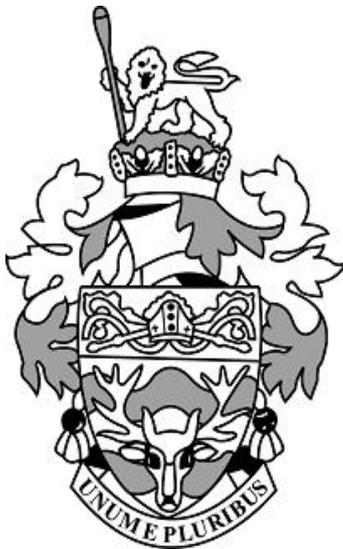
Budgets and strategies are clearly monitored and do not impact on other Council services and priorities

List of Background Papers

None

Contact Martin Jones	Service Finance & Resources
Telephone No 0118 9746877	Email martin.jones@wokingham.gov.uk
Date 21 July 2015	Version No.2

WOKINGHAM BOROUGH COUNCIL



WOKINGHAM BOROUGH COUNCIL

Treasury Management Strategy Annual Treasury Management Report 2014-15

Contents

(1) Introduction and Background.....	3
(2) The Councils Capital Expenditure and Financing 2014/15.....	4
(3) The Council's Overall Borrowing Need.....	5
(4) Treasury Position as at 31 st March 2015.....	9
(5) Treasury Strategy for 2014/15.....	12
(6) The Economy and Interest Rates.....	12
(7) Borrowing Rates in 2014/15.....	13
(8) Borrowing Outturn for 2014/15.....	13
(9) Investment Rates in 2014/15.....	15
(10) Investment Outturn for 2014/15.....	15
(11) Performance Measurement.....	16

Appendices

Prudential and Treasury indicators	Appendix B
Loan Portfolio.....	Appendix C
Counterparty List	Appendix D
Investments Portfolio.....	Appendix E
Glossary of Terms	Appendix F

1) Introduction and Background

a) The Council is required by regulations issued under the Local Government Act 2003 to produce an annual treasury management review of activities and the actual prudential and treasury indicators for 2014/15. This report meets the requirements of both the CIPFA Code of Practice on Treasury Management (the Code) and the CIPFA Prudential Code for Capital Finance in Local Authorities (the Prudential Code).

b) During 2014/15 the Executive has received the following reports:

- The annual treasury strategy at its meeting on the 20th February 2014.
- A mid-year treasury update report at its meeting on the 29th January 2015.
- This report provides the annual review following the end of the year describing the activity compared to the strategy.

The regulatory environment places responsibility on members for the review and scrutiny of treasury management policy and activities. This report is, therefore, important in that respect, as it provides details of the outturn position for treasury activities and highlights compliance with the Council's policies previously approved by members.

The Council confirms that it has complied with the requirement under the Code to give prior scrutiny to all of the above treasury management reports by the Audit Committee before they were reported to the full Council.

This report summarises the following:-

- Capital activity during the year;
- Impact of this activity on the Council's underlying indebtedness (the Capital Financing Requirement);
- The actual prudential and treasury indicators;
- Overall treasury position identifying how the Council has borrowed in relation to this indebtedness, and the impact on investment balances;
- Summary of interest rate movements in the year;
- Detailed debt activity;
- Detailed investment activity

2) The Council's Capital Expenditure and Financing 2014/15

The Council undertakes capital expenditure on long-term assets. These activities may either be:

- Financed immediately through the application of capital or revenue resources (capital receipts, capital grants, revenue contributions etc.), which has no resultant impact on the Council's borrowing need or:
- Funded by borrowing (Internal or External).

The actual capital expenditure forms one of the required prudential indicators. The tables below show the actual capital expenditure.

General Fund	2013 /14 Actual £'000	2014/15 Budget £'000	2014/15 Actual £'000
Capital expenditure	39,374	88,018	38,774
Financed in year	(33,822)	(55,790)	(28,218)
Unfinanced Capital Expenditure	5,552	32,228	10,556

Note: The variance between actual and budget was due to in the main, slippage in the additional places for schools programme, Wokingham Housing Limited and several large transport infrastructure schemes.

HRA	2013 /14 Actual £'000	2014/15 Budget £'000	2014/15 Actual £'000
Capital expenditure	4,736	7,636	6,561
Financed in year	(4,736)	(7,636)	(6,561)
Unfinanced Capital Expenditure	0	0	0

Note: The variance between actual and budget was due to a large increase in the programme from previous years and capacity issues.

3) **The Council's Overall Borrowing Need**

The Council's underlying need to borrow for capital expenditure is termed the Capital Financing Requirement (CFR). This figure is a gauge of the Council's indebtedness. The CFR results from the capital activity of the Council and resources used to pay for the capital spend. It represents the 2014/15 unfinanced capital expenditure (see tables on previous page), and prior years' net or unfinanced capital expenditure which has not yet been paid for by revenue or other resources.

Part of the Council's treasury activities is to address the funding requirements for this borrowing need. Depending on the capital expenditure programme, the treasury service organises the Council's cash position to ensure that sufficient cash is available to meet the capital plans and cash flow requirements. This may be sourced through borrowing from external bodies (such as the Government, through the Public Works Loan Board [PWLB] or the money markets), or utilising temporary cash resources within the Council.

The Council's (non HRA) underlying borrowing need (CFR) is not allowed to rise indefinitely. Statutory controls are in place to ensure that capital assets are broadly charged to revenue over the life of the asset. The Council is required to make an annual revenue charge, called the Minimum Revenue Provision (MRP), to reduce the CFR. This is effectively a repayment of the non-Housing Revenue Account (HRA) borrowing need (there is no statutory requirement to reduce the HRA CFR). This differs from the treasury management arrangements which ensure that cash is available to meet capital commitments. External debt can also be borrowed or repaid at any time, but this does not change the CFR.

The total CFR can also be reduced by:

- The application of additional capital financing resources (such as unapplied capital receipts); or
- charging more than the statutory revenue charge (MRP) each year through a Voluntary Revenue Provision (VRP).

The Council's 2014/15 MRP Policy (as required by Communities and Local Government (CLG) Guidance) was approved as part of the Treasury Management Strategy Report for 2014/15 on 20th February 2014.

The Council's CFR for the year is shown below, and represents a key prudential indicator. It includes PFI and leasing schemes on the balance sheet, which increase the Council's borrowing need. However no borrowing is actually required against these schemes as a borrowing facility is included in the contract.

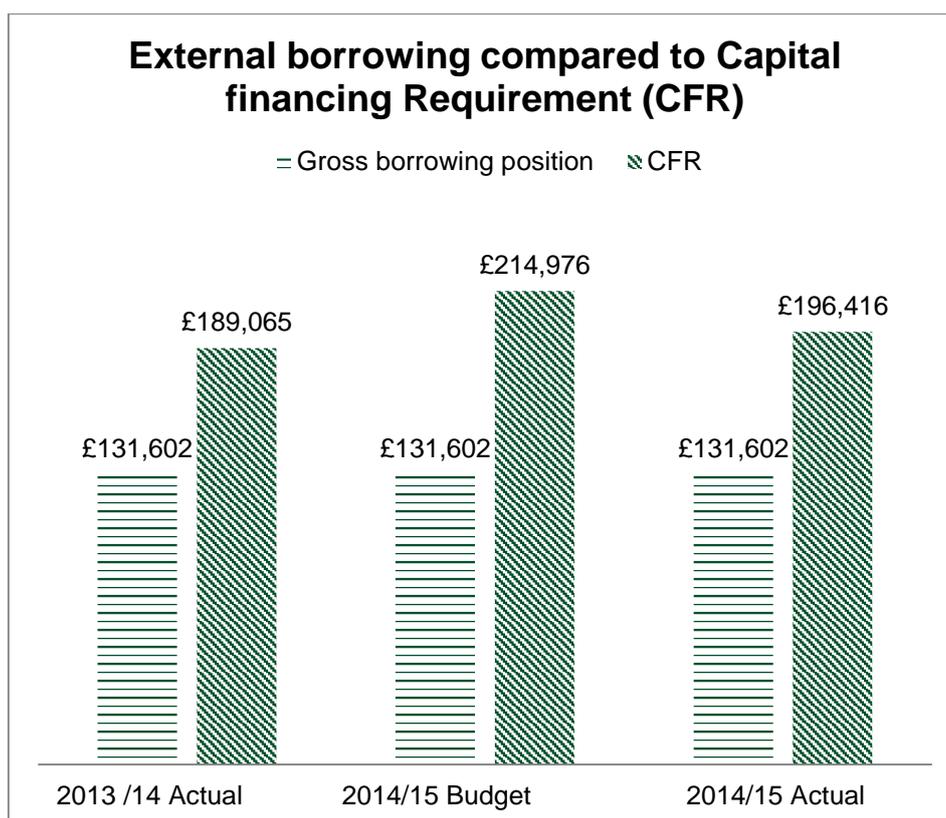
CFR: General Fund	2013 /14 Actual £'000	2014/15 Budget £'000	2014/15 Actual £'000
Opening balance	93,134	99,506	95,255
Add unfinanced capital expenditure (as above)	5,551	24,950	10,556
Less MRP/VRP*	(3,200)	(3,141)	(3,024)
Less PFI & finance lease repayments	(230)	(215)	(247)
Closing balance	95,255	121,100	102,540

Note: The variance between actual and budget was due to good financial management with schemes which were originally planned to be funded by borrowing and have been funded by other sources of funding (S106, New grants) and slippage in large schemes.

CFR : HRA	2013 /14 Actual £'000	2014/15 Budget £'000	2014/15 Actual £'000
Opening balance	95,952	93,876	93,876
Add unfinanced capital expenditure (as above)	0	0	0
Repayment of Loan Principle	(2,076)	0	0
Closing balance	93,876	93,876	93,876

Borrowing activity is constrained by prudential indicators for net borrowing and the CFR, and by the authorised limit.

In order to ensure that borrowing levels are prudent over the medium term and only for a capital purpose, the Council should ensure that its gross external borrowing does not, except in the short term, exceed the total of the capital financing requirement in the preceding year (plus the estimates of any additional capital financing requirement for the current and next two financial years). This essentially means that the Council is not borrowing to support revenue expenditure. This indicator allows the Council some flexibility to borrow in advance of its immediate capital needs. The bar chart below highlights the Council's gross borrowing position against the CFR. The Council has complied with this prudential indicator.



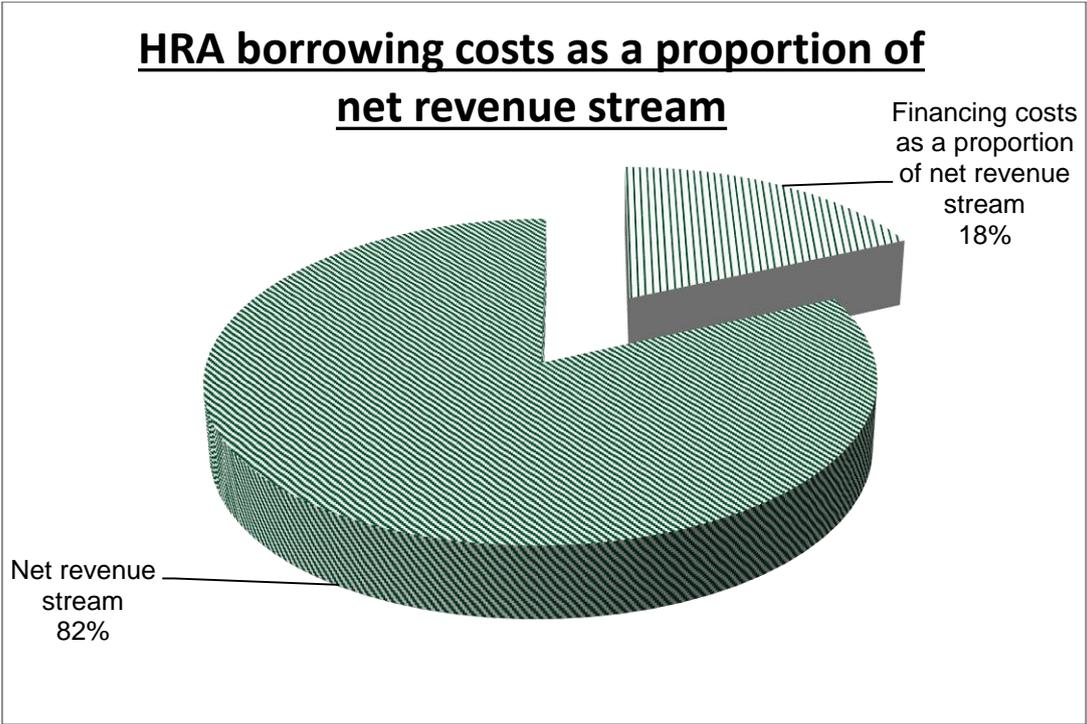
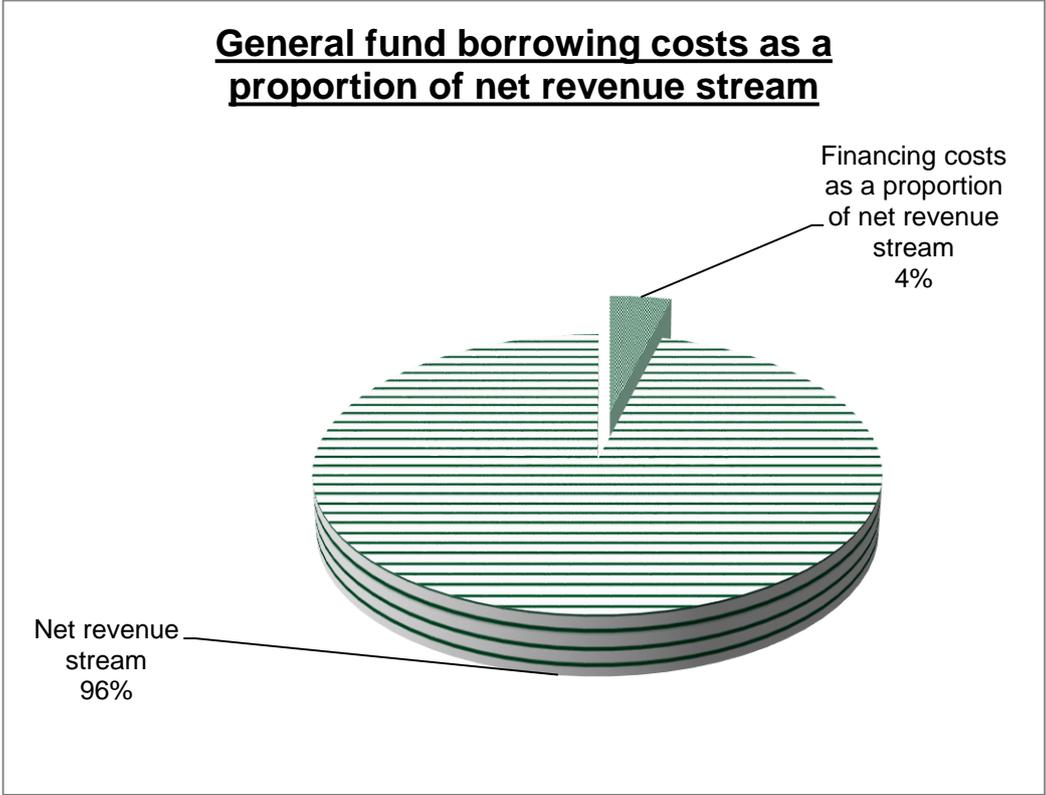
The authorised limit is the “affordable borrowing limit” required by section 3 of the Local Government Act 2003. Once this has been set, the Council does not have the power to borrow above this level.

The operational boundary is the expected borrowing position of the Council during the year. Periods where the actual position is either below or over the boundary is acceptable subject to the authorised limit not being breached.

The table below demonstrates that during 2014/15 the Council has maintained gross borrowing within its authorised limit and operational boundary.

	2014/15 £'000	2014/15 Actual £'000	Variance £'000
Authorised limit	223,000	131,602	91,398
Operational boundary	200,000	131,602	68,398

Actual financing costs as a proportion of net revenue stream - this indicator identifies the trend in the cost of capital (borrowing and other long term obligation costs net of investment income) against the net revenue stream. (see tables below)



4) Treasury Position as at 31st March 2015

The Council's debt and investment position is organised by the treasury management service in order to ensure adequate liquidity for revenue and capital activities, security for investments and to manage risks within all treasury management activities. Procedures and controls to achieve these objectives are well established both through member reporting detailed in the summary, and through officer activity detailed in the Council's Treasury Management Practices. At the beginning and the end of 2014/15 the Council's treasury (excluding borrowing by PFI and finance leases) position was as follows:

General fund	31 March 2014 Principal £'000	Rate/ Return %	31 March 2015 Principal £'000	Rate/ Return %
Fixed rate funding:	23,151		23,151	
-PWLB	23,031	4.49%	23,031	4.49%
-Market				
-Local Enterprise Partnership (interest free)	120	0.00%	120	0.00%
Variable rate funding:	23,433		23,433	
-PWLB	0			
-Market	23,433	4.28%	23,433	4.27%
Total debt	46,584		46,584	

HRA	31 March 2014 Principal £'000	Rate/ Return %	31 March 2015 Principal £'000	Rate/ Return %
Fixed rate funding:	84,451		84,451	
-PWLB	84,451	2.85%	84,451	2.85%
-Market				
Variable rate funding:	567		567	
-PWLB	0			
-Market	567	4.28%	567	4.28%
Total debt	85,018		85,018	

Average return on Investments (Cumulative)	1st Qtr %	2nd Qtr %	3rd Qtr %	4th Qtr %
Scottish Widows Investment Partnership	0.19%	0.44%	0.68%	0.82%
Royal London Asset Management	0.05%	0.18%	0.32%	0.44%
In-house*	0.91%	1.82%	2.74%	3.66%
Total (Weighted Average)	0.38%	0.81%	1.25%	1.64%

*This includes internal loans to the HRA and WBC companies (see appendix B)

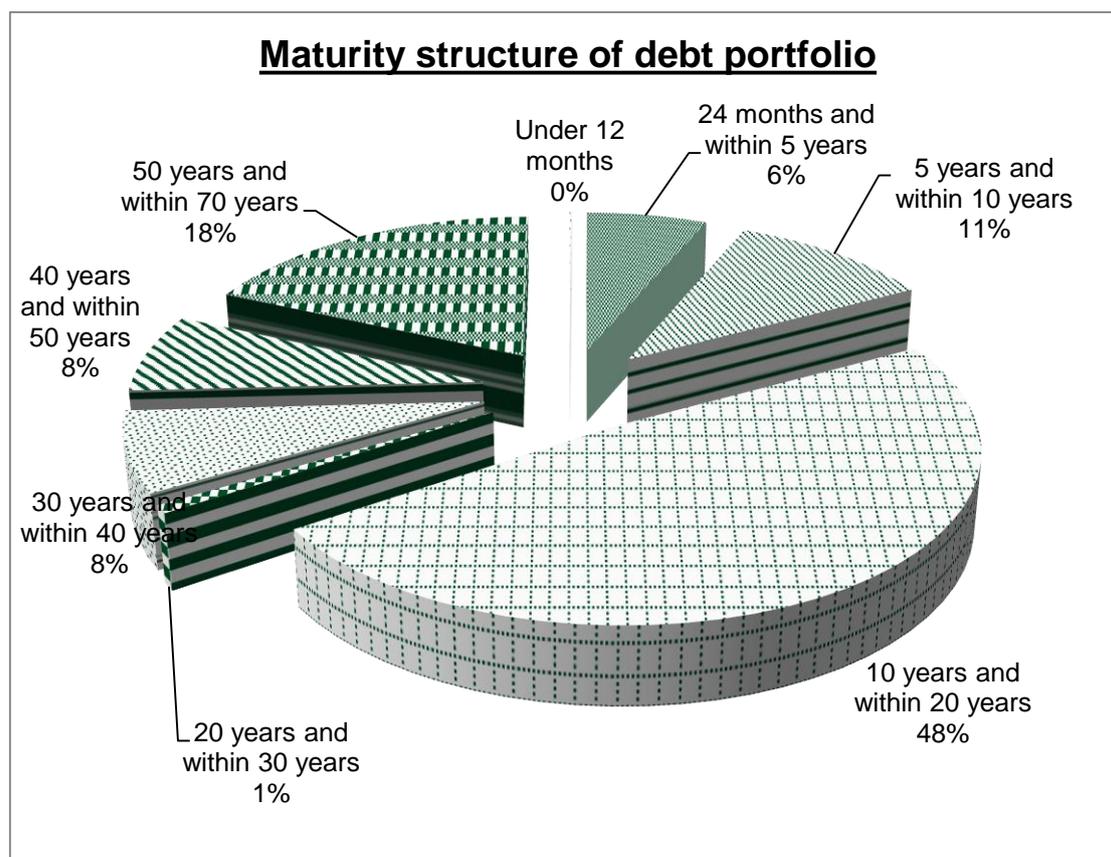
Portfolio Valuation as at 31 March 2015

Portfolio Valuation as at 31 March 2015 (completed by Capita Asset Services)	Nominal / Principle £'000	Fair Value £'000
Investments		
Fixed Term Deposits	37,000	37,117
Total	37,000	37,117
External Debt		
LOBO loan - Fixed rate	24,000	30,984
PWLB loan - Maturity	107,482	132,454
Local Enterprise Partnership loan	120	120
Total	131,602	163,558

* Fair value is a rational and unbiased estimate of the potential market price of goods/services.

The purpose of the valuation is to evaluate quantitatively the authority's financial position and performance with regard to each class of financial instrument, and also to indicate the extent of the authority's risk exposure arising as a result of these transactions.

The maturity structure of the debt portfolio was as follows:



The maturity structure of the investment portfolio was as follows:

	2013/14 Actual £'000	2014/15 Budget £'000	2014/15 Actual £'000
Investments			
Longer than 1 year	0	10,000	0
Under 1 year	57,243	40,000	59,735
Total	57,243	50,000	59,735

Note: The variance between actual and budget was due to fluctuation of Income being received (including section 106) and fluctuation of payments. (The re-profiling of the capital programme).

The exposure to fixed and variable rates was as follows:

	2013/14 Actual £'000	2014/15 Budget £'000	2014/15 Actual £'000
Interest rate exposures: Debt			
Upper limit on fixed rate exposures - Net Position	107,602	180,000	107,602
Upper limit on variable rate exposures - net position	24,000	40,000	24,000

Note: The variance between actual and budget was due, in the main, to the Town centre slippage (Anticipated loan not required)

	2013/14 Actual £'000	2014/15 Budget £'000	2014/15 Actual £'000
Interest rate exposures: Investment			
Upper limit on fixed rate exposures - Net Position	(42,800)	(80,000)	(48,867)
Upper limit on variable rate exposures - net position	(14,443)	(40,000)	(9,546)

Note: The actuals fluctuate during the year depending of the cash flow available for investment.

5) The Treasury Strategy for 2014/15

The expectation for interest rates within the strategy for 2014/15 anticipated low but rising Bank Rate (starting in quarter 1 of 2015), and gradual rises in medium and longer term fixed borrowing rates during 2014/15. Variable, or short-term rates, were expected to be the cheaper form of borrowing over the period. Continued uncertainty in the aftermath of the 2008 financial crisis promoted a cautious approach, whereby investments would continue to be dominated by low counterparty risk considerations, resulting in relatively low returns compared to borrowing rates.

In this scenario, the treasury strategy was to postpone external borrowing to avoid the cost of holding higher levels of investments and to reduce counterparty risk. This is demonstrated by an increase of 2.9% since 2014/15. Internal borrowing as at 31st March 2015 stands at 28.4% of the CFR. (See appendix B)

6) The Economy and Interest Rates

The original market expectation at the beginning of 2014/15 was for the first increase in Bank Rate to occur in quarter 1 2015 as the unemployment rate had fallen much faster than expected through the Bank of England's initial forward guidance target of 7%. In May, however, the Bank revised its forward guidance. A combination of very weak pay rises and inflation above the rate of pay rises meant that consumer disposable income was still being eroded and in August the Bank halved its forecast

for pay inflation in 2014 from 2.5% to 1.25%. Expectations for the first increase in Bank Rate therefore started to recede as growth was still heavily dependent on buoyant consumer demand. During the second half of 2014 financial markets were caught out by a halving of the oil price and the collapse of the peg between the Swiss franc and the euro. Fears also increased considerably that the European Central Bank (ECB) was going to do too little too late to ward off the threat of deflation and recession in the Eurozone. By the end of 2014, it was clear that inflation in the UK was going to head towards zero in 2015 and possibly even turn negative. In turn, this made it clear that the Monetary Policy Committee (MPC) would have great difficulty in starting to raise Bank Rate in 2015 while inflation was around zero and so market expectations for the first increase receded back to around quarter 3 of 2016.

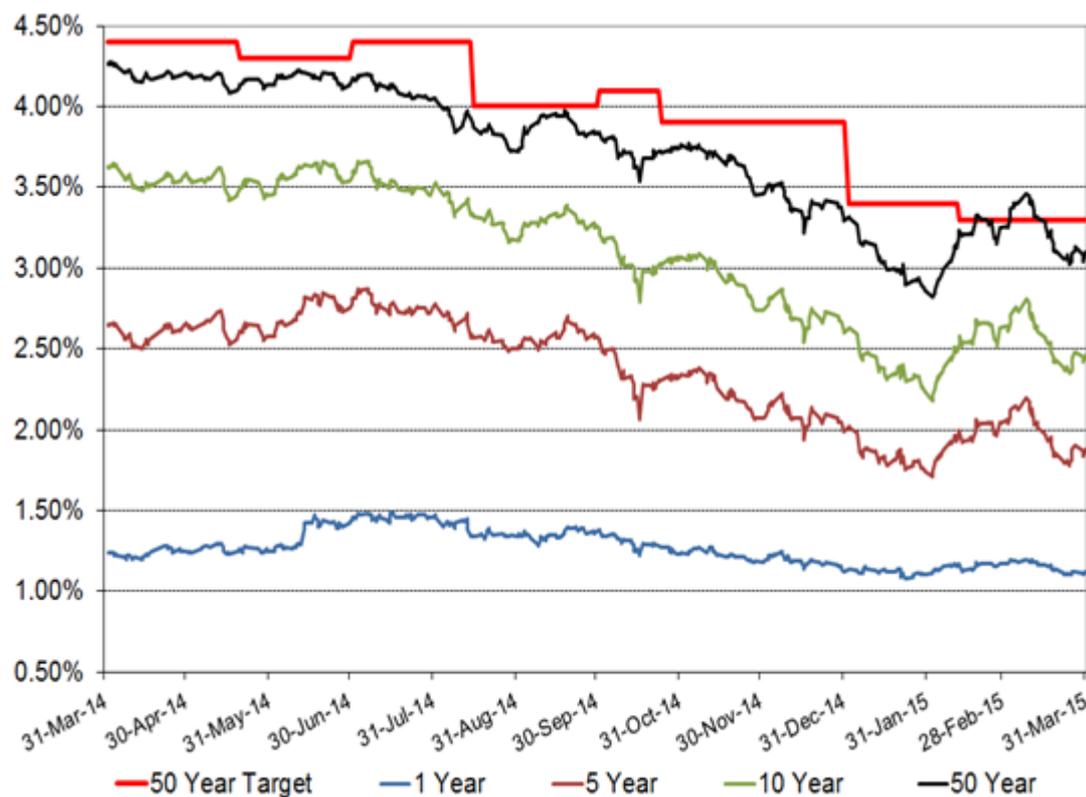
Gilt yields were on a falling trend for much of the last eight months of 2014/15 but were then pulled in different directions by increasing fears after the anti-austerity parties won power in Greece in January; developments since then have increased fears that Greece could be heading for an exit from the euro. While the direct effects of this would be manageable by the European Union (EU) and European Central Bank (ECB), it is very hard to quantify quite what the potential knock on effects would be on other countries in the Eurozone (EZ) once the so called impossibility of a country leaving the EZ had been disproved. Another downward pressure on gilt yields was the announcement in January that the ECB would start a major programme of quantitative easing, purchasing EZ government and other debt in March. On the other hand, strong growth in the US caused an increase in confidence that the US was well on the way to making a full recovery from the financial crash and would be the first country to start increasing its central rate, probably by the end of 2015. The UK would be closely following it due to strong growth over both 2013 and 2014 and good prospects for a continuation into 2015 and beyond. However, there was also an increase in concerns around political risk from the UK general election.

The Funding for Lending Scheme, announced in July 2012, resulted in a flood of cheap credit being made available to banks which then resulted in money market investment rates falling drastically in the second half of that year and continuing throughout 2014/15.

The UK coalition Government maintained its tight fiscal policy stance but recent strong economic growth and falling gilt yields led to a reduction in the forecasts for total borrowing in the March budget.

7) Borrowing Rates in 2014/15

The graphs for PWLB certainty maturity rates below, show, for a selection of maturity periods, the high and low points in rates, the average rates, spreads and individual rates at the start and the end of the financial year.



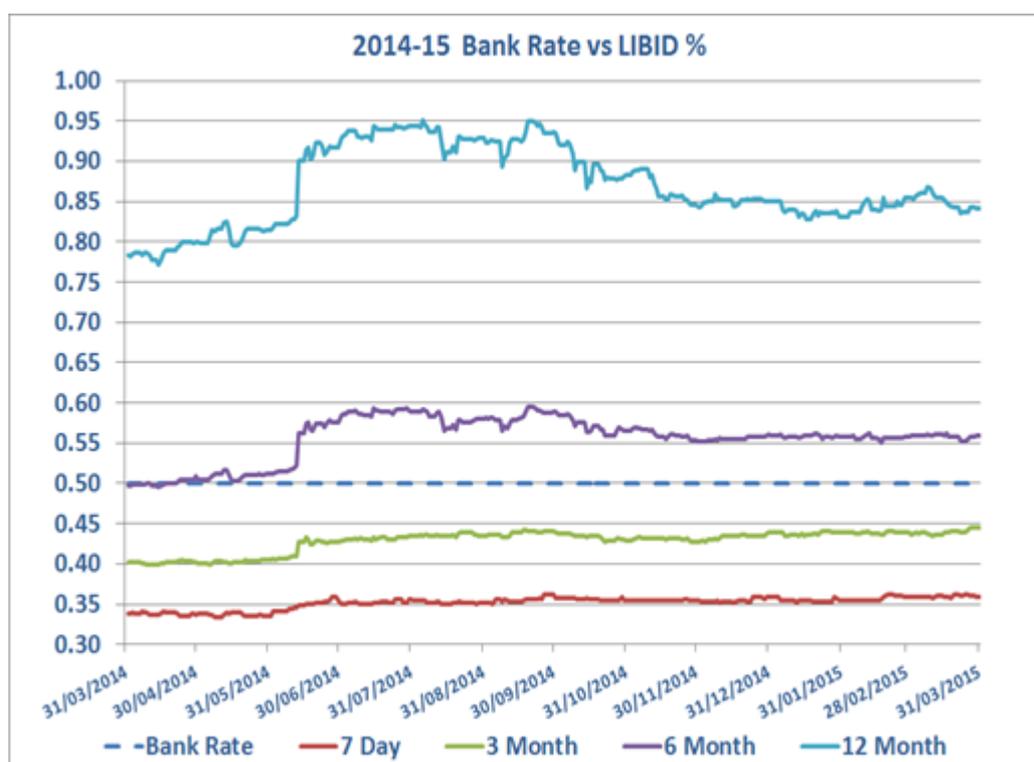
8) Borrowing Outturn for 2014/15

Borrowing – No New loans were undertaken

Repayments – No repayments were actioned in 2014/15

9) Investment Rates in 2014

Bank Rate remained at its historic low of 0.5% throughout the year; it has now remained unchanged for six years. Market expectations as to the timing of the start of monetary tightening started the year at quarter 1 2015 but then moved back to around quarter 3 2016 by the end of the year. Deposit rates remained depressed during the whole of the year, primarily due to the effects of the Funding for Lending Scheme.



10) Investment Outturn for 2014/15

The Council's investment policy is governed by CLG guidance, which was been implemented in the annual investment strategy approved by the Council on 20th February 2014. This policy sets out the approach for choosing investment counterparties, and is based on credit ratings provided by the three main credit rating agencies, supplemented by additional market data (such as rating outlooks, credit default swaps, bank share prices etc.).

The investment activity during the year conformed to the approved strategy, and the Council had no liquidity difficulties.

Resources – the Council’s cash balances comprise revenue and capital resources and cash flow monies. The Council’s core cash resources comprised as follows:

	31-Mar-2014 £'000	31-Mar-2015 £'000
Balance Sheet Resources (£m)		
Balances-(General Fund, Housing Revenue Account and Dedicated Schools Grant)	18,099	16,230
Earmarked reserves	42,039	50,701
Provisions	4,609	4,546
Usable capital receipts	6,830	8,459
Total	71,577	79,936

Interest received from Investments held by the Council

	2014-15 Budget As per the TMSS £'000	2014/15 Actual £'000	%
Interest on investments			
RLAM		64	7.4%
Aberdeen Asset Management *		105	12.1%
In House **		696	80.4%
Total	726	865	100%

Note:* Aberdeen asset Management formerly known as Scottish Widows Investment Partnership (SWIP)

Note ** includes internal loans to Wokingham Housing Limited and HRA

11) Performance Measurement

One of the key requirements in the Code is the formal introduction of performance measurement relating to investments, debt and capital financing activities. Whilst investment performance criteria have been well developed and universally accepted, debt performance indicators continue to be a more problematic area with the traditional average portfolio rate of interest acting as the main guide. The Council’s performance indicators were set out in the Annual Treasury Management Strategy.

Prudential and treasury indicators as at 31st March 2015
(Not previously reported Appendix A)

	2014/15 Budget £'000	Quarter 1 14/15 Year end forecast £'000	Quarter 2 14/15 Year end forecast £'000	Quarter 3 14/15 Year end forecast £'000	Quarter 4 14/15 Year end Actual £'000
Upper limit -Debt Only					
On fixed rate exposures	180,000	107,602	107,602	107,602	107,602
On variable rate exposures	40,000	24,000	24,000	24,000	24,000

	2014/15 Budget £'000	Quarter 1 14/15 Year end forecast £'000	Quarter 2 14/15 Year end forecast £'000	Quarter 3 14/15 Year end forecast £'000	Quarter 4 14/15 Year end Actual £'000
Upper limit -Investments only					
On fixed rate exposures	(80,000)	(57,803)	(65,831)	(62,850)	(48,867)
On variable rate exposures	(40,000)	(15,572)	(11,851)	(11,528)	(9,546)

	2014/15 Budget £'000	Quarter 1 14/15 Year end forecast £'000	Quarter 2 14/15 Year end forecast £'000	Quarter 3 14/15 Year end forecast £'000	Quarter 4 14/15 Year end Actual £'000
Ratio of financing costs to net revenue stream (Non HRA)	4.72%	4.02%	4.02%	3.97%	3.25%

The percentage of the revenue budget set aside each year to service debt financing costs.

This is calculated as follows: Financing cost Divide by Net revenue stream

As per budget 2014/15: £6,093 / £129,086 = 4.72%

	2014/15 Budget £'000	Quarter 1 14/15 Year end forecast £'000	Quarter 2 14/15 Year end forecast £'000	Quarter 3 14/15 Year end forecast £'000	Quarter 4 14/15 Year end Actual £'000
Ratio of financing costs to net revenue stream (HRA)	18.71%	18.66%	18.66%	18.36%	18.21%

The percentage of the revenue budget set aside each year to service debt financing costs.

This is calculated as follows: Financing cost Divide by Total income received

As per budget 2014/15: £2,852 / £15238 = 18.71%

	2014/15 Budget £'000	Quarter 1 14/15 Year end forecast £'000	Quarter 2 14/15 Year end forecast £'000	Quarter 3 14/15 Year end forecast £'000	Quarter 4 14/15 Year end Actual £'000
Incremental impact of capital investment decisions					
Addition or (Reduction) to Council Tax	34	29	29	29	29

This is the incremental impact on council tax (D equivalent) of the recommended capital investment plans and funding proposals.

	2014/15 Budget	Quarter 1 14/15 Year end forecast	Quarter 2 14/15 Year end forecast	Quarter 3 14/15 Year end forecast £'000	Quarter 4 14/15 Year end Actual £'000
	%	%	%	%	%
Ave rate of interest on debt (Longterm)					
Non HRA	4.38%	4.38%	4.38%	4.38%	4.38%
HRA including GF internal loan	2.87%	2.87%	2.87%	2.87%	2.87%
Total	3.35%	3.35%	3.35%	3.35%	3.35%

	2014/15 Budget £'000	Quarter 1 14/15 Year end forecast £'000	Quarter 2 14/15 Year end forecast £'000	Quarter 3 14/15 Year end forecast £'000	Quarter 4 14/15 Year end forecast £'000
Short term borrowing limit	20,000	0	5,000	2,000	2,000

	2014/15 Budget £'000	Quarter 1 14/15 Year end forecast £'000	Quarter 2 14/15 Year end forecast £'000	Quarter 3 14/15 Year end forecast £'000	Quarter 4 14/15 Year end forecast £'000
Internal Borrowing					
CFR* (year-end position)	214,353	214,977	197,584	197,584	196,416
Less External Borrowing	(148,541)	(131,602)	(131,602)	(131,602)	(131,602)
Less Other long term liabilities	(9,000)	(9,000)	(9,000)	(9,000)	(9,000)
Internal Borrowing	56,812	74,375	56,982	56,982	55,814
Annual change in CFR		25,846	8,453	8,453	7,285
% of internal borrowing to CFR	26.50%	34.60%	28.84%	28.84%	28.42%

	2014/15 Budget £'000	Quarter 1 14/15 Year end forecast £'000	Quarter 2 14/15 Year end forecast £'000	Quarter 3 14/15 Year end forecast £'000	Quarter 4 14/15 Year end forecast £'000
Internal investments: (Principle)					
HRA Internal loan from the General fund	8,874	8,874	8,874	8,874	8,874
Wokingham Housing	1,000	200	200	300	613
Total	9,874	9,074	9,074	9,174	9,487

	Rate %	2014/15 £'000
Internal investments: (Interest received)		
HRA Internal loan from The General fund	4.50%	399
Wokingham Housing	6.00%	19
Total		418

	Loan Amount £'000	Interest Rate %	Term Days
Short Term Loans			
Rhondda CTCBC	2,000	4.50%	1

General Fund Loan portfolio

Type of loan	Reference no.	Counterparty	Start Date	Maturity Date	Principal £'000	Interest Rate
General Fund						
loan - Maturity	485805	PWLB		01 August 2022	976	4.88%
loan - Maturity	488876	PWLB	16 July 2004	01 February 2034	2,343	4.95%
loan - Maturity	491320	PWLB	15 February 2006	01 August 2051	2,929	3.85%
loan - Maturity	491456	PWLB	26 April 2006	30 September 2046	1,431	4.35%
loan - Maturity	491474	PWLB	28 April 2006	01 August 2052	5,587	4.40%
loan - Maturity	493309	PWLB	24 May 2007	31 March 2054	9,764	4.60%
LOBO loan - Fixed	3b	Barclays	24 February 2007	24 February 2077	4,882	4.35%
LOBO loan - Fixed	2c	Barclays	11 January 2007	11 January 2077	4,882	4.60%
LOBO loan - Fixed	1c	KA Finaz AG	06 February 2006	06 February 2066	4,882	4.88%
LOBO loan - Fixed	4	Barclays	16 February 2006	16 February 2066	1,953	3.68%
LOBO loan - Fixed	5	Barclays	19 October 2006	19 October 2076	4,882	3.73%
LOBO loan - Fixed	6	Barclays	19 October 2006	19 October 2076	1,953	3.77%
Local Enterprise Board			03 January 2014	03 January 2016	120	0.00%
					46,584	

Housing Revenue Fund Loan portfolio

Type of loan	Reference no.	Counterparty	Start Date	Maturity Date	Original Principal	Interest Rate
Housing Revenue Account (HRA)						
Loan - Maturity	485805	PWLB		01 August 2022	24	4.88%
Loan - Maturity	488876	PWLB	16 July 2004	01 February 2034	57	4.95%
Loan - Maturity	491320	PWLB	15 February 2006	01 August 2051	71	3.85%
Loan - Maturity	491456	PWLB	26 April 2006	30 September 2046	35	4.35%
Loan - Maturity	491474	PWLB	28 April 2006	01 August 2052	135	4.40%
Loan - Maturity	493309	PWLB	24 May 2007	31 March 2054	236	4.60%
Loan - Maturity	501033	PWLB	28 March 2012	28 March 2018	1,750	150.00%
Loan - Maturity	501034	PWLB	28 March 2012	28 March 2021	3,482	221.00%
Loan - Maturity	501035	PWLB	28 March 2012	28 March 2032	8,516	330.00%
Loan - Maturity	501036	PWLB	28 March 2012	28 March 2020	1,988	199.00%
Loan - Maturity	501037	PWLB	28 March 2012	28 March 2031	7,231	326.00%
Loan - Maturity	501038	PWLB	28 March 2012	28 March 2022	4,199	240.00%
Loan - Maturity	501039	PWLB	28 March 2012	28 March 2029	6,378	315.00%
Loan - Maturity	501040	PWLB	28 March 2012	28 March 2027	5,415	301.00%
Loan - Maturity	501041	PWLB	28 March 2012	28 March 2017	3,476	124.00%
Loan - Maturity	501043	PWLB	28 March 2012	28 March 2033	9,276	334.00%
Loan - Maturity	501044	PWLB	28 March 2012	28 March 2034	1,000	337.00%
Loan - Maturity	501045	PWLB	28 March 2012	28 March 2025	3,744	282.00%
Loan - Maturity	501046	PWLB	28 March 2012	28 March 2028	5,981	308.00%
Loan - Maturity	501047	PWLB	28 March 2012	28 March 2030	6,789	321.00%
Loan - Maturity	501048	PWLB	28 March 2012	28 March 2026	3,971	292.00%
Loan - Maturity	501049	PWLB	28 March 2012	28 March 2024	4,116	270.00%
Loan - Maturity	501050	PWLB	28 March 2012	28 March 2023	3,484	256.00%
Loan - Maturity	501051	PWLB	28 March 2012	28 March 2019	3,098	176.00%
LOBO loan - Fixed	3b	Barclays	24 February 2007	24 February 2077	118	4.35%
LOBO loan - Fixed	2c	Barclays	11 January 2007	11 January 2077	118	4.60%
LOBO loan - Fixed	1c	KA Finaz AG	06 February 2006	06 February 2066	118	4.88%
LOBO loan - Fixed	4	Barclays	16 February 2006	16 February 2066	47	3.68%
LOBO loan - Fixed	5	Barclays	19 October 2006	19 October 2076	118	3.73%
LOBO loan - Fixed	6	Barclays	19 October 2006	19 October 2076	47	3.77%
					85,018	
					Total	131,602

COUNTERPARTY LIMITS
31/03/2015
MAXIMUM OF £5m per Group (DMO- £20m)

	Country	Fitch Long Term Rating *	Individual Limit per LCD £'000	Max Duration Months	Current Investment £'000	Available Balance £'0000
Others						
Woking Borough Council	UK	AAA	5,000	12	5,000	0
Blackpool Borough Council	UK	AAA	5,000	12	3,000	2,000
Barnsley Borough Council	UK	AAA	5,000	12	3,000	2,000
London Borough of Enfield	UK	AAA	5,000	12	5,000	0
Wakefield Council	UK	AAA	5,000	12	3,000	2,000
Salford City Council	UK	AAA	5,000	12	2,000	3,000
Birmingham City Council	UK	AAA	5,000	12	5,000	0
Lancashire County Council	UK	AAA	5,000	12	5,000	0
West Lothian Council	UK	AAA	5,000	12	3,000	2,000
Newcastle City Council	UK	AAA	5,000	12	0	5,000
Leeds CC	UK	AAA	5,000	12	0	5,000
Debt Management Office (DMO)	UK	AAA	20,000	3	0	20,000
Fife Council	Uk	AAA	5,000	12	3,000	2,000
South Lanarkshire Council	UK	AAA	5,000	12	3,000	2,000
Eastleigh Borough Council	UK	AAA	5,000	12	3,000	2,000
Woking Borough Council (forward)	UK	AAA	5,000	12	5,000	0
Dudley MC	UK	AAA	5,000	12	3,000	2,000
Money Market Funds						
Invesco Global MMF (was AIM)	UK	AAA	5,000	36	0	5,000
Deutsche Bank Sterling Fund (was Henderson)	Ireland	AAA	5,000	36	0	5,000
Goldman Sachs	UK	AAA	5,000	36	0	5,000
Goldman Sachs - Govt	UK	AAA	5,000	36	0	5,000

BANKING GROUPS						
Lloyds Banking Group						
Bank of Scotland	UK	A	3,000	6	0	3,000
Lloyds TSB	UK	A	3,000	6	0	3,000
Group Limit			3,000			3,000
HSBC Group						
HSBC Bank plc	UK	AA-	3,000	6	0	3,000
INDIVIDUAL BANKS						
Royal Bank of Canada	Canada	AA	3,000	12	0	3,000
Toronto-Dominion Bank	Canada	AA-	3,000	12	0	3,000
1000 Ontario, Province of	Canada	AA-	3,000	12	0	3,000
Landwirtschaftliche Rentenbank	Germany	AAA	5,000	12	0	5,000
Kfw	Germany	AAA	5,000	12	0	5,000
European Investm kent Bank		AAA	5,000	12	0	5,000
Clearstream Banking	Luxembourg	AA	3,000	12	0	3,000
Development Bank of Singapore	Singapore	AA-	3,000	12	0	3,000
Oversea Chinese Banking Corp	Singapore	AA-	3,000	12	0	3,000
United Overseas Bank LTD	Singapore	AA-	3,000	12	0	3,000
Barclays Bank	UK	A	3,000	6	0	3,000
Close Brothers	UK	A	3,000	6	0	3,000
Sumitomo Mitsui Cooperation Grp	UK	A-	3,000	6	0	3,000
Santander UK PLC	UK	A	3,000	6	0	3,000
Building Societies						
Nationwide Building Society	UK	A+	2,000	6	0	2,000
Coventry Building Society	UK	A	2,000	6	0	2,000
Leeds Building Society	UK	A-	2,000	6	0	2,000

Banks/Building Societies no longer meeting criteria						
Cheshire Building Society (to 31/03/09)	UK		0		0	0
Progressive BS (to 31/03/09)	UK		0		0	0
TOTAL INVESTMENTS					51,000	
* GB = Government Backed						
** Barclays Investment 3+ months - dealt before change in max duration						

The figures in the table above are Principal values only, the amounts in the body of the report include accrued interest accounted for on the authority's balance sheet at year end.

Investments held by the external fund managers follow the criteria set out in the treasury management strategy over counterparty selection.

This page is intentionally left blank

Investment portfolio

CURRENT INVESTMENTS 31/03/2015

Institution	Amount	Rate	Maturity Date	Trade Date	Broker
£'000					
South Lanarkshire	3,000	0.65%	08 September 2015	01 October 2014	Tradition
London Borough of Enfield	3,000	0.48%	11 August 2015	18 September 2014	Tradition
Lancashire CC	5,000	0.55%	29 July 2015	28 August 2014	Tradition
Birmingham CC	2,000	0.05%	08 July 2015	14 August 2014	Tradition
London Borough of Enfield	2,000	0.44%	23 June 2015	01 July 2014	Tradition
Barnsley Borough Council	3,000	0.45%	16 June 2015	16 September 2014	Sterling
Salford CC	2,000	0.40%	28 May 2015	10 June 2014	Tradition
West Lothian Council	3,000	0.45%	19 May 2015	02 June 2014	Tradition
Birmingham CC	3,000	0.43%	22 April 2015	16 June 2014	Tradition
Blackpool BC	3,000	0.43%	15 April 2015	31 October 2014	Tradition
Eastleigh BC	3,000	0.45%	15 April 2015	22 September 2014	Tradition
Woking Borough Council	5,000	0.48%	08 April 2015	08 May 2014	Tradition
Invesco Global MMF (AIM Global)	0	Variable	Call		
Deutsche Bank (Henderson)	0	Variable	Call		
Natwest SIB	0	0.90%	Call		
Goldman Sachs	0	Variable	Call	01 May 2006	
Goldman Sachs Govt	0	Variable	Call	05 August 2009	
Total	37,000				
Forward Deals					
Woking Borough Council	5,000	0.45%	29 January 2016	08 April 2015	Tradition
Dudley MBC	3,000	0.49%	23 March 2016	15 April 2015	Tradition
Fife Council	3,000	0.49%	17 March 2016	17 April 2015	Tradition
Grand Total	48,000				
Investments By Broker					
	Amount	No of deals			
Goldman Sachs	0	1			
Goldman Sachs Govt	0	1			
Natwest SIB	0	1			
Deutsche Bank (Henderson)	0	1			
Invesco Global MMF (AIM Global)	0	1			
Sterling Brokers	1,000	1			
Tradition	47,000	9			
DMO		0			
Tullett Prebone		0			
Total	48,000	15			

	Mkt Value £'000	Interest Received £'000	Cumulative rate %
Fund Managers @ 31/03/15			
Royal London Asset Management (Rlam)	11,867	64	0.44%
Aberdeen Asset Management *	9,546	105	0.82%
	21,413	169	

Note:* Aberdeen asset Management formerly known as Scottish Widows Investment Partnership (SWIP).

Glossary of terms

Authorised Limit – Represents the limit beyond which borrowing is prohibited, and needs to be set and revised by Members. It reflects the level of borrowing which, while not desirable, could be afforded in the short term, but is not sustainable in the longer term.

Boundary Limit – Is an estimate of the authorised limit but reflects an estimate of the most likely, prudent, but not worst case scenario, without the additional headroom included within the authorised limit to allow for example for unusual cash movements.

CFR - Capital Financing Requirement- reflects the Council's underlying need to borrow for a capital purpose. It shows the total estimated capital expenditure that has not been resourced from capital or revenue sources. This requirement will eventually be met by revenue resources through the Minimum Revenue Provision mechanism.

CIPFA Prudential Code - is a professional code of practice to support local authorities in taking capital investment decisions. Local authorities determine their own programmes for capital investment in fixed assets that are central to the delivery of quality local public services in accordance with the Prudential Code.

Communities and Local Government (CLG) - Is a ministerial department, supported by 12 agencies and public bodies. They are working to move decision-making power from central government to local councils. This helps put communities in charge of planning, increases accountability and helps citizens to see how their money is being spent.

Consumer price index (CPI) - measures changes in the price level of a market basket of consumer goods and services purchased by households.

ECB - European Central Bank.

Fair value - Is defined as the amount for which an asset could be exchanged or a liability settled, assuming that the transaction was negotiated between parties knowledgeable about the market in which they are dealing and willing to buy/sell at an appropriate price, with no other motive in their negotiations other than to secure a fair price

FED - The Federal Reserve System (also known as the Federal Reserve, and informally as the Fed) is the central banking system of the United States.

Financing Cost to Net Revenue Stream-The percentage of the revenue budget set aside each year to service debt financing costs.

FLS - Funding for Lending Scheme (FLS) was launched by the Bank and HM Treasury on 13 July 2012. The FLS is designed to incentivise banks and building societies to boost their lending to the UK real economy.

Gilt - is a UK Government liability in sterling, issued by HM Treasury and listed on the London Stock exchange.

Gross domestic product (GDP) - is the market value of all officially recognized final goods and services produced within a country in a given period of time (usually the fiscal year).

Local Authority Lender Option Borrower Option (LOBO) - The underlying loan facility is typically very long-term - for example 40 to 60 years - and the interest rate is fixed. However, in the LOBO facility the lender has the option to call on the facilities at pre-determined future dates, such as every 5 years.

Local enterprise partnerships - Are partnerships between local authorities and businesses. They decide what the priorities should be for investment in roads, buildings and facilities in the area.

London Interbank Bid Rate - the rate at which banks will bid to take deposits in Eurocurrency from each other. The deposits are for terms from overnight up to five years.

MPC - Monetary Policy Committee Interest rates are set by the Bank's Monetary Policy Committee. The MPC sets an interest rate it judges will enable the inflation target to be achieved.

MRP - Minimum Revenue Provision - Is a provision the council has set-aside from revenue to repay loans arising from capital expenditure financed by Borrowing.

Private Finance Initiative (PFI) - This is funding public infrastructure projects with private capital.

PWLB - Public Works Loan Board - is a statutory body operating within the Debt Management Office, an Executive Agency of HM Treasury.

PWLB certainty rate - A reduced interest rate from PWLB to principal local authorities, which provided required information to government on their plans for long-term borrowing and associated capital spending.

Quantitative easing (QE) - A government monetary policy occasionally used to increase the money supply by buying government securities or other securities from the market. Quantitative easing increases the money supply by flooding financial institutions with capital, in an effort to promote increased lending and liquidity.

Voluntary Revenue Provision (VRP) - This is a discretionary provision to reduce the unfinanced capital expenditure (Borrowing) by additional loan repayments.

Agenda Item 35.

TITLE	Travel Planning for Major Development Sites (SDL's)
FOR CONSIDERATION BY	The Executive on 30 July 2015
WARD	None specific
DIRECTOR	Heather Thwaites, Director of Environment
LEAD MEMBER	John Kaiser, Executive Member for Planning and Highways

OUTCOME / BENEFITS TO THE COMMUNITY

Provides for effective travel planning on SDL sites, enabling residents to make informed, safe and sustainable travel decisions from a range of transport options, and helping to manage the impact of congestion.

RECOMMENDATION

That the Executive approve the release of appropriate S106 funding totalling £263,000 to support an annual programme of sustainable transport initiatives within Strategic Development Locations.

SUMMARY OF REPORT

In 2012 the Council was successful in securing £2.75 million Local Sustainable Transport (LSTF) funding from the Department for Transport. The LSTF project was designed to encourage residents to change their travel behaviour for short journeys. Through the LSTF project, the My Journey brand was established, promoting sustainable travel and raising awareness of travel choices.

The S106 funded travel planning programme will build on the success of the programme funded by LSTF, promoting sustainable transport modes across the Borough through a number of projects targeted at schools, new residential developments and businesses. The programme will extend to include measures targeting key life change periods including when residents move to new development locations and year 6 pupils start secondary school.

The promotion of a range of travel modes will help to manage congestion on Wokingham's roads and subsequently help to improve air quality in the Borough. The package of measures has relevance to other services such as Public Health, Children's Services and Environmental Health.

Background

There are a significant number of new homes being built in the borough over the next 10 years. As part of any planning application developers are required to detail how they would promote sustainable travel to new residents in a Residential Travel Plan.

Generally these Travel Plans are limited by time, content and area of influence and the developer has little interest in the success of a travel plan. They are often considered to be 'toothless', ineffective, expensive and resource heavy initiatives that do little to promote sustainable travel options.

Each developer could have its own version of a travel plan and with the number of developments coming forward as part of the SDL's potentially there could be 20+ travel plans all with different content. If targets set within the travel plan are not met, the developer pays the Council to put it right. If targets are met, the developer retains the ring fenced charges.

As an alternative to the traditional approach set out above the Council has agreed with the developers to take a charge on every new SDL home and will, in effect, undertake the management of residential travel plans on behalf of the developers. This approach enables the Council to provide to households the same range of incentives and information but as part of broader and more comprehensive offer than any developer travel plan and enables the council to broaden the scope of the travel plan to all residents in the borough not just those in the new developments.

In 2012 the Council was successful in securing £2.75 million Local Sustainable Transport (LSTF) funding from the Department for Transport. The project was delivered as part of a three-year programme of measures, branded as My Journey Wokingham. The objectives of the LSTF My Journey Wokingham project were to deliver economic growth and reduce carbon emission through the development and promotion of sustainable transport options across a targeted area. The My Journey Wokingham brand has been established across the Borough over the past 3 years, reflected by over 20,000 residents and businesses engaged with My Journey.

To build on the work and the success of the LSTF funded programme, the Council proposes to promote its travel planning initiatives funded by developers as an annual My Journey programme of sustainable transport measures. The annual My Journey programme will include projects that work with new development locations, schools, workplaces and communities across Wokingham borough. Measures to be promoted annually will include **BEAT THE STREET** within new development areas, personalised travel planning sessions across the SDLs, transition projects for year 6 children moving into Secondary education,, Facebook & You Tube campaigns, new resident workshops and developing school travel plans.

Indicative My Journey Annual Programme of activities for 2015/16

Programme Area	Description of Activity
Workplaces Travel Planning & Business Engagement	Renew WBC membership to Easit Network
	WBC staff travel survey, analyses and reporting
	WBC Travel Plan Refresh
	Business Roadshow Events
	Electric car charging point map for WBC & wider borough

Residential Travel Planning	Develop and maintain communication links to new developments
	Community events in partnership with WBC community teams
	PTP at Montague Park and Mulberry Grove
	Travel Information Welcome Packs for new residents
	Community Roadshow Events
	Car club viability plan (existing areas and new development)
Active Travel & School Travel Planning	BEAT THE STREET – Walk around the world challenge within SDLs
	Sustainable Transport Transitions Project (Primary to Secondary School)
	Sustainable Transport Transitions Project (School Leavers)
	Adopt Modeshift scheme for WBC schools
Marketing, Communications and Consultation	Widen and reinforce content of My Journey brand
	Development of a mobile responsive My Journey website to support promotion and delivery of travel planning initiatives within new the new development sites.
	My Journey social media, website & newsletter communication forums
	Facebook & Youtube campaigns to promote PTP, Yomp, Beat The Street
	Video to promote A329 cycleway (Stage 2)
	Workshop with new residents to better understand their travel behaviour and

Analysis of Issues

The Council recognises it is critical to encourage a range of travel modes with the increasing number of residents that are moving into the Borough.

Delays in delivering the package of sustainable transport measures reduces the Council's ability to influence mode choice within the SDLs, there is the risk new residents will default to use of the car rather than to other travel opportunities available to them.

The Council is taking a charge on every new SDL home of £450 per home specifically for the purpose of providing Travel Planning Initiatives. This will provide revenue of £5.6 million for the period of the current Core Strategy. The Council are undertaking the management of residential travel plans on behalf of the developers and planning obligation will be at risk should the council fail to deliver. In addition congestion, air quality and the health of Wokingham residents will be exacerbated.

FINANCIAL IMPLICATIONS OF THE RECOMMENDATION

The Council faces severe financial challenges over the coming years as a result of the austerity measures implemented by the Government and subsequent reductions to public sector funding. It is estimated that Wokingham Borough Council will be required to make budget reductions in excess of £20m over the next three years and all Executive decisions should be made in this context.

Funding would be as follows:

	How much will it Cost/ (Save)	Is there sufficient funding – if not quantify the Shortfall	Revenue or Capital?
Current Financial Year (Year 1)	£263,000	Yes	Revenue

Other financial information relevant to the Recommendation/Decision

The project is developer funded using S106 which has already been collected by the Council. This means the Council's planned capital expenditure for sustainable transport in the period to 2017/18 can be focused on other projects across the borough. From 2017/18 onwards, the My Journey programme will be directly funded by developer contributions collected via S106.

The Council is taking a charge on every new SDL home of £450 per home specifically for the purpose of providing Travel Planning Initiatives. This will provide revenue of £5.6 million for the period of the current Core Strategy.

Cross-Council Implications

The My Journey project has relevance to other services such as Public Health, Children's Services (school travel) and Environmental health.

1. Public Health, in the drive towards increasing activity and reducing obesity, by providing the information people need to make a lifestyle change.
2. Children's Services, by adopting the Modeshift school travel plan scheme to reduce the dependency on car travel and to encourage pupils to cycle, walk and travel independently.
3. Environmental Health, by providing the facilities to encourage modal shift away from the car to improve air quality.

List of Background Papers

None

Contact Matt Davey	Service Highways and Transport
Telephone No 0118 908 8304	Email matt.davey@wokingham.gov.uk
Date 21 July 2015	Version No. 02

Agenda Item 36.

TITLE	Library Service Management System
FOR CONSIDERATION BY	The Executive on 30 July 2015
WARD	None specific
DIRECTOR	Heather Thwaites, Director of Environment Graham Ebers, Director of Resources
LEAD MEMBER	Pauline Jorgensen, Executive Member for Resident Services

OUTCOME / BENEFITS TO THE COMMUNITY

The Library Service supports the achievement of vibrant and self-sustaining communities through the provision of materials and services for enjoyment, education, creative and engagement activities.

RECOMMENDATION

That the Executive agree to extend the current provision of the library service management system for up to two years.

SUMMARY OF REPORT

The Civica I.T. management system used by the Library Service over the past eight years has proven to be successful both functionally and financially and is expected to continue to meet the needs of the service in this way. It is therefore recommended to extend the use of this service for up to two years

Background

Libraries are a statutory service for councils and Wokingham Borough Council has a long history of implementing this statutory duty robustly, economically and flexibly. For many years, we have developed creative ways to not only encourage users into the Libraries themselves, but also to take the Library to those who cannot always make a physical visit.

Wokingham Borough Council operates 10 libraries and a Home Library Service. Last year the libraries had over 470,000 physical visits and a further 90,000 online contacts.

The Library Service holds around 187,000 hard copy items in stock, and has approximately 850,000 hard copy issues per annum. There are currently around 4000 eBook, 6500 eMagazine, and 1480 eAudiobook downloads per annum.

Larger libraries are open up to 45 hours per week; smaller libraries are open between 8 and 30 hours per week. Library services are available to all library members; library membership is open to all who live work or study within the Borough. Membership of the library service is free.

Just over 23,000 residents are currently active users of the service.

The Council is determined to look at how it continues to offer a high quality, valued service into the future so that Libraries evolve in line with society and local priorities. As such it is the Council's intention to embark on a robust period of consultation and engagement in the Autumn to understand how Library services (sitting alongside other Council services) contribute to the well-being of the area and its residents. This exercise will inform the future model of how library services can be delivered in Wokingham Borough. Whilst we do this piece of work, it is important that we continue to offer the high standards of services our residents have come to expect and not make any assumptions about the types of IT support and systems that will underpin such a model. It is with this in mind that the pragmatic recommendation, to extend the existing contract for no longer than 2 years, sits.

Library Service Management System

The Library service uses a computerised Library Management System (LMS) to administer much of the day to day operation of the library service. The current system used is the Spydus system from Civica, which was implemented in 2007.

The system holds details of all library members and also all library resources, and is used to record access and usage by library members.

It currently administers access to and records usage of:

- Customer book stock borrowing (inc. applying policy relating to age restricted material to such as certificated DVDs)
- Calculates hire charges and overdue charges.
- Controls access to public PCs and WiFi within the libraries.
- Controls access to online loans of ebooks, emagazines, eaudio and only subscriptions.
- It provides a public online interface for book searches, book renewals and book reservations.

Analysis of Issues

The current contract with Civica is due to come to an end in November 2015. The Contract has been extended twice in line with the contract agreement and value for money assessments. Normally the Council would, at this stage, embark on a full tender process. The Contract is less than x in value. However, as the Council is embarking on a robust engagement exercise that will inform the future delivery of this service, it is unwise to fully tender for a model that may well change following the engagement process. This would not be considered good value for money. To ensure continued value for money with this short term extension, the Council has undertaken some due diligence around the commercial terms.

Civica's Spydus product was new to UK market when the Council procured it in 2007 as its Library Management System (LMS). Since then their market share has expanded within the UK public library market and they are now one of the market leaders. The product continues to be suitable for the libraries work and future enhancements (which are very low cost or free) offer further useful functionality.

A cost comparison against similar Councils compared a variety of products including Spydus. Spydus was approximately 25% cheaper than alternatives once normalised for population size. It is likely therefore that a competitive tender would not yield significant, if any, advantage over an extension negotiation.

In order to gain sufficient benefit from the current Civica proposal, it is recommended that the contract is further extended for up to two years after which we will carry out a major review in line with the future plans and ambitions for the Library Service.

FINANCIAL IMPLICATIONS OF THE RECOMMENDATION

The Council faces severe financial challenges over the coming years as a result of the austerity measures implemented by the Government and subsequent reductions to public sector funding. It is estimated that Wokingham Borough Council will be required to make budget reductions in excess of £20m over the next three years and all Executive decisions should be made in this context.

	How much will it Cost/ (Save)	Is there sufficient funding – if not quantify the Shortfall	Revenue or Capital?
Current Financial Year (Year 1)	£48k (10% discount)	Yes	Revenue
Next Financial Year (Year 2)	£48k (10% discount)	Yes	Revenue
Following Financial Year (Year 3)	£48k (10% discount)	Yes	Revenue

Other financial information relevant to the Recommendation/Decision

Upgrade to Spydus 9 (latest version) without associated additional revenue cost.

Cross-Council Implications

The Library Service supports the activities and priorities of all services of the Council.

List of Background Papers
None

Contact Mark Redfearn/Mike Ibbitson	Service Community Services/Customer Services/IMT
Telephone No 0118 9746012	Email mark.redfearn@wokingham.gov.uk
Date 10 July 2015	Version No. 1

Agenda Item 37.

TITLE	Future Delivery Options for Operational Property
FOR CONSIDERATION BY	The Executive on 30 July 2015
WARD	None Specific
DIRECTOR	Graham Ebers, Director of Finance and Resources
LEAD MEMBER	Philip Mirfin, Executive Member for Regeneration and Communities

OUTCOME / BENEFITS TO THE COMMUNITY

Strategic Benefits

Benefit	Measure
Ensure continuity of service and maintain the quality of service through a strengthened team.	Customer Satisfaction
Ensure a cost effective delivery benchmarked against public and private sector works.	Benchmarked performance
Increase the ability to meet the councils' capital programmes.	Increased activity
Opportunity to deliver savings from economies of scale in letting larger value service contracts.	Budget monitoring
Modest financial savings from combining and sharing resource, including the ability to establish value for money strategic agreements with the private sector, with longer term savings to be made through the alignment of management practices.	Budget monitoring
Opportunity to attract other partners to join the shared service once established i.e. from within and beyond Berkshire. Longer term opportunity to use alternative vehicles to deliver a bigger shared service and to return greater benefits back to partnering authorities.	New Agreements Budget monitoring

Operational Benefits

Benefit	Measure
Increased resilience through growth of capacity within a larger team (both councils currently have very lean teams).	Performance KPIs. Less temporary staff.
Potential to increase the level of skill within the team through shared learning, technical CPD and broader knowledge, and thereby be able to maintain service quality	Appraisal. Customer feedback

The service can develop from a collaborative, informal arrangement (from April 2015) to a fully-fledged shared service (from September 2015), meeting service pressures, retaining staff, reducing delivery risk and uncertainty	Immediate increased resilience
Availability of specialist skills across both authorities, leading to increased efficiency. For example one Building Surveyor completing works across both authorities.	Budget Monitoring. Statutory Compliance
Greater scope to create a structure that will give career development opportunities to staff and which will improve staff retention.	Lower staff turnover.
Sharing of best practice	Staff appraisals skills monitoring. Client satisfaction with quality of service

WBC will be the hosting authority thereby taking on the full responsibilities of employing staff for the shared service and providing services to clients of both authorities. The contract and service agreement will ensure that both authorities share the risk and the benefits equally from the collective use of resources, and will use the same principles as previous agreements in relation to; operating costs, contract termination and redundancy payments.

RECOMMENDATIONS

The Executive is asked to:

- 1) agree that a formal arrangement be sought with Royal Borough of Windsor and Maidenhead (RBWM) Council for the establishment of a shared Building Service / Operational Property Service;
- 2) agree that the shared service is structured in such a way that it can form the basis for a wider, technical shared service with other Berkshire authorities or with other neighbouring authorities;
- 3) delegate authority to the Director of Finance and Resources and Executive Member for Regeneration and Communities, to enter in to discussions required to finalise the business case and to establish the shared service, with a view to the new service being established as soon as practicable.

SUMMARY OF REPORT

The Council wants to ensure that services are delivered to the users of its many buildings, in the most cost-effective and efficient way possible. This may mean that some services, especially 'back-office', can be delivered in a different, non-traditional way.

This report updates the Executive on approaches towards the delivery of The Capital Programme, which is essential to the efficient operation of the Council's many service buildings.

Wokingham Borough Council (WBC) and the Royal Borough of Windsor and Maidenhead (RBWM) have been exploring the possibility of joint working in respect of the Capital Programme Team which could improve the resilience of each authority's services as well as potentially delivering savings through economies and efficiencies. This report recommends establishing a formal shared service, effective from 1 September 2015, and which may be joined by other authorities in due course.

The new service will be hosted by WBC and staff will TUPE from RBWM under tested processes. There are no foreseen challenges in this process and it would appear no redundancies will result, meaning little to no risk of associated costs. It is proposed that future redundancy costs will be managed within the budget planning for the shared service and equally divided between the client authorities.

This proposed shared service will build on the strong track record WBC and RBWM have of working together, with a successful partnerships covering; shared legal services, the new partnerships for internal audit and investigation, and a shared service for Building Control which went live on 1 April.

There is limited financial and other risks associated with the current proposed agreement as due diligence is being undertaken to clarify the financial position of both current services, future workload demands and the state of the estate (condition and suitability). In addition, it is proposed that all costs associated with works undertaken for the relevant client authority will be recharged fully to that authority. In addition, there will be no transfer of property ownership, or ultimate liability under Health and Safety legislation, those responsibilities will continue to rest with the relevant authority.

The Executive is asked to note that there is no plan to deliver facilities management (FM) and property asset management through the shared service. However, this is an option for the future which could deliver significant efficiencies (conservatively indicated to be around £200k).

Finally, the Executive is asked to note that informal, collaborative steps are already being taken by the relevant teams of the two councils, to ensure better value for money in service contracts. Further, the Executive will wish to note that a similar report (and recommendations) has been agreed by RBWM.

Background

The Capital Programme teams assist in the achievement of each council's corporate objectives and priorities through the provision of an operational property asset infrastructure that enables effective front-line service delivery. The teams are responsible for buildings maintenance, enhancement, replacement and improvement. The building stock includes schools, libraries, youth and community centres and offices.

The key service areas include the following;

- Dealing with faults as they occur
- Service contracts (cyclical repairs) ensuring systems such as boilers and electrical installations are kept fully functional
- Ensuring buildings are compliant with statutory requirements
- Planned maintenance of major elements such as boilers
- Capital investment construction projects
- Facilities management (WBC only)

The Executive is asked to note that there is no plan to deliver facilities management (FM) and property asset management through the shared service. However, this is an option for the future which could deliver significant efficiencies (conservatively indicated to be around £200k) but is not under consideration now.

The Capital Programme Team procure and manage statutory services in regards to legislation that covers, for example;

- Asbestos
- Legionella
- Fire risk
- Electrical compliance
- Gas safety
- Lift safety

Officers have identified the risks below in the event of no action being taken to change how The Capital Programme Team now operate:

Risk identified in 'doing nothing'	Action
Increased competition in job market risks losing skilled and knowledgeable staff therefore reducing the team, capacity and competence. This could lead to a reduction in confidence in the ability of Capital Programme Team to deliver services.	Consider alternative ways of delivering services including outsourcing, strategic partnerships (with the private sector) and shared services (with another authority)
Team resilience – currently has a small Capital Programme Team, particularly in construction management, and is vulnerable to service fluctuation and failure. There is a need to deliver many and varied, and sometimes high profile,	Jointly build resilience in partnership with other authorities to help ensure that the quality and quantity of outputs can be maintained.

schemes and services.	
Financial challenges - both authorities face significant financial challenges and there is little scope to drive further savings from current services. Reducing the current level of service further will put buildings at risk of inadequate maintenance	Explore options for joined-up working between the two authorities that meet the need of both authorities, with the two authorities leading the way on collaboration and shared services
Duplication of activities prevents both authorities from benefiting from the financial potential of bulk contracting of services.	Explore options for joined-up working between the two authorities that meet the need of both authorities but provide for shared contractual arrangements.

Officers have reviewed the delivery options below. A more detailed appraisal is included at Appendix 1:

Option	Comments
Wind up the current service	This is not an option. The Council has an operational property estate which must be properly maintained as fit for purpose. A service to manage the estate, however delivered, is critical to our services.
Retain the current service	There are concerns about the resilience of the current team, due to fluctuating demands. Although staffing is not an issue within WBC it is within RBWM and a shared service offers much more scope for development of quality and innovation
Promote shared service	Gives increased capacity and resilience, will help with recruitment and retention, should allow for cost savings and efficiencies, and for service development. But most control of the service day to day will move to Wokingham This is the Recommended Option
Outsourcing or strategic alliance with private sector provider	Soft market testing suggests that a small service on its own is unattractive to the market; joining with another service and/or other authorities would make it more attractive. A strategic alliance with a private sector provider (rather than a full outsourced solution with the council staff transferring to the supplier under TUPE) may also be possible, but in either event the council loses control of the service completely and any surplus (profit) from the arrangement passes to the supplier. Procurement under EU rules is expensive and time consuming. This testing was done on our behalf by RBWM.
Establish a mutual company	Staff could be agreeable to the establishment of an independent trading company but they recognise the commercial and personal risks involved. The council would need to guarantee the first two years workload

It had been hoped that a greater number of authorities could be brought in to a shared arrangement, to deliver further benefits from working together. The other five Berkshire authorities were approached some time ago to ascertain whether there was interest in a joint approach towards this service, but there was little interest.

WBC and RBWM have a strong track record of working together, with a successful partnership covering shared legal services, new partnerships for internal audit and investigation, and a shared service for Building Control which went live on 1 April.

The position within RBWM and WBC in regard to Their Capital Programme is broadly similar, in terms of service delivery models, staffing structures, the nature of the building stock, clients’ needs and geographical alignment. Although there are differences in terms of scope and funding arrangements, these will be addressed as the new shared service develops.

It is expected that the proposed shared service will demonstrate these strategic and operational benefits:

Analysis of Issues

Key Implications for the shared service

	Defined Outcomes	Unmet	Met	Exceeded	Significantly Exceeded	Date they should be delivered by
1	To complete the establishment of a shared Building Service with Wokingham BC	Service not established	Operational September 2015	Operational August 2015	Operational July 2015	1 September 2015
2	To ensure better value for money for the shared service	Net cost of the service shows no reduction	Net cost of the service reduces by not less than 5%	Net cost of the service reduces by not less than 10%	Net cost of the service reduces by not less than 15%	31 March 2016
3	To ensure robust service delivery	Contract and service delivery times do not improve	Contract and service delivery times improved by not less than 5%	Contract and service delivery times improved by not less than 10%	Contract and service delivery times improved by not less than 15%	31 March 2016
4	To ensure delivery of all capital programme schemes on time, within budget and to full satisfaction of client	<85% of planned works completed against programme and within budget	>85% of planned works completed against programme and within budget	>90% of planned works completed against programme and within budget	>95% of planned works completed against programme and within budget	31 March 2016

	department						
5	To ensure an effective service for building repairs and maintenance; ensure all calls to the Help Desk are dealt with promptly	<90% Help Desk calls dealt with within time allowed in SLA	>90% Help Desk calls dealt with within time allowed in SLA	>95% Help Desk calls dealt with within time allowed in SLA	>100% Help Desk calls dealt with within time allowed in SLA	31 March 2016	
6	Ensure planned maintenance programme is delivered within time and budget	<90% planned maintenance programme delivered within time and budget	>90% planned maintenance programme delivered within time and budget	>95% planned maintenance programme delivered within time and budget	>100% planned maintenance programme delivered within time and budget	31 March 2016	

Current performance is above target on all measured KPIs, while KPI3, 5 and 6 are to be implemented in WBC as part of shared service implementation.

Legal Implications

The council has the power to enter into a shared service agreement with another local authority or with authorities. A shared Building Service for example will exercise powers on behalf of the member authorities under the following legislation:

1. The Building Act 1984
2. The Building Regulations 2010
3. The Construction (Design and Management) Regulations 2015
4. The Electricity at Work Regulations 1989
5. Public Health Acts 1936 and 1961
6. Local Government (Miscellaneous Provisions) Act 1982
7. Town and Country Planning Act 1990
8. The Health and Safety at Work Regulations 1989

It is assumed the shared service agreement will be initially for 5 years, continuing automatically should the parties so wish.

The headline terms for the agreement with Wokingham are included at Appendix 2; note however that these have yet to be agreed.

There will be provision for termination on notice.

It is anticipated that a joint management board will be established to oversee the partnership.

Value for Money

The current Operational Property and Building Service offer good value for money; having served clients well and having robust systems in place to ensure best value contract procurement and delivery. Through a process of management efficiency, equalisation of workloads, rationalisation and the capacity to innovate, the extended

service will offer the partners better value for money.

Sustainability Impact Appraisal

This will form part of the business planning for the new service.

Risk Management

Risks	Uncontrolled Risk	Controls	Controlled Risk
Declining workloads	HIGH	Service management board and service managers will take appropriate action to anticipate changes in demand for services and to seek opportunities for new markets if appropriate	MEDIUM
Sharing this service might prejudice existing performance levels	MEDIUM	Ensure that the skill set meets the needs of the service. Set performance standards and monitor service provision against them	LOW
Staff resistance to change	MEDIUM	Staff helped to understand the career and development opportunities from a wider service and larger team. Staff who have increased journeys to work will be compensated for the first 18 months	LOW
Service inadequately scoped and set up	HIGH	All arrangements will require close scrutiny and a thorough approach prior to commencement of the service	LOW
Support services inadequately scoped and different systems employed by the two councils, especially IT	HIGH	All support services (IT, HR, legal, finance) must be fully involved in designing and implementing the new service. This is particularly true of IT where the systems differ and where there will be costs associated with the transfer of data and control systems, including; programme management, Agresso, Verto and Technology	MEDIUM

		Forge	
Partnership does not flourish	MEDIUM	Management board will take close interest in how the service develops and take appropriate steps to ensure it flourishes	LOW
Client response	HIGH	Close engagement with client departments during service lead in, ensuring any doubts clients may have are understood and met	MEDIUM
Loss of capacity in anticipation of change	MEDIUM	Existing staff will be fully involved going forward and re-assured about their own positions	LOW
Threat to statutory compliance obligations	MEDIUM	Both councils have the same liabilities and are fully experienced in this area	LOW

Equalities, Human Rights and Community Cohesion

A desktop Equalities Impact Assessment has been undertaken and is not felt any further undertakings were required as no protected groups are affected.

Staffing/Workforce and Accommodation implications

The anticipated staffing position is as outlined below:

	RBWM	WBC	TOTAL	PROPOSED
Establishment	15	19	34	32
Vacancies	6	2	8	

The staffing levels normally equivalent, however the anticipated position is reflective of the current work volumes within each of the Council's (with less being seen in RBWM), as well as a restriction on recruiting new staff within RBWM (hence the lower establishment numbers).

This forecast assumes:

- (i) 1 Service manager will be redeployed within the enlarged team
- (ii) 2 RBWM staff will be redeployed outside Building Services
- (iii) New staff will be required
- (iv) No vacancies will be filled although posts will be reviewed and changed.

The new structure has not been agreed but will be once both authorities have approved the principle of the shared service. It will be necessary to transfer the RBWM staff to

WBC under TUPE. Their current terms and conditions of employment will continue to apply on transfer.

The new shared service will be managed by a Service Manager who will be responsible for all operational aspects of the service. It is anticipated that this post will be appointed from amongst the existing staff. Operationally, the service would be split into two main teams, one managed by a Capital Programme Manager and the other managed by a Service Contracts and Maintenance Manager, thereby focusing the work on appropriate outcomes. Flexibility within the structure will provide resilience in each team as well as across teams, thereby better utilising the staff.

WBC will have responsibility for support services including HR, payroll, financial services and IT although there will be overlap as the shared service is implemented and embedded.

Property and Assets

There are key property implications. The maintenance of the council’s operational estate, and some service to non-operational estate management, including responsibility for fitness for purpose, suitability, standards of maintenance and statutory safeguards, rests with the teams being considered. An essential pre-condition of entering into the new arrangement will be confirmation by RBWM that the Wokingham service, which will lead the partnership, can deliver to the quality required.

There will be no transfer of property ownership, or ultimate liability under Health and Safety legislation, those responsibilities will continue to rest with the relevant authority.

Any other implications

The shared service will have responsibility for statutory compliance monitoring as agents for both Councils.

Consultation

In 2014 the (then) Head of Planning engaged with the other Berkshire unitary authorities to ascertain whether or not there was interest in joining a shared service. Only Wokingham Borough Council was interested at the time. WBC subsequently (November 2014) undertook its own research, which confirmed the position in Berkshire.

The (then) Head of Planning undertook some soft market testing with private sector suppliers in respect of outsourcing the service and concluded that the RBWM offering for Building Services was insufficient to justify procurement under the EC procurement rules.

Name of consultee	Post held and Department	Date sent	Date received	See comments in paragraph:
External				
Cllr Burbage	Leader of the Council			
Cllr Wilson	Lead Member for Planning	06/02/15 16/02/15	17/02/15	Throughout
Christabel	Acting Managing	06/02/15		

Shawcross	Director			
Andrew Brooker	Head of Finance	06/02/15		
Mark Taylor	Head of Libraries, Arts and Heritage Services	06/02/15		
Maria Lucas	Head of Legal Services	06/02/15		
Ann Pfeiffer	Education Officer, Schools Accommodation	06/02/15	11/02/15	
Kevin Mist	Head of Leisure Services	06/02/15		
Paul Cummings	Divisional Head of Engineering	06/02/15		
Chris Hilton	Director of Development and Regeneration	06/02/15 16/02/15	17/02/15	
Anna Stamper	Accountancy Team Leader	06/02/15		
Ruth Watkins	Group Accountant	06/02/15	09/02/15	
John Soper	Building Services Manager	06/02/15 16/02/15	09/02/15 17/02/15	Throughout
Chris Targowski	Cabinet Policy Manager	06/02/15	10/02/15	
Mark Shephard	Development and Property Manager	06/02/15	09/02/15	
Internal				
Billy Webster	Head of Support Services, Wokingham Borough Council	06/02/15	23/02/2015	Throughout
Rodney Hing	Operational Property Service Manager, Wokingham Borough Council	06/02/15	23/02/2015	Throughout
Cllr Ashwell	Deputy Executive Member for Regeneration and Communities, Wokingham Borough Council	06/02/15	23/02/2015	

Timetable for Implementation

Action	Complete by
Formal approval by RBWM	March 2015
Informal agreement by WBC	March 2015
Scope the service and consider the detailed implementation, management, procurement and staffing arrangements	May 2015
Formal approval by WBC	June 2015
Final agreements and signing of new	August 2015

partnership	
RBWM staff transfer, commence new service	September 2015

Appendices

Appendix 1: Building Services Delivery Options

FINANCIAL IMPLICATIONS OF THE RECOMMENDATION

The Council faces severe financial challenges over the coming years as a result of the austerity measures implemented by the Government and subsequent reductions to public sector funding. It is estimated that Wokingham Borough Council will be required to make budget reductions in excess of £20m over the next three years and all Executive decisions should be made in this context.

	How much will it Cost/ (Save)	Is there sufficient funding – if not quantify the Shortfall	Revenue or Capital?
Current Financial Year (Year 1)	(£30k)		Revenue
Next Financial Year (Year 2)	(£60k)		Revenue
Following Financial Year (Year 3)	(£60k)		Revenue

Other financial information relevant to the Recommendation/Decision

The financial position of both authorities has been shared and is currently being reviewed in a working group as part of due diligence.

In preparing the shared arrangements, the two authorities will have regard to:

1. Budget
2. Business planning
3. Financial regulations
4. Treatment of surpluses and deficits
5. VAT
6. Client billing arrangements

It is unlikely that Council overheads in total will reduce significantly as a direct result of this initiative but as the number of directly employed staff reduces it is clearly important that the opportunity is taken to reduce those back office support costs on a regular basis.

Assumptions

- The new shared service will undertake not less than the same level of activity currently across WBC and RBWM. The risk though of declining workload is recognised: in RBWM's case more schools have become academies and Leisure Services have transferred to a private contractor
- The new shared service will use the relevant procurement regulations from WBC as the commissioning authority (RBWM's contract regulations may have to be amended to reflect this).

- The proposed shared service structure will service the same activity with a reduction in overall headcount through sharing of management and administration.
- As the hosting authority, WBC's current salary levels, including grades and market supplements where applicable, will be applied to all new shared service roles. Staff terms and conditions of employment for RBWM staff that transfer under TUPE over will be protected for the first 18 months.
- No redundancies are anticipated as there are currently vacancies in both teams.
- Net deficit or surplus will be split 50:50 between the two councils.

The provision of services across the two organisations will build in an element of resilience, but will also enable some contractual arrangements to replace staff or to reduce existing costs through economies of scale. This will not necessarily release savings in the first year but should provide future savings equivalent to [10%] of the overall budget each year for the term of the arrangement.

In addition, any fees generated through the capital programme will be outlined in the end of year report, and a proportion returned to each organisation based on the capital works undertaken in that year, apart from a share which will be retained by the service for investment.

There is no plan to deliver facilities management (FM) and property asset management through the shared service. However, this is an option for the future which could deliver significant efficiencies (conservatively indicated to be around £200k). This is not under consideration now.

Cross-Council Implications

There will be limited impact on other Council services.

List of Background Papers

None

Contact: Billy Webster	Service: Support Services
Telephone No: 0118 9746177	Email: billy.webster@wokingham.gov.uk
Date: 17 July 2015	Version No. 5.3

APPENDIX 1: BUILDING SERVICES DELIVERY OPTIONS

	Option description	Benefits	Dis-benefits	Cost and practicalities	Risks
1	Wind up the service	Reduction in headcount	Considerable loss to clients Loss of corporate capacity and responsibility to its services would have to be discharged some other way	Redundancy costs Cost of replacement service (direct to users)	Client response Capacity loss Loss of synergy with establishments and Property Services Although a non-statutory service there are important statutory compliance obligations which would continue to fall on the Council
2	Status quo	Provides consistency and service assurance Establishment strength changes according to demand Fully accountable; vfm and service quality recognised and measurable Good internal communication and partnerships	Savings and competition for staffing could lead to lack of capacity and resilience Flexibility restricted as service shrinks Concern about staff morale in some areas	Current costs (including overheads) remain, savings assumed to be required	Continued uncertainty about service delivery Ability of current team to grow the business – could expand if given the resources
3	Promote shared service	Increases resilience and capacity through sharing of workloads Informal arrangement with other neighbouring councils or agencies e.g. social housing providers	Management and accountability affected Corporate overheads still have to be met and may increase Responses to service requests could be affected More customers to manage and satisfy	Some savings in informal approach (as SLS) TUPE would apply if formal shared service the preferred approach Cost savings may only be felt initially (through management consolidation)	Uncertainty about which other councils would wish to participate (other than WBC and RBWM) Staff resistance to change Service inadequately scoped and set up Changes of view of other partners
4	Outsourcing	Increases capacity and resilience Can provide opportunities for staff Less formal strategic	Loss of control Key staff members often used by new partner elsewhere Costs of corporate overheads usually	Long term financial commitment Usually more costly Annual charge is contractual and a first call on council revenue budget, irrespective of	TUPE will apply Soft market testing suggests no market demand for small services Prolonged and costly procurement process Service vulnerable to

		alliance with private sector provider possible	appreciably higher	council wish to cut budgets Client function will be required May be some difficulty in delivering statutory (non-profitable) services	market factors (consequences of new business failing to attract bigger market share) Client establishments may look elsewhere Staff may seek opportunity to move on Staff resistance to change Loss of synergy with establishments and Property Services Will require other services to give scale to make it worthwhile and secure vfm
5	Mutual	Keeps staff in place Gives new company opportunities elsewhere outside the councils	Uncertainty for customers and staff, but staff open to consider the option	Unlikely to be better value than present service. Council would have to guarantee workload initially and may have to act as guarantor of last resort.	Staff recognise the commercial and personal risks involved. Service vulnerable to market factors (consequences of new business failing to attract bigger market share)

APPENDIX 2: MAIN TERMS IN THE PARTNERSHIP AGREEMENT

Important note: these terms are not yet agreed between but are deemed acceptable. They are included here to indicate the scope of the partnership.

	Main Term	Description
1	The Service	Describes the scope and purpose of the service and gives the business and statutory background
2	Staffing	RBWM Building Services staff will transfer to WBC under TUPE. This sets out WBC's responsibilities
3	Support services	Confirms that these will be provided by WBC and include accounting, line management and corporate support. Charges for these services will be recovered from RBWM. Responsibility for staff performance, hiring and firing will rest with WBC. RBWM may wish to be involved in senior appointments (team leaders and above)
4	Accommodation and services	WBC will provide the office accommodation and associated services including IT (some may remain in RBWM to deliver customer service locally). Any works required to WBC's offices to accommodate the staff will be agreed in advance with RBWM and recoverable from RBWM
5	Data sharing	A protocol will be required and signed in advance of completion
6	Budget	This must be approved in advance of the commencement of services and subsequently. Any losses due to WBC's negligence will be met by WBC. More generally, operating surpluses and deficits will be split between the Authorities 50:50
7	Payment	Service charges will be set, and agreed, annually.
8	Service developments	Any proposals to expand or otherwise develop the service will have to be approved by the Partnership Board
9	Insurances	These will be WBC's responsibility
10	Monitoring and review	The Partnership Board will review performance on a frequency to be agreed. The relevant Lead Members and Heads of Service will meet periodically with the Service Manager. Performance will be measured against a set of KPIs (to be agreed).
11	Poor performance	A protocol will be agreed to deal with this, which will include scope for termination as a consequence
12	Termination	Can occur as a consequence of: <ol style="list-style-type: none"> 1. Poor performance as above 2. No fault (RBWM can serve 12 months' notice of withdrawal from the Agreement for whatever reason) 3. Breach
13	Redeployment	In the event of termination there is no obligation on either party to redeploy the staff although every effort would be made to do so. The Authorities will share any redundancy costs equally.

Agenda Item 38.

TITLE	Shinfield Neighbourhood Plan
FOR CONSIDERATION BY	The Executive on 30 July 2015
WARD	Shinfield North and Shinfield South
DIRECTOR	Heather Thwaites, Director of Environment
LEAD MEMBER	Councillor John Kaiser, Executive Member Planning and Highways

OUTCOME / BENEFITS TO THE COMMUNITY

To continue to support Shinfield Parish Council in their neighbourhood planning efforts.

RECOMMENDATION

That the Executive:

- 1) approve the comments outlined in this report; and
- 2) that the comments be submitted to Shinfield Parish Council as a formal objection to their consultation on the Pre-Submission Shinfield Neighbourhood Plan.

SUMMARY OF REPORT

The Shinfield Neighbourhood Plan once adopted will be part of the Development Plan and therefore carry significant weight in the determination of planning applications in or affecting Shinfield Parish. The plan contains policies on housing, transport and access, the natural environment, community and recreation, and business and commercial development. Most of the policies are in general conformity with the strategic policies contained in Wokingham Borough's Development Plan and have had regard to national policies.

The key issues the Council is objecting to are :

Supporting Text Policy 4

The supporting text for Policy 4 contains assumptions and statistics which are not supported by robust evidence and provide a misleading context for Policy 5: Parking Provision.

Policy 5

Parking Provision is not considered to be in general conformity with Wokingham Borough's strategic borough-wide parking policy. In addition, some of the evidence used in the Neighbourhood Plan's transport and access and parking sections of the plan is not considered robust.

The Council therefore considers that the Pre-Submission document does not accord with the neighbourhood planning regulations which require general conformity with the strategic policies in the Development Plan ([Paragraph 8 \(1\) \(a\) \(2\) of Schedule 4B to the Town and Country Planning Act 1990 \(inserted by the Localism Act 2011\)](#)).

Background

Neighbourhood Planning

The Localism Act 2011 and associated regulations introduced neighbourhood planning, which gives communities direct power to develop a shared vision for their neighbourhood and shape the development and growth of their local area through the production of Neighbourhood Development Plans. The key stages in producing a neighbourhood plan are:

- 1) Designating a neighbourhood area
- 2) Preparing a draft neighbourhood plan
- 3) Pre-submission publicity & consultation
- 4) Submission of a neighbourhood plan to the local planning authority
- 5) Independent examination
- 6) Referendum
- 7) Bringing the neighbourhood plan into force

Shinfield Parish Neighbourhood Plan

Shinfield Parish began work on producing a neighbourhood plan shortly after being designated a neighbourhood area by the Council in October 2012. The parish council have since prepared a draft neighbourhood plan and are now undertaking the necessary six week consultation on their pre-submission draft plan.

Next Steps

Following the pre-submission consultation, the Parish Council will consider the consultation responses and amend the plan if appropriate. The next step will be to submit the plan to the Council. If approved by the Executive, the Council will then publicise the draft plan and invite representations for a minimum regulatory six weeks and appoint an independent examiner. The Council will send the draft plan and all representations to the examiner who will issue a report to WBC and Shinfield Parish Council. At this point, the Council will consider the recommendations in the report and decide what actions to take in response to each. The Council must also come to a formal view about whether the draft plan meets the basic conditions set out in [paragraph 8\(2\) of Schedule 4B to the Town and Country Planning Act 1990 as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004.](#)

The basic conditions are:

- a. That it has regard to national policies and advice;
- b. That it contributes to the achievement of sustainable development;
- c. That it is in general conformity with the strategic policies in the local Development Plan;
- d. That it is compatible with EU obligations; and
- e. That it is not likely to have a significant effect on a European site or a European offshore marine site.

If the Council is satisfied that the draft plan satisfies the criteria below, a referendum on the plan must be held where this reflects the advice of the Examiner.

- That it meets the basic conditions;
- That it is compatible with EU obligations; and

- That it complies with the definition of a neighbourhood development plan and the provisions that can be made by a neighbourhood development plan.

Council Review of Shinfield Neighbourhood Plan

The Council's officers have provided support to the neighbourhood plan steering committee throughout this process. The steering committee informally submitted a draft of the plan to the Council for review earlier this year. The plan was reviewed by officers from Land Use and Transport, Development Management, Development Delivery, Highways, Flooding, Countryside, Biodiversity, Leisure, Community Facilities, and Sustainability and Economic Development. Comments were then provided to the neighbourhood plan steering committee, most of which were addressed.

The Council then arranged and paid for (with Department for Communities and Local Government neighbourhood planning grant funds) the plan to undergo a 'healthcheck', which is essentially a light touch review to determine whether a draft plan would pass examination. The [examiner's report](#) (provided as part of the 'healthcheck') contained a number of relatively minor recommendations, which are now reflected in the plan. The report included one major recommendation which was to "*delete the new parking policy in preference for a statement that the Neighbourhood Plan complies with the development plan in this respect*". The steering committee decided not to remove the parking policy as they consider the local context provides justification for the policy.

Analysis of Issues

The Shinfield Parish Draft Neighbourhood Plan contains a range of policies designed to address issues within Shinfield Parish. The plan contains background information and policies on housing, transport and access, the natural environment, community and recreation, and business and commercial development. The policies should be in general conformity with the strategic policies in the Wokingham Borough Development Plan but may add more locally specific detail.

It is important for Wokingham Borough Council to provide comments to Shinfield Parish Council at this stage as it is the last opportunity for the Parish to make changes to the plan prior to submission to the Council and the plan's final formal consultation. The Council's response is a formal objection to the plan, with recommended changes contained within the appendix. The objection and recommended changes will be forwarded to the Parish Council on 31 July 2015, if approved. Most of the changes are minor, with the exception of those in the Transport and Access section.

The supporting text for *Policy 4: Accessibility and Highways Safety* and the parking provision and wording of *Policy 5: Parking Provision* is not considered to be in general conformity with the Council's policies and guidance. The Council considers that the proposed neighbourhood plan would undermine the Council's adopted parking policies and guidance should the neighbourhood plan be adopted. Specifically:

- The proposed parking policy would calculate parking provision differently than WBC policy which would sometimes result in a higher parking provision and other times a lower parking provision. The Council's parking policies are contained within the MDD and are based on the evidence and research presented in the Parking Standards Study Report 2011. The Council considers the standards to be strategic and based on robust evidence. It is considered that

the proposed parking standards in the neighbourhood plan would undermine the borough-wide standards and that they are not based on robust evidence.

- It is considered that the supporting text for Policy 4 contains misleading statistics and evidence that is not robust. Paragraph 13.6 states that the 2011 Census car ownership rate is 1.6 vehicles per household in Wokingham Borough and 1.637 in Shinfield Parish. Paragraph 14.5 then states that the parking provision for Shinfield Parish should be higher than the Borough-wide standards due to the higher car ownership rate in the parish. A difference of 0.037 is not considered significant enough to justify a higher parking provision. Additionally, paragraph 13.9 discusses research undertaken by the Arborfield Residents' Association measuring peak hour residential trip rates in Arborfield, which the Council does not consider to be robust.

The recommended changes therefore seek to align the proposed policies in the draft neighbourhood plan with the Council's adopted policies and guidance.

FINANCIAL IMPLICATIONS OF THE RECOMMENDATION

The Council faces severe financial challenges over the coming years as a result of the austerity measures implemented by the Government and subsequent reductions to public sector funding. It is estimated that Wokingham Borough Council will be required to make budget reductions in excess of £20m over the next three years and all Executive decisions should be made in this context.

	How much will it Cost/ (Save)	Is there sufficient funding – if not quantify the Shortfall	Revenue or Capital?
Current Financial Year (Year 1)	nil	nil	nil
Next Financial Year (Year 2)	nil	nil	nil
Following Financial Year (Year 3)	nil	nil	nil

Other financial information relevant to the Recommendation/Decision

None anticipated.

Cross-Council Implications

The Shinfield Parish Neighbourhood Plan, if adopted, will be used to determine planning applications within Shinfield Parish.

List of Background Papers

[Shinfield Parish Draft Neighbourhood Plan](#)
[Final Determination Statement that Shinfield Neighbourhood Plan does not need a Strategic Environment Assessment](#)
[Shinfield Neighbourhood Plan Healthcheck Report](#)

Contact Rebecca Bird	Service Land Use and Transport
Telephone No 0118 974 6456	Email Rebecca.bird@wokingham.gov.uk
Date 17 July 2015	Version No. 1

Specific amendments to Pre-Submission Shinfield Parish Draft Neighbourhood Plan recommended:

Details of additions in **bold** and deletions from text shown in ~~strikethrough~~.

Paragraph 8.5 (page 7)

The evidence for these statistics should be included within the document (i.e. as an appendix).

Paragraph 9.15 (page 9)

The information about Clares Green Field SANG is not accurate. As the other SANG descriptions list only the location, it would be more appropriate to only include the location for this SANG.

Paragraph 10.5 (page 10)

This paragraph should be removed in its entirety as it has been superseded by other documents and events, i.e. the South East Plan has been revoked and the Core Strategy has been adopted. This paragraph is likely to be challenged during examination.

Policy 1: Location of Development (page 11)

Include **and** between 1) and 2):

- 1) It does not erode the separation between existing settlement boundaries; **and**

Following the bullet list under 3), include **and** after the third bullet:

- *Significantly enhance its immediate setting;* **and**

Section 11. General Design Principles

It would be useful if this section provided a detailed description of the character of the existing parish and then the policy would state that new developments should be designed to contribute positively towards the character of the local area.

Paragraph 11.3 (page 12)

This paragraph should be removed as it is too prescriptive and therefore contrary to national policy. In addition, there is no justification as to why terraces should be short nor an explanation of what this means (i.e. short in height or length).

Policy 2: General Design Principles (page 13)

6) *Where appropriate, provision of suitable and unobtrusive storage facilities for refuse and recycling;* **and**

7) *Design of road and service layouts to ensure the sustainable retention, where appropriate, of existing landscape features, including trees **and historic landscape features**, and to allow space for new sustainable landscape works without the need for maintenance and upgrades to services damaging landscape works, as they mature.*

In new residential developments, provision of an appropriate mix of size, built form and garden size, including style, design and character, will be supported in order to provide variation within a scheme, as long as this respects local distinctiveness. This can be achieved through the use of distinctive materials, differing layouts and positioning of

dwellings, and the retention of existing trees, and provision of new trees, within new gardens and in the public realm.

*Developments designed to aid independent living for older residents **such as extra care housing** will generally be supported.*

Policy 3: Sustainable Development (page 14)

The Government has created a new approach for the setting of technical standards for new housing which includes sustainability standards. The Code for Sustainable Homes has been withdrawn, which renders MDD policy CC04 1.a) out of date. Building Regulations part L is the new standard for energy use in residential development, which is very similar to Level 4 of the Code for Sustainable Homes. This policy should be re-worded to reflect this, in particular point 1).

Section 13: Transport and access (page 15)

Bullet 11 in paragraph 17 of the NPPF identifies the core planning principles which should underpin both plan-making and decision-taking. The 11th principle is to '*actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable*'. The proposed transport policies do not sufficiently encourage active transport. The policies should be reconsidered with a greater focus on public transport, walking and cycling.

The supporting text in Section 13 does not include reference to committed transport interventions which include the Eastern Relief Road (under construction), the MereOak Park & Ride (opening in September 2015), the approved South of the M4 Public Transport Strategy (fully funded and secured by Section 106), and also the Arborfield Relief Road (funding secured by Section 106 from major applications within Arborfield, with detail design underway for the roads delivery).

The policies in Section 13 focus exclusively on residential development, missing key land uses such as the new Shinfield Neighbourhood Centre (including a public transport interchange), the Science Park and new schools.

Paragraph 13.1 (page 15)

*With the M4 motorway running through the northern portion of the parish, the A33 running along the western fringe, and the A327 running through Shinfield village, the parish is well connected and well served by major routes. **In addition, the Shinfield Eastern Relief Road and the Park and Ride on the A33 are currently under construction.***

Paragraph 13.3 (page 15)

*Throughout the development of this Neighbourhood Development Plan, residents have continually raised concerns about the levels of traffic congestion, both current and anticipated. Whilst the A33 relief road is dual carriageway, many of the local roads crossing the parish are narrow country or residential roads, and main junctions regularly see congestion at peak times. **Although the Borough Council have secured a good level of infrastructure through Section 106 contributions for the major developments that have been approved for the parish,** ~~t~~*The parish council anticipates that this congestion will further increase.**

Paragraph 13.4 (page 15)

*It is expected that ~~many the major proportion of~~ new residents will be travelling, generally by private vehicle, out of the parish to their workplaces, all of which will add to pressure on surrounding areas. In addition to this, the proposed development of some 3,500 new homes at Arborfield, **although they will include a suitable package of mitigation and funding to deliver identified transport interventions**, will affect all parts of our parish and beyond, as many of these new residents will travel through the parish to Reading, the M4 motorway and beyond. [Reason for change: There is good evidence within Shinfield that there are increased resident numbers using the recently improved public transit facilities. Further sustainability improvements have been identified and secured, in particular My Journey which is a significant improvement over typical Travel Plans.]*

Paragraph 13.5 (page 15)

*Many of our local primary routes were designed and constructed many years ago and were not built to cope with volumes of traffic or the size of modern vehicles. For example, Hyde End Road, a key access road connecting Shinfield to Spencers Wood, has barely sufficient width for two commercial vehicles to pass at key bends. Local residents have for some time been campaigning for lower consistent speed limits throughout the parish where roads vary from 30 mph to 40 mph without any specific thought to level of traffic or needs of pedestrians or other road users. **However, Wokingham Borough Council has secured traffic management improvements, including speed reductions within Shinfield parish.***

Paragraph 13.6 (page 15)

Vehicle ownership within Wokingham Borough is one of the highest in the UK. The 2011 Census showed that car ownership rates were 1.6 vehicles per household in Wokingham Borough, compared to an average of 1.1 per household across England. Shinfield Parish however has a car ownership rate of 1.637 vehicles per household. [The car ownership rate for Shinfield Parish is essentially the same as for Wokingham Borough.] An average of 1.6 car parking spaces per dwelling was the Council's previous parking guidance. Whilst car ownership is in line with this old guidance, the adopted MDD parking policy is substantially increased.

Paragraph 13.7 (page 15)

~~The 2011 Census indicated that the 4,403 dwellings in Shinfield used 7,211 vehicles,~~ [This equals 1.637, as expected from the previous paragraph. However, the text states that '4,403 dwellings in Shinfield used 7,211 vehicles'. Car usage is not the same as car ownership. Car ownership can be high, but it is the usage that impacts on the local highway network. This text should be re-worded or deleted.]

Paragraph 13.8 (page 15)

54% of these dwellings have two or more cars and only 8.2% have no vehicle at all. [Is this evidence provided within the appendices of the plan?]

Paragraph 13.9 (page 16)

~~Analysis carried out in 2013 in Arborfield by the Arborfield Resident's Association, that measured peak hour residential trip rates, indicated an average trip rate of 0.766 per household. This is 45% more than the rates used for the WBC Local Transport Plan. This indicates that any planned improvements to the road network to mitigate the impact of the new development will fall short of the necessary additional capacity required. With the~~

~~Central Government predicted increases in private vehicle ownership of 20% by 2026 and 46% by 2040, the future for traffic congestion in the Thames Valley is bleak, unless more progressive transport solutions are found.~~ [This information is not correct. The issue has been raised previously at Planning Committee meetings and Community Forums. The data referred to here is not robust and nor is it included for review within the appendices of the plan. WBC has very robust data on trip generation and car usage by households which has been used and entered into a traffic model to forecast impacts and model the effects of infrastructure improvements such as the Shinfield Eastern Relief Road. The data cited here is not robust and is not even in Shinfield Parish. This section should be deleted.]

Policy 4: Accessibility and Highways Safety (page 16)

Traffic speeds and volumes are two separate issues that require very different measures to address. Including a separate policy on traffic volumes is recommended. Such a policy should include encouragement and infrastructure for bicycle, pedestrian and public transport.

In point 1), it might be useful to say that 'signage should be consistent and appropriate in scale to the context' rather than 'suitable signage', to ensure prevention of sign pollution but provide sufficient signage.

Insert 'and' between 2) and 3) in Policy 4.

Section 14. Parking (page 17)

The Wokingham Borough Managing Delivery Development Local Plan (MDD) policy CC07 states that planning permission will only be granted where the proposal demonstrates how the proposed parking provision meets the standards set out in Appendix 2 of the MDD and that the new scheme retains an appropriate overall level of off-street parking. It further explains that the parking requirements are designed to acknowledge differences between development proposals and the transport facilities and infrastructure serving different areas, as well as the role of smarter choices and demand management measures in promoting sustainable travel patterns. The parking requirements for dwelling houses found in Appendix 2 of the MDD are based on accessibility and the character of the area and are divided into three categories: urban, town, and fringe and village. Shinfield Parish contains both town and fringe and village classifications. Paragraph 2.3.4 in the Parking Standards Study Report which underpins Wokingham's borough-wide parking policy states that most new housing in the borough is located in identified Strategic Development Locations (SDLs) which will be supported by improvements in transport infrastructure and services which will be designed to encourage more sustainable travel patterns. *'The provision of parking is an important element in the overall design of these SDLs, as parking is a major factor in influencing travel. A careful balance needs to be achieved between allowing Wokingham residents to own cars, whilst encouraging use of alternative modes of travel and not allowing car parking to dominate the urban landscape.'* The proposed parking policy in the neighbourhood plan would both undermine this policy and is not in general conformity with the borough's strategic policy.

What is the justification for not following the healthcheck recommendation to remove the parking policy? Shinfield Neighbourhood Plan Healthcheck *Recommendation 7: The Neighbourhood Plan should be re-drafted to delete the new parking policy in preference for a statement that the Neighbourhood Plan complies with the development plan in this*

respect, and all necessary consequential changes to the plan should be made to reflect this development plan compliance.

Paragraph 184 of the NPPF states that *'Neighbourhood plans and orders should not promote less development than set out in the Local Plan or undermine its strategic policies.'* The proposed parking policy could undermine the strategic borough-wide policy. The policies in this section should be consistent with and build on existing WBC policies.

Paragraph 14.1 (page 17)

As stated in paragraph 13.6 and 13.7 in this document, 0.037% is not a significant increase in car ownership for Shinfield Parish compared to the Borough-wide rate. Therefore, the evidence to support the last sentence in this paragraph is not robust.

Paragraph 14.3 (page 17)

It is unlikely that garages are used as car parking spaces, which explains why there appear to be more than 130 vehicles regularly parked on the street.

Paragraph 14.4 (page 17)

Looking at the data in the Car Parking Survey, how the current WBC parking standards apply to this development is not included and therefore it is not clear how the figure of 72% has been arrived at or whether it is accurate.

Paragraph 14.5 (page 17)

Bullet 2 – As discussed in paragraph 13.6 and 13.7 in this document, the rate of car ownership in Shinfield Parish is 0.037% higher than the average across the Borough. This slight increase does not justify deviating from the Borough-wide parking strategy.

Bullet 3 – Is there any evidence to suggest that tandem parking is not sufficient?

Bullet 5 (page 18) – Deardon Way was never intended as a bus route as it is a cul-de-sac. For the Mitford Fields development, a bus could be contracted to do this route as the roads have been designed adequately. Whilst parking was based on old standards and increased parking has occurred on street, this was not the deciding factor preventing a bus travelling through the site. Rather the decision was related to viability and longevity of a good public transit strategy serving the local area and the wider Strategic Development Location. Regarding the Shinfield Park development, a bus can make the route and could be contracted to serve this route if it were deemed viable.

Paragraph 14.6 (page 18)

The Manual for Streets, which is the national standard published by the Department for Transport for road infrastructure, advises that 6.1 metres is an adequate width and has a minimum required width of 5.5 metres. The approved applications for the South of the M4 SDL include provisions for buses to run through the site. In addition, funding has been secured for traffic management which can be used for any necessary parking restrictions.

Policy 5: Parking (page 19)

To understand the impact of the proposed parking provisions in Policy 5, WBC Highways officers looked at a current pre-application that has been received for Shinfield Parish and calculated the required parking under the Shinfield standards and under the WBC standards, as can be seen in the table below.

	Current WBC adopted parking	Proposed Shinfield NP parking
	18 allocated parking spaces	22 parking spaces
	7 unallocated/visitor parking spaces	2 visitor spaces
Total required	25	24

As can be seen in the table, the current WBC adopted parking standards would require a higher level of parking provision than the proposed Shinfield parking standards. As the text in the plan indicates, this is not the intention of this policy. The WBC standards are based on a robust and extensive study by WSP. The proposed Shinfield standards do not have a clear evidence base upon which they are formulated. The parking policy as found on page 19 in the pre-submission plan should be removed and recommendation 7 from the Healthcheck report should be complied with:

Recommendation 7: The Neighbourhood Plan should be re-drafted to delete the new parking policy in preference for a statement that the Neighbourhood Plan complies with the development plan in this respect, and all necessary consequential changes to the plan should be made to reflect this development plan compliance.

It is not clear in the policy whether garages should count as part of the car parking provision. The existing WBC policy of assuming usage of 50% of garages as part of the car parking provision and having garages with a minimum length of 6 metres are an established and practical approach.

What is the evidence that tandem parking is not sufficient/appropriate? WBC are not aware of any evidence that shows this. Without robust evidence, the following sentence should be deleted: *'Tandem drives should not be constructed on primary roads, particularly those identified as bus routes or potential bus routes, as these lead to additional on-street parking.'*

Small parking areas usually indicate limited parking which will cause additional on street parking. Current WBC standards seek unallocated parking spaces and visitor spaces within these areas to assist with parking requirements. Evidence to support this is contained within the adopted parking standards study report. The following sentence should be deleted: *'Communal car parking areas in residential schemes should be small and close to buildings where there is appropriate natural surveillance.'*

Bollards and railings are generally discouraged and conflict with design guidance in the Borough Design Guide limiting street furniture. WBC parking policy, which is being delivered throughout new developments, aims to reduce this happening. Therefore, the following sentence should be deleted: *'Applicants will be required to demonstrate measures which will discourage parking on pavements and verges.'*

How will developers be encouraged to introduce and enforce parking management? Who will provide the enforcement? It is not clear how the following sentence would work in practice and therefore should be deleted: *'Developers will be encouraged to introduce and*

enforce parking management from occupation of houses until such times as roads are adopted by the local highways authority.'

Policy 5: Parking (continued) (page 20)

Houses in Multiple Occupation (HMOs) and Sub-Divisions

Conversions of dwellings to multiple occupation and sub-divisions generally intensify the use of the property and can increase demand for parking because of the greater number of adult occupants living in the property. There may also be a greater demand for visitor parking than if it were in single family occupation. **Converting a dwelling into an HMO for between three and six unrelated residents is permitted development, and therefore an application for planning permission is not required for this use. Converting a dwelling to a larger HMO, for seven or more unrelated residents, requires an application for planning permission and therefore the parking provision standards below will apply.**

~~The required level of parking provision may vary depending on the location and the specifics of the proposal. However, the minimum should be for the provision of one parking space per bedroom either on-site. or on-street depending on the parking capacity available in the area, unless otherwise justified by providing details, for example, as to what measures will be taken to deal with anticipated traffic impacts of the scheme. Applications will normally be expected to include a parking survey. On-street parking may be considered depending on the location of the proposed HMO in relation to the highway network (i.e. fronting a main road or located within a cul-de-sac or development estate). Should on-site parking not be achievable applications will be expected to include an independent parking survey.~~

For sub-divisions of houses or conversions of office or other non-residential accommodation into apartments **which require planning permission**, the standards will be as per the Residential Parking Standards set out ~~above~~ **within the Council's MDD**. Planning applications will normally be expected to include a parking survey **should on-street parking be considered**.

~~Inconsiderate parking can also lead to harm and adverse impact on highway safety. In order to minimise any potential impact of new developments with less than optimum parking on site and competition for existing on-street parking a Parking Survey and Assessment will be required to be submitted with an application where the use of off-site parking facilities is proposed to meet the needs of the development. [This paragraph repeats information in the first three paragraphs of this policy and so is not necessary.]~~

Parking Surveys

The Parking Survey shall be accompanied by a scaled plan (in the form of a dimensioned sketch) annotated to indicate private accesses, on-street parking bays, unmarked roadside parking, waiting restrictions (single yellow lines **etc.**), provision of suitable barriers to prevent parking on pavements or green verges and public car parks up to 100 metres distance from the development. The plan should also indicate areas unsuitable for parking within this distance.

The information submitted with the parking survey will also need to include:

- 1) The likely levels of car ownership amongst occupants;
- 2) An assessment of parking activity in an identified vicinity of the application site. The parking activity would need to be recorded regularly and typically between 6 am and 11pm ~~on one weekday and one weekend day~~ **for up to one week (including a Tuesday, Wednesday and Thursday), and including one weekend day** by an independent assessor;
- 3) The results of the survey would be required to provide mapped records of the parked vehicle locations at each regular count interval and vehicle identities and would need to be at a time unaffected by seasonal variation (not in school holidays, or leading up to Christmas, for example);
- 4) Proximity to public transport.

Section 15. Natural Environment (page 21)

Paragraph 15.4 (page 21)

Regarding the field in Spencers Wood known as “The Common”, WBC has no evidence that this is a semi-natural unimproved grassland.

Policy 6: Trees, Hedgerows and Woodland (page 23)

3) Habitats of Principal Importance in England (Section 41 Habitats under the Natural Environmental and Rural Communities Act (2006) **which are appropriate for retention** will have a minimum 15 metre wide buffer zone of soft landscaping that excludes any residential curtilage;

4) Ancient Woodlands, Local Wildlife Sites and ponds which are appropriate for retention will have a **15 - 30** metre wide buffer zone of native woodland planning that excludes any residential curtilage;

Policy 8: Flooding (page 24)

SuDS is Sustainable Drainage Systems—the ‘Urban’ has been dropped. Please make this change in the third paragraph of this policy.

Section 16. Community and Recreation (page 25)

Policy 9: Assets of Community Value (page 26)

Only the first paragraph in this policy is actual policy; the second and third paragraphs are supporting text and so should not be within the green policy box.

*Assets of community value are defined as buildings and pieces of land that are essential to the social foundation of the area. **There is a formal designation process. Applicants can apply to Wokingham Borough Council to designate assets of community value.***

*The parish council will seek to ~~have register~~ identified assets **of community value designated by** ~~with~~ Wokingham Borough Council and retain a working list of sites identified as valuable to the community.*

Policy 10: Community and Sports Facilities (page26)

All developments shall contribute towards formal and informal sport and leisure activities and recreation and social facilities within the parish, **in line with Wokingham Borough Council Community Infrastructure Levy Charging Schedule and/or negotiated through Section 106 agreements** ~~either through the provision of facilities or through financial contributions towards sports, leisure and recreation projects.~~

Section 17: Business and Commercial Development

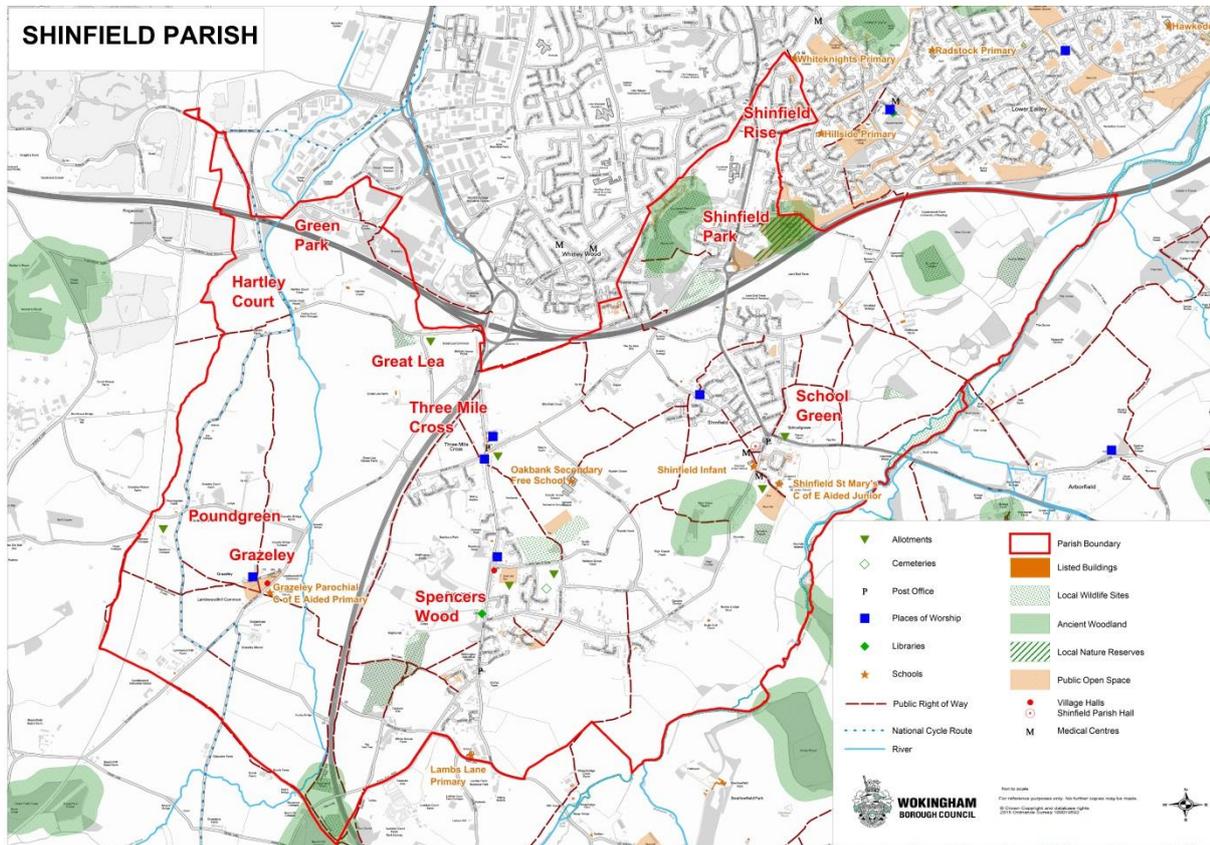
Policy 11: Commercial Development

2) *The scale of the development would complement the local area*

What does this mean? Please provide clarification.

Appendix 2: Shinfield Parish Map

Please replace the existing map of Shinfield Parish on the back cover of the draft plan with the map below. The existing map includes a layer for Tree Preservation Orders, which is out of date and has been removed in the map below. For a high resolution copy of this map, please contact Rebecca Bird.



Agenda Item 39.

ITEM NO:

TITLE	Ground lease to The South East Reserve Forces and Cadet Association (SERFCA), on Land at Elizabeth Park, Wokingham
FOR CONSIDERATION BY	The Executive on 30 July 2015
WARD	Norreys
LEAD OFFICER	Andy Couldrick, Chief Executive
LEAD MEMBER	Philip Mirfin, Executive Member for Regeneration and Communities

OUTCOME / BENEFITS TO THE COMMUNITY

Improved and enhanced community facilities.

RECOMMENDATION

To agree to the grant of a new 25 year ground lease to The South East Reserve Forces and Cadet Association (SERFCA) on Land at Elizabeth Park, Wokingham which will replace their existing facilities on the Carnival Pool site

SUMMARY OF REPORT

The report sets out the reasoning behind relocating the Air Training Corps (ATC) and Army Cadet Force (ACF) facility in Wokingham Town which is being co-ordinated with the masterplanning of the wider Carnival Pool site, for which a planning application has been submitted in April 2015.

The purpose of the issue coming before the executive is that the proposed length of lease is greater than the 14 years delegated to Officers.

Background

The re-development of the Carnival Pool site as a leisure quarter for Wokingham town, including a new multi-storey car park, was identified in the Wokingham Town Centre Masterplan SPD, adopted in June 2010.

The Regeneration team have been developing the principles and ideas for the site in line with this document. There are several site constraints involved with the project including the location of the existing ACF and ATC facility, which sits on the footprint of the proposed multi-storey car park, construction of which is planned to commence in Spring 2016, subject to the satisfactory granting of a Planning Consent

WBC has been working with the MoD's managing body known as South East Reserve Forces and Cadet Association (SERFCA) to identify an alternative site for them based on their criteria, and have agreed on the land at Elizabeth Park, Wokingham. Elizabeth Park is an area of public open space, which includes one football pitch and is owned and managed by WBC. The site identified for the Cadet facility is in the south-eastern corner of the park and currently on the site is a redundant and boarded up changing facility adjacent to a tarmac car park. The changing facility was last used in 2012 and is surplus to the Council's requirements. The proposal co-locates the ATC and AFC on the site allowing the football pitch usage to continue. The redundant changing facility will be demolished and a new, purpose- built facility will be constructed by and for the ACF and ATC

Analysis of Issues

The combined Army Cadet Force (ACF) and Air Training Corps (ATC) have occupied the current cadet compound on Carnival Field under a series of protected leases for many decades. Following the expiry of their most recent lease, a new lease has been granted on what the Council calls "regeneration terms".

The key characteristic of these regeneration terms is that the new lease explicitly acknowledges the Council's intention to redevelop the site and provides flexibility for the Landlord to terminate the lease on notice to enable demolition and redevelopment to proceed in line with Masterplan imperatives. Exactly the same principal has been applied to all the retail leases in the town centre to enable the delivery of the Peach Place scheme.

The new cadet lease of the current facility has been negotiated with SERFCA and their solicitors. This new lease provides for the Council to terminate on notice subject to either payment of the equivalent of statutory compensation (de minimus in this case) or the provision of a suitable alternative site on which SERFCA can provide a new Cadet facility.

In tandem with the grant of the new lease for the current facility, the new site has been identified and approved by the Council and SERFCA at Elizabeth Park. Pre-planning advice has been provided by the Local Planning Authority and this advice has shaped the detailed design of a new building for the sole use of the ACF and ATC, with an application now submitted. At the same time Heads of Terms for the grant of a new lease of the site are being agreed between respective property teams and solicitors.

The lease will be drawn up by SLS and approved by solicitors for SERFCA whilst the planning application runs its course and completed once planning consent has been achieved. Possession of the Premises will be granted as soon as required for the construction of the new building.

FINANCIAL IMPLICATIONS OF THE RECOMMENDATION

The Council faces severe financial challenges over the coming years as a result of the austerity measures implemented by the Government and subsequent reductions to public sector funding. It is estimated that Wokingham Borough Council will be required to make budget reductions in excess of £20m over the next three years and all Executive decisions should be made in this context.

	How much will it Cost/ (Save)	Is there sufficient funding – if not quantify the Shortfall	Revenue or Capital?
Current Financial Year (Year 1)	Nil	Yes	N/A
Next Financial Year (Year 2)	Nil	Yes	N/A
Following Financial Year (Year 3)	Nil	Yes	N/A

Other financial information relevant to the Recommendation/Decision

None

Cross-Council

This proposal has and will continue to require input from other services, mainly the Cleaner and Greener team around the co-location of services and the sharing of the car park.

List of Background Papers

None

Contact Bernie Pich	Service Regeneration
Telephone No 0118 974 6700	Email Bernie.pich@wokingham.gov.uk
Date 11 July 2015	Version No. 01

This page is intentionally left blank

TITLE	Regeneration of Peach Place Compulsory Purchase Order
FOR CONSIDERATION BY	The Executive on 30 July 2015
WARD	Wescott
LEAD OFFICER	Andy Couldrick, Chief Executive
LEAD MEMBER	Philip Mirfin, Executive Member for Regeneration and Communities

OUTCOME / BENEFITS TO THE COMMUNITY

- Enable the compulsory acquisition of all necessary land interests to deliver the regeneration of Peach Place, which is a plan-led regeneration project supported by the planning and corporate policies of the Council and is a key part of the regeneration of Wokingham Town Centre.
- Secure the earlier delivery of the regeneration of the Site and the consequential benefits to the local community which will be delivered.

RECOMMENDATION

That the Executive:

- 1) Agrees that the Council should make a compulsory purchase order ("CPO") to include the land required to deliver the proposed regeneration of land known as Peach Place, Peach Street, Wokingham as shown indicatively edged red on the draft plan at Appendix 1 of this report ("the Site") pursuant to section 226(1)(a) of the Town and Country Planning Act 1990 (as amended) because it considers that:
 - (a) the acquisition of the land will facilitate the carrying out of the development, redevelopment or improvement of the Site; and
 - (b) the development, redevelopment or improvement of the Site is likely to contribute to the achievement of any one or more of the promotion or improvement of the economic, social and environmental well-being of the borough of Wokingham;
- 2) Agrees that the Council should include within the CPO the acquisition of new rights within the Site as necessary under section 13 of the Local Government (Miscellaneous Provisions) Act 1976 to facilitate the development, redevelopment or improvement on or in relation to the Site;
- 3) Agrees to authorise the Chief Executive, in conjunction with the Leader and Executive Member for Regeneration, to:
 - (a) take all necessary steps in relation to the Site to secure the making, the confirmation and, in accordance with a programme approved by the Executive, the implementation of the CPO including publication and service

of all relative notices and the presentation of the Council's case at any Public Inquiry; and

- (b) approve terms for the acquisition of legal interests (including rights) by agreement including for the purposes of resolving any objections to the CPO;
- 4) Authorises, if the CPO is confirmed, to the extent that it is not already held for such purposes, that that part of the Site already within the Council's ownership as shown shaded green on the plan at Appendix 2 of this report be appropriated for planning purposes as described in section 226 of the Town and Country Planning Act 1990 (as amended) on the date immediately before the Council implements the confirmed CPO by the making of a vesting declaration or service of notice to treat/notice of entry, such land being then no longer required for the purpose for which it is currently held.

SUMMARY OF REPORT

The purpose of this report is to:

- Consider the making of a CPO to achieve the regeneration of the Site; and
- Consider appropriation of the Council's land for planning purposes to facilitate the regeneration of the Site.

The regeneration of the Site has been a corporate and planning objective of the Council for many years.

Working with Wilson Bowden Developments Limited, the Council's appointed development manager, planning permission for the regeneration of the Site has now been secured. The only impediment to regeneration of the Site is the need to assemble all necessary land interests. It is therefore appropriate for the Council to now consider use of its compulsory purchase powers.

The Council has previously referred to the use of compulsory purchase powers to assemble the Site in the Wokingham Core Strategy 2010, and it has subsequently demonstrated its intent to deliver regeneration of the Site by acquiring various land holdings by private treaty. The Council has acquired a significant proportion of the freehold interest in the Site as shown shaded green on the plan at Appendix 2 of this report. The Council has further, from 2010 until the present day, engaged with tenants who are in occupation and trade from the Site with a view to varying their leases to enable regeneration of the Site to proceed.

Whilst the Council has had considerable success in acquiring the necessary land interests or securing variations to leases which will in due course enable the regeneration of the Site to proceed, it has not however been possible to acquire all necessary land interests by negotiation.

The Council considers that the use of compulsory purchase powers is appropriate and in accordance with national and local policy.

The following documents are appended to this report:

- 1 Draft plan showing the land proposed to be included in the CPO edged red
- 2 Plan showing the freehold land owned by the Council shaded green
- 3 19 February 2015 Executive Paper
- 4 Draft Statement of Reasons

Background

The Executive, at its meeting on 19 February 2015, considered the recommendations of the Executive Member for Regeneration and Communities and approved the in-principle making of a CPO to acquire the necessary land interests to facilitate the redevelopment of land at Peach Place Peach Street Wokingham town centre. A copy of that report is at Appendix 3 of this report.

The Executive also authorised the Chief Executive, in conjunction with the Leader and Executive Member for Regeneration, to take all necessary steps to commence the process for the making of the CPO, including securing the appointment of suitable external advisors and preparing all necessary draft CPO documentation.

Following the Executive decision in February 2015 and on 5 March 2015, planning permission (reference F/2014/2637) has been granted for the regeneration of the Site. This has enabled the Council to carry out a detailed land referencing exercise which has identified the land interests that need to be included in the CPO. A revised draft CPO map (Appendix 1) is consequently attached to this report and will be further updated and finalised before the making of the CPO. In addition, significant progress has been made in preparing the CPO documentation.

Since the acquisition of the Peach Place holding in 2010 (which forms the majority of the Site), the Council has worked hard and effectively with its existing and new tenants to provide for both their needs and those of the regeneration. In most cases, the existing tenants' leases have been re-gearred by agreement to enable the Council to progress with the redevelopment of the Site. The Council has successfully let any vacant units on 'regeneration leases', short term leases, suitable for start-up local independent traders, again which will allow the Council to proceed with the redevelopment at the end of 2016. In addition, the Council has worked with owners and occupiers adjacent to the Site who benefit from rights across the Site. In all cases suitable alternative rights have been offered and in most cases legal agreements have been completed or are in hand.

In tandem with the preparation of the CPO, the Council has continued its negotiations in respect of the outstanding third party land interests with a view to concluding acquisition by agreement where possible.

Regeneration of the Site

The regeneration of the Site has been a longstanding corporate and planning policy objective of the Council.

In 2010, the Core Strategy for Wokingham identified one of the aspirations and spatial issues that needed to be addressed by the Council as the "*renaissance of Wokingham and other town centres*" (paragraph 2.68). More particularly at paragraph 2.84 it stated:

"[Wokingham] town centre is the largest retail centre in the borough and its range of facilities and services is recognised in both LPS2 and appendix 3 [of the Core Strategy]. The sustainability of the town may be undermined unless schemes are developed which support its vitality and viability, particularly so it can retain trade that might otherwise leak to the centres of Reading or an improved Bracknell. During the plan period there are likely to be opportunities for a number of significant developments within the town centre. The Council recognises that

development around Wokingham could help reduce traffic flows through the town and would support the vitality and viability of the centre through increasing its population”.

Core Policy 14 expressly deals with the growth and renaissance of Wokingham Town Centre:

“Wokingham, as a major town centre in Berkshire is considered suitable for growth. Proposals should retain and enhance the historic market town character of Wokingham and maintain its position in the Berkshire retail hierarchy by:

1. *Strengthening shopping in the retail core to reduce leakage of expenditure;*
2. *Conserving and enhancing historic quality and interest;*
3. *Improving existing public space;*
4. *Ensuring development cumulatively provides and maintains:*
 - a) *A wide range of services, learning opportunities, community facilities and tourist facilities that complement existing provision;*
 - b) *Housing;*
 - c) *Office accommodation;*
 - d) *Public open space providing for a range of activities;*
 - e) *Leisure and entertainment;*
 - f) *Improved pedestrian links between the station and the shopping streets;*
 - g) *Improved pedestrian and cycle links between the centre and other parts of the town;*
 - h) *Appropriate car parking to facilitate a viable and sustainable town centre;*
 - i) *Enhanced environmental and design quality.*

The use of compulsory purchase powers to facilitate site assembly and the delivery of renewal and regeneration schemes”.

Paragraph 4.69 of the Core Strategy explains that:

“Improving the centre means that it can better meet the needs of residents and prevent decline associated with loss of expenditure following expansion in nearby larger centres. The Retail Study indicates proposals within the town centre should contribute towards lengthening the time visitors stay (including into the evenings), as this will contribute towards the vitality and viability of the centre. The Retail Study.....indicates that there is scope for additional comparison floorspace in the centre to help reduce the current leakage....”

In the same year, the Wokingham Town Centre Masterplan was adopted by the Council. It describes the Council's key objectives for the Site as being to:

- improve the retail performance of the site and the town centre, by providing modern retail units;
- improve the environmental quality of the town centre by introducing well designed buildings which relate well to their urban context;
- contribute a new urban space to complement the existing arcade;
- help to diversify the town centre by introducing additional residential units

above ground level; and

- continue to provide convenient short stay car parking for town centre visitors.

And more recently, in February 2014, the Managing Development Delivery Local Plan was adopted by the Council which sets out how the vision in the Core Strategy will be delivered. Policy SAL08 allocates the Sites as suitable for mixed use redevelopment:

"Land at Peach Place, Wokingham, for the delivery of A1 (retail) floorspace with flexibility for A3 (restaurants & cafes), A4 (drinking establishments) and C3 (residential) development"

The Council has and continues to remain committed to securing regeneration of the Site in accordance with the above policy. The vision for the town centre sees Wokingham as:

- The number one place for people to live in the UK.
- A town centre that is home to a thriving retail and business economy with a diverse leisure and recreation offer, and which provides high quality living at the heart of the Borough.
- A town centre that not only builds on the existing strengths and unique character of the Town, but also forms the heart of the surrounding community with a high quality and active public realm that attracts and promotes the well-being of its residents, working population and visitors alike.

The Council further considers that the Site represents a significant opportunity to improve the quality of the retail offer in Wokingham and to improve Wokingham town centre's retail competitiveness. Regeneration of the Site will further deliver significant environmental improvements by replacing tired poorly designed buildings with high quality well designed buildings which are complementary and in keeping with the surrounding townscape.

In October 2010, the Council took the first steps in securing implementation of the regeneration of the Site by appointing Wilson Bowden Developments Limited as its development manager.

Wilson Bowden is working with the Council to achieve the Council's key principles and objectives as set out in the Project Briefing Document, which can be summarised as follows:

- Improving the Economic Vitality and Viability of the Town;
- Improving the Social Vitality and Viability of the Town;
- Improving and Enhancing Public Open Spaces and Public Realm;
- Enhancing the Architectural Quality of the Town Centre; and
- Improving Pedestrian Accessibility in the Town Centre and Access to the Town.

In 2013, the Council and Wilson Bowden progressed two separate planning applications for Peach Place and Elms Field linked by way of one contributions agreement (Infrastructure Delivery Plan). Following a robust master-planning exercise, discussions and negotiations with potential tenants and with a series of consultation events, the two applications were submitted to the Council as local planning authority in November 2013. However, in December 2013, the Council took the decision to withdraw the applications due to the need to review some elements of the elevations of Peach Place. In April 2014, a key proposed tenant for Elms Field withdrew from the scheme and the decision was made to proceed with an independent application for Peach Place.

The Scheme

In November 2014, a fully detailed planning application for the regeneration of the Site was submitted to the Council. Planning permission reference number F/2014/2637 ("the Planning Permission") was granted for the redevelopment of the Site pursuant to that application on 5 March 2015 ("the Scheme") for:

"Full application for part redevelopment and part retention and refurbishment of existing buildings to provide a mixed use development for town centre uses including Class A1 shops, Class A2 financial and professional services, Class A3 restaurants and cafes, Class A4 drinking establishments, Class A5 hot food takeaways and a new public square, plus 26 Class C3 dwellings (a net gain of 21), as part of the regeneration of Wokingham Town Centre. The proposals include:

- *Demolition of 34/35 Market Place, 2-22 (even) Peach Street, 1-6 The Arcade and the wall along the Rose Street frontage; and the removal of Rose Street Car Park;*
- *Retention of 24-38 (even) Peach Street (Marks & Spencer, the Haka and Redan Public House);*
- *Retention and refurbishment of 36 Market Place (including two first floor apartments) with external alterations; and 1-5 (odd) Rose Street (including two second floor apartments) with external alterations;*
- *Erection of new building for the uses listed above, new public toilets and associated works including reconfiguration of part of Marks and Spencer car park."*

The Scheme will more specifically provide:

- Total floor area of proposed development 6,043 sqm GIA (6,678 sqm GEA) (includes existing floor space of apartments to be refurbished).
- Retail (A1 – A5) of 3,674 sqm GIA (3,938 sqm GEA) to be arranged over ground and some of the first floor levels.
- New residential units comprising 4 three bed town houses and 18 two bed apartments on the first and second floor over the retail units.
- Refurbishment and reconfiguration of two existing apartments (Flat 1 - two bed and

Flat 2 – one bed) on Rose Street, including external alterations.

- Refurbishment of two existing two bed flats above shops (Costa and Superdrug) at 36 Market Place, including improvements to façade and access.
- New public toilets to include one male and one female toilet, built to disabled standards.
- Removal of existing Rose Street car park to create a new public square and access to site.
- Reconfigured Marks and Spencer's car park area (with no loss of car parking spaces).

The Council is satisfied, for the reasons set out below, that the Scheme for which the Planning Permission has been granted is in accordance with the adopted policy for the regeneration of the Site and will achieve the purposes for which the CPO is proposed to be made.

Scheme Benefits

The Council's key ambition for the proposed regeneration of the Site is to ensure the continued health of the town, successfully integrating the new retail and residential proposals with the historic core of the town in a seamless way that achieves wider benefits for all. The premises that are on the Site at present detract from the overall appearance and character of the centre, are of poor quality in terms of built form, appearance and layout, provide limited flexibility for retailers and as a result have struggled to attract the quality of occupier desired to sustain and lift the retail order in the town.

The Scheme is in line with the Development Plan for the Site and is supported by national and local planning policy and guidance; this is set out in some detail in the draft Statement of Reasons (see Appendix 4 of this report). It will deliver regenerative benefits to the town centre of Wokingham and will make a significant contribution to the improvement of the economic, social and environmental well-being of the town. In summary, it is considered that the Scheme will deliver the following public benefits:

- **Economic Benefits**

The Wokingham Retail Study, Update 2014, prepared by Nathaniel Lichfield and Partners (NLP), identifies unmet need for new retail space in Wokingham town centre. Taking into account future retail commitments in Wokingham Town Centre of a net increase in convenience floor space of 3,546 sqm (GIA) and 4,614 sqm (GIA) comparison (of which this current application forms part), the report identifies a further requirement of 284 sqm of convenience floorspace and 3,700sqm of comparison floorspace within the town by 2026. The Scheme will deliver a net increase in retail floor area of just over 900 sqm (GIA), making a positive contribution to bringing forward some of the identified commitment for the town centre.

Wokingham's position in relation to surrounding town centres has been declining as people choose to do their shopping in these other centres, which continue to improve and diversify the offer of retail and leisure premises. Therefore, a key aim and benefit of

the proposed regeneration is to meet the need for an enhanced retail and restaurant offer and experience within Wokingham town centre. This is to be accomplished through the provision of larger more flexible shop and restaurant units suitable for modern retailers who might not otherwise be able to locate in the town.

The requirement for larger format units (over 200 sqm) has been specifically identified by the Council's retail advisors (Strutt & Parker) and was referenced in the Wokingham Retail Study Update 2014 by NLP. The aim is to make Wokingham town centre a destination in its own right, one that plays to its strengths as an historic market town, a safe and convenient centre and one that offers choice for a range of shoppers.

The commercial retail/leisure environment is competitive and potential occupiers are very specific in terms of their requirements for unit layout, location and quality of the town centre environment. National retailers typically require units of specific size and layout from 200 to 300 sqm; larger format stores will trade from 500 sqm. National retailers are becoming ever more discerning in terms of location and type of environment they will locate in. It is important that all the correct elements of a well-designed scheme that is managed by a single organisation are in place to attract them.

In response to the above, the Scheme will deliver new, larger format modern retail units which will be attractive to retail and restaurant operators. The new units will have efficient mechanical and natural ventilation systems, the built framework will enable retailers to expand and contract the size of their unit given market conditions and adjoining unit conditions. This will attract new operators into the town centre and add to the vitality and retail performance of the centre in line with approved planning policy. In turn, this will assist in clawing back trade and increasing footfall and dwell-time to the benefit of the town.

The Scheme will create new jobs and valuable investment into the local area. It is predicted to create in the region of 100 (net) new jobs, with a further 44 jobs per annum during the construction phase. In gross value added (GVA) terms, once the Scheme is operational, approximately £4.65M per annum will be secured for the local economy.

Economic benefit to the town will also accrue from the occupants of the proposed new residential properties within the Scheme. Indeed, a further gross direct expenditure, in excess of £600,000 per annum, will be generated into the local economy in this way.

- Environmental Benefits

The improvements to the built form and landscape framework at the heart of Wokingham are critical to its future success. Market towns must carve out a niche and draw for discerning customers, a quality environment where town centre users can comfortably move around and enjoy a good range and variety of retail, restaurant, cafes, cultural and leisure uses in an attractive setting is key to its future success. The proposals are an important planned intervention for the historic town centre area and will help secure its sustained health and vitality.

The proposed Scheme will make much more efficient use of prime town centre land and will deliver significantly improved public realm at the heart of the town centre. A high quality new public space will be created that will help reinforce a sense of local distinctiveness, provide an attractive meeting place and introduce quality hard and soft landscaping.

By removing unattractive buildings, which detract from the setting of key heritage assets, and by providing new buildings that are more sensitive to their location, the heritage and townscape value of the locality will be enhanced. Moreover, by the provision of a new public space at the heart of the Conservation Area, opportunities will be created for the historic fabric to be enjoyed and understood.

The Scheme will enhance the appearance of a back land area, currently utilised for parking and with some service access, and contribute positively to local character and distinctiveness. Indeed, the buildings have been designed in accordance with robust design principles and in consultation with the local community and other stakeholders. Active shop and restaurant frontages will animate the space and unattractive service areas will be screened.

Improved pedestrian connectivity through the Site to Peach Street/Market Street and Rose Street will also result from the new public realm. The new space will act as an important link connecting various town centre areas and activities.

Seating and resting areas will be located at regular intervals, the gentle gradient across the public realm across area is compliant with the Disability Discrimination Act 1995 and paving and kerb detailing will be carefully considered to ensure the needs of all members of the community are accommodated.

The majority of the new homes proposed as part of the Scheme will be built to Lifetime Homes Standards and capable of future adaptation to meet residents changing needs.

More sustainable modes of transit including walking and the provision of 37 cycle storage spaces will be included as part of the Scheme. Displaced car parking from the Rose Street car park will be accommodated in other car parks close to the town centre.

The Scheme will meet appropriate sustainability objectives in line with recently approved planning policies and will thereby ensure that climate change considerations are secured.

- Social Benefits

The proposed Scheme will enhance the retail offer in order to better cater for the retail needs of the town, as well as providing opportunities for additional restaurant and café provision. Indeed, by linking this new floorspace to the enhanced public realm, (designed to meet all accessibility standards), the Scheme will provide new opportunities for socialising and outdoor community events for the whole community to enjoy.

The proposed residential provision and mix of units will also add to the stock of housing in a highly sustainable location and help meet wider planning objectives in terms of housing land supply.

It is estimated that the proposed development will create 44 construction jobs per year and an additional 107 operational jobs. The opportunity to target newly created jobs to local people via an employment and skills protocol is also to be investigated by the Council.

New public toilets that are compliant with Disability Discrimination Act 1995 will be provided as part of the proposed Scheme. This is an important amenity that has been consistently requested by the local community during the evolution of the proposed Scheme.

The CPO

The Council has sought for some time to assemble land ownership of the Site. A large number of interests have already been acquired but it has not been possible to secure every interest. The Council considers that the inability to acquire all necessary land interests by agreement is likely to delay regeneration of the Site.

Having regard to the advice in Circular 06/2004 – Compulsory Purchase and the Crichel Down Rules ("the Circular"), the Council considers it appropriate to make a CPO to acquire any outstanding land interests. In particular, the Circular recognises that compulsory purchase is an important tool to use as a means of assembling the land needed to help deliver social and economic change and encourages local authorities to consider using their compulsory purchase powers in a proactive way to ensure that benefits are secured for residents and the business community without delay.

If the Executive endorses the recommendation set out in this report then the Council proposes to:

- Make the CPO to acquire all necessary land interests within the Site, and following confirmation of the CPO, appropriate the Site for planning purposes.
- In parallel, continue to seek to acquire all necessary land interests by agreement.
- Apply for an order pursuant to section 247 of the Town and Country Planning Act 1990 to stop up highway within the Site to facilitate delivery of the Scheme.

Analysis of Issues

Use of Compulsory Purchase Powers

The Council has the power in section 226 of the Town and Country Planning Act 1990 (as amended) to make a CPO for any land within the Borough if the Council thinks that the purchase of the land will facilitate the carrying out of development, redevelopment or improvement on or in relation to the land.

Pursuant to section 226, the Council may not exercise this power unless it thinks that the development, redevelopment or improvement is likely to contribute to the achievement of any one or more of the following objectives:

- The promotion or improvement of the economic well-being of their area;
- The promotion or improvement of the social well-being of their area;
- The promotion or improvement of the environmental well-being of their area.

Section 13 of the Local Government (Miscellaneous Provisions) Act 1976 enables the Council to acquire any new rights.

The Circular provides updated and revised guidance to acquiring authorities in England on the use of CPO powers. Paragraph 1 states:

Ministers believe that Compulsory Purchase Powers are an important tool for local authorities and other public bodies to use as a means of assembling the land needed to help deliver social and economic change. Used properly, they can contribute towards effective and efficient urban and rural regeneration, the revitalisation of communities, and the promotion of business – leading to improvements in quality of life. Bodies possessing Compulsory Purchase powers – whether at local, regional or national level – are therefore encouraged to consider using them proactively wherever appropriate to ensure real gains are brought to residents and the business community without delay

Particular guidance on orders made by local authorities under section 226 is contained in Appendix A of the Circular. Paragraph 2 states:

"The powers in Section 226 as amended by Section 99 of the Planning and Compulsory Purchase Act 2004 are intended to provide a positive tool to help acquiring authorities with their planning powers to assemble land where this is necessary to implement the proposals in their community strategies and Local Development Documents. These powers are expressed in wide terms and can, therefore, be used by such authorities to assemble land for regeneration and other schemes where the range of activities or purposes proposed means that no other single specific compulsory purchase power would be appropriate"

Importantly the Circular requires that a CPO should only be made where there is a compelling case in the public interest.

Paragraph 15 of the Circular also recognises that it is not always feasible or sensible to wait until the full details of a scheme have been worked up and planning permission has been obtained before proceeding to prepare a CPO. An acquiring authority will however have to demonstrate that there are no reasons why any required planning permission for the scheme should not be secured.

A compulsory purchase order to which there are objections will require confirmation by the Secretary of State to become effective. The Circular provides that any decision by the Secretary of State about whether to confirm a CPO made under section 226 will be made on its own merit but the factors which the Secretary of State can be expected to consider include:

- *"Whether the purpose to which the land is being acquired fits in with the adopted planning framework for the area;*
- *The extent to which the proposed purpose will contribute to the achievement of the promotion or improvement of the economic, social or environmental well-being of the area;*
- *The potential financial viability of the scheme for which the land is being acquired;*
- *Whether the purpose for which the acquiring authority is proposing to acquire the*

land could be achieved by other means, e.g. alternative proposals put forward by the owners of the land".

The Circular also requires the Council to have regard to the following when considering making a CPO:

- *"that the purposes for which the order is made sufficiently justify interfering with the human rights of those with an interest in the land affected;*
- *the degree to which other bodies (including the private sector) have agreed to make financial contributions or to underwrite the scheme and on what basis such contributions or underwriting is to be made;*
- *evidence relating to financial viability;*
- *whether the scheme is likely to be blocked by other impediments to implementation".*

The Circular looks to acquiring authorities to seek to acquire land by agreement wherever practicable. However, the Circular recognises that it may be sensible for acquiring authorities to start formal CPO procedures in parallel with their efforts to acquire by agreement. The Circular notes that this has the advantage of making the seriousness of the acquiring authority's intentions clear from the outset which in turn might encourage those whose land is affected to enter more readily into meaningful negotiations.

In preparing this report and considering the implications of making a CPO to enable the redevelopment to proceed, the Council has also had regard to the draft updated guidance published by the Government in March 2015 – 'Compulsory Purchase, The Crichel Down Rules for the disposal of surplus land acquired by, or under the threat of, compulsion'.

In the making of the CPO, the Circular encourages acquiring authorities to offer those concerned about a CPO access to alternative dispute resolution techniques where appropriate.

Notice of the making of the order is given to categories of "qualifying persons", namely owners, lessees and occupiers (other than monthly or shorter tenants) and publicised in the local newspaper. Objections from such persons may lead to a public inquiry.

Land Proposed for Compulsory Acquisition

The land required for regeneration of the Site and proposed for compulsory acquisition is indicatively identified edged red on the draft plan at Appendix 1 of this report. It comprises of the following land interests as shown shaded pink on the plan:

- 1 – 5 Rose Street
- Private car park at Rose Street
- Public car park at Rose Street
- Service yard to the rear of 39 - 40 Market Place
- Electricity Substation to the rear of 39 Market Place
- Alleyway to the side of 36b Market Place
- 34 – 35 Market Place
- 2 – 22 Peach Street

- Service yard to the rear of 36, 36a and 36b Market Place
- Service yard to the rear of 16a – 22 Peach Street
- The Arcade off Peach Street
- Part of the Marks and Spencer's car park
- Public conveniences
- Land to the rear of Wokingham Methodist Church

The CPO also proposes to acquire the following new rights over the land indicatively shown shaded blue on the plan:

- Land to the side of 24 Peach Street, Redan Public House - The right to take down buildings on adjacent land, including making good to party wall where necessary. The right to erect temporary scaffolding for the duration of the works. The right to provide protection over existing rear footway to the rear alongside the property. The right to provide protection to the roof of the public house.
- Land to the rear of Wokingham Methodist Church and land comprising part of the Marks and Spencer's Car Park - The right to enter the car park to carry out works including resurfacing works and reconfiguration of the car parking spaces. The right to erect and retain scaffolding on the land in connection with the erection of a building on adjacent land.
- Land by the entrance to the Bradbury Centre at Wokingham Methodist Church - The right to take down existing handrail and replace with new handrail in conjunction with the removal and carrying out of access works on adjacent land.
- Superdrug, 36 Market Place - The right to install, retain, maintain and renew on the roof of the building photo Voltaic panels and mechanical plant for the purpose of serving the development. The right to take down buildings on adjacent land, including making good the party wall where necessary and the right to construct new buildings on adjacent land.
- Costa Coffee, 36 Market Place - The right to install, retain, maintain and renew on the roof of the building photo Voltaic panels and mechanical plant for the purpose of serving the development. The right to take down buildings on adjacent land, including making good the party wall where necessary and the right to construct new buildings on adjacent land. The right to amend the rear serviced route.

Case for Compulsory Acquisition

The Council's case for making the CPO is more fully set out in the draft Statement of Reasons at Appendix 4 of this report.

As set out above, regeneration of the Site has been a longstanding corporate and planning policy objective of the Council. The regeneration of the Site by delivery of the Scheme for which planning permission is sought will bring economic, social and environmental benefits to Wokingham.

The Council has sought over the last five years (since June 2010) to assemble land ownership of the Site and has been successful in securing control of a large part of the freehold interest in the Site, including:

- 1-5 Rose Street
- Rose Street private car park
- Flats 1 – 6, 39b Market Place
- 34 – 42 Market Place
- Offices 42a Market Place (now private apartments)
- Flats 36a/b Market Place
- 2 – 16B Peach Street
- 20/22/22a Peach Street
- 18/18a Peach Street
- Bush Walk, 37 Market Place
- 26 Peach Street
- 1 – 6 The Arcade
- Part of Rose Street public car park

The Council has further throughout this five year period engaged with tenants who are in occupation and trade from the Site with a view to varying their leases to enable regeneration of the Site to proceed. This has involved renewing leases on regeneration compliant terms when leases expire as well as the proactive re-gearing of leases midterm. In all cases, these re-gears have either provided alternative accommodation or alternative leases with suitable compensation provisions to reflect any rights surrendered. Where premises have fallen vacant during this period, care has been taken to grant new leases on regeneration compliant terms. Such renewals and re-gears have been agreed with:

- 2 Peach Street – Helen & Douglas charity
- 4 Peach Street – Village Floral Boutique
- 6 Peach Street – Heirs of Sanpa
- 8 Peach Street – Funtastic Toys
- 10 Peach Street – Round Corners Ltd
- 12 Peach Street – AW Sports
- 14 Peach Street – Dragon Nails
- 16 Peach Street – Sun Shed
- 16A Peach Street – Kebab Extra
- 16B Peach Street – CT Bell
- 18/18a Peach Street – Code Boutique
- 20 Peach Street – Vitality Health
- 22 Peach Street – Mac’s Turkish Barber
- 5 Rose Street – Strange Jewellers
- Flat 1, 5a Rose Street – Aeroblu Ltd
- Rose Street car park site of public toilet - Wokingham Town Council
- 1 The Arcade - Baloo
- 2 The Arcade – Hairy Poppins
- 3 The Arcade - Baloo
- 4 The Arcade - Attattooed
- 5/6 The Arcade – Just Around the Corner
- 38/39a Market Place – Peach Dental Practice
- 39 Market Place – Boots Chemist
- 40 Market Place – Boots Chemist
- 41 Market Place – John Wood Sports

- 41/42 Market Place - Clarks

Where tenants are able to stay in-situ during and following redevelopment of the Site, the Council has endeavoured to agree terms with the tenants to secure the redevelopment rights required to deliver the redevelopment.

However, notwithstanding the Council's efforts since 2010, it has not been possible to acquire or secure control of all interests in the Site and a number of interests remain to be resolved. The Council proposes to continue to try to acquire or secure control of such interests following any resolution to make a CPO.

In determining whether to proceed with compulsory acquisition, the Executive is reminded that, for those directly affected, there will be interference with convention rights incorporated into law by the Human Rights Act 1998. The Council will take all necessary steps to minimise the effect of such interference so that it is proportionate and necessary for the implementation of any authorised compulsory acquisition.

The Council considers that the inability of the Council to secure the outstanding land interests in the Site will have the effect of delaying the regeneration of the Site and delivery of the consequential benefits to the community.

The Council accordingly considers that there is a compelling case in the public interest for the Council to exercise compulsory purchase powers as proposed in this report.

Timetable for Progress

In the event that the Council proceeds with the making of the CPO, it is envisaged that the CPO will be made in late August/September 2015. Progress thereafter will depend on whether any objections are made to the CPO and the nature and scope of those objections.

If no objections are received to the CPO then the CPO can immediately be confirmed and implemented subject to compliance with statutory requirements.

If objections are received then the Council will work to secure removal of those objections. If the objections cannot be resolved within a reasonable timescale, it is anticipated that the Secretary of State will arrange for a Public Inquiry to be held to consider any outstanding objections. It is envisaged that any Public Inquiry would be arranged for the early part of 2016, with a decision being reached by the Secretary of State in Summer 2016.

Alongside the procedural issues associated with the CPO, the Council and Wilson Bowden intend to progress discharge of the conditions imposed on the Planning Permission and appropriate procurement processes for the construction of the proposed development. In the event that the CPO is then confirmed and implemented to secure vacant possession during Summer/Autumn 2016, the Council will be ready to commence development on the Site at the beginning of 2017.

With a build programme of 21 months, the project programme therefore anticipates a completed development by Autumn 2018.

Financial Implications

The Council has already identified in the Wokingham Town Centre Masterplan 2010 that the use of CPO powers may be necessary to assemble land to deliver regeneration of the Site. The Council's Corporate Plan confirms that it intends to use its resources to deliver the regeneration of the Site.

Human Rights and Equality Implications

In considering the case for making the CPO, the Council has also had regard to the human rights implications and to its public sector equality duty (section 149 of the Equality Act 2010).

The Human Rights Act 1998 incorporated into domestic law the European Convention on Human Rights ("the Convention"). The Convention includes provisions in the form of articles, the aim of which is to protect the rights of the individual.

In resolving to make the CPO the Council should consider the rights of property owners under the Convention, notably under the following Articles:

- Article 1 - This protects the right of everyone to the peaceful enjoyment of possessions. No one can be deprived of possessions except in the public interest and subject to the relevant national and international laws.
- Article 8 - This protects private and family life, home and correspondence. No public authority can interfere with these interests except if it is in accordance with the law and is necessary in the interest of national security, public safety or the economic well-being of the country.
- Article 14 - This protects the right to enjoy rights and freedoms in the Convention free from discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, or national or social origin.

In the case of each of these Articles under the Convention, the Council should be conscious of the need to strike a balance between the rights of the individual and the interests of the public. In the light of the significant public benefit which would arise from the regeneration of the Site, it is considered appropriate to make the CPO. It is not considered that the CPO would constitute any unlawful interference with individual property rights.

The opportunity has been given to landowners and other affected parties to make representations regarding the Council's planning policies which underpin the proposed CPO. Further representations can be made in the context of any public inquiry which the Secretary of State decides to hold in connection with the CPO. Those directly affected will be entitled to compensation (in accordance with the statutory code) proportionate to the loss which they incur as a result of the acquisition of their interests.

The Council further has a duty, when exercising any power, to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out its activities (section 149 of the Equality Act 2010). This includes removing or minimising disadvantages suffered by people due to their protected characteristics, taking steps to meet the needs of people from protected groups where these are different from the needs of other people and encouraging people from protected groups to participate in public life or in other

activities where their participation is disproportionately low. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The Council has considered each protected characteristic to identify whether the redevelopment of the Site or delivery of the Scheme could have a detrimental impact of such protected characteristics.

One particular issue which was raised during the planning application process by a local councillor was the impact of the proposed Scheme on users of the Bradbury Centre, particularly disabled users who are commonly dropped off in front of and use the ramp to the entrance to the centre in Rose Street car park. The loss of a disabled access and parking (including drop off facilities) could prevent disabled users from being able to access the centre.

The Council considered the issue carefully as part of the planning application process and determined that the proposed Scheme had been designed in compliance with the requirements of the Disability Discrimination Act 1995 and that, as such, it would overall improve the environment and experience of residents, businesses and visitors and in achieving this deliver benefits to those with disabilities. Specifically, the proposed Scheme would allow much easier physical access to shops, residences and communal areas which would in turn promote independence and social inclusion.

In considering the disabled access to the Bradbury Centre, in particular, the Council noted that the centre presently operates an informal drop off facility within Rose Street car park but has no formal legal right to provide such facility. The Council, however, accepted that the loss of parking spaces and drop off facilities could have detrimental impact on disabled users of the centre.

The Council accordingly imposed a condition on the Planning Permission (condition 26) requiring the proposed Scheme to provide three disabled parking bays or two disabled parking bays and a drop-off facility before use of the Rose Street car park by visiting members of the public ceases. The Council, with Wilson Bowden, is in the process of finalising the details for discharge of this condition and is satisfied that such provision will ensure continuity of access to the centre by disabled users.

The Council is content that it has discharged its public equality duty and that the redevelopment of the Site and the proposed Scheme will have no detrimental impact, or where there may be an impact, steps have been taken to mitigate it, on the protected characteristics set out above.

FINANCIAL IMPLICATIONS OF THE RECOMMENDATION

The Council faces severe financial challenges over the coming years as a result of the austerity measures implemented by the Government and subsequent reductions to public sector funding. It is estimated that Wokingham Borough Council will be required to make budget reductions in excess of £20m over the next three years and all Executive decisions should be made in this context.

	How much will it Cost/ (Save)	Is there sufficient funding – if not quantify the Shortfall	Revenue or Capital?
Current Financial Year (Year 1)	£500K	Yes	Capital
Next Financial Year (Year 2)	£0.85m	Yes	Capital
Following Financial Year (Year 3)	Nil	N/A	N/A

Other financial information relevant to the Recommendation/Decision

Funding for this process is included within the WTCR budget currently approved and included within the medium Term Financial Plan. The costs include those for Counsel, legal and management costs of the process, together with the cost of the Inquiry and relevant compensation costs to any businesses impacted.

Cross-Council Implications

The project is in line with the Council Vision and forms one of the top priorities. There is no impact on other services.

List of Background Papers

None

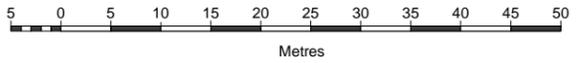
Contact Bernie Pich	Service Regeneration
Telephone No 0118 974 6700	Email bernie.pich@wokingham.gov.uk
Date 17 July 2015	Version No. 1

This page is intentionally left blank

KEY

- LAND TO BE ACQUIRED
- NEW RIGHTS TO BE ACQUIRED

SCALE: 1:500 @ A2



DATE	OS GRID REF	VERSION
09/07/2015	SU 81 68	v3.3

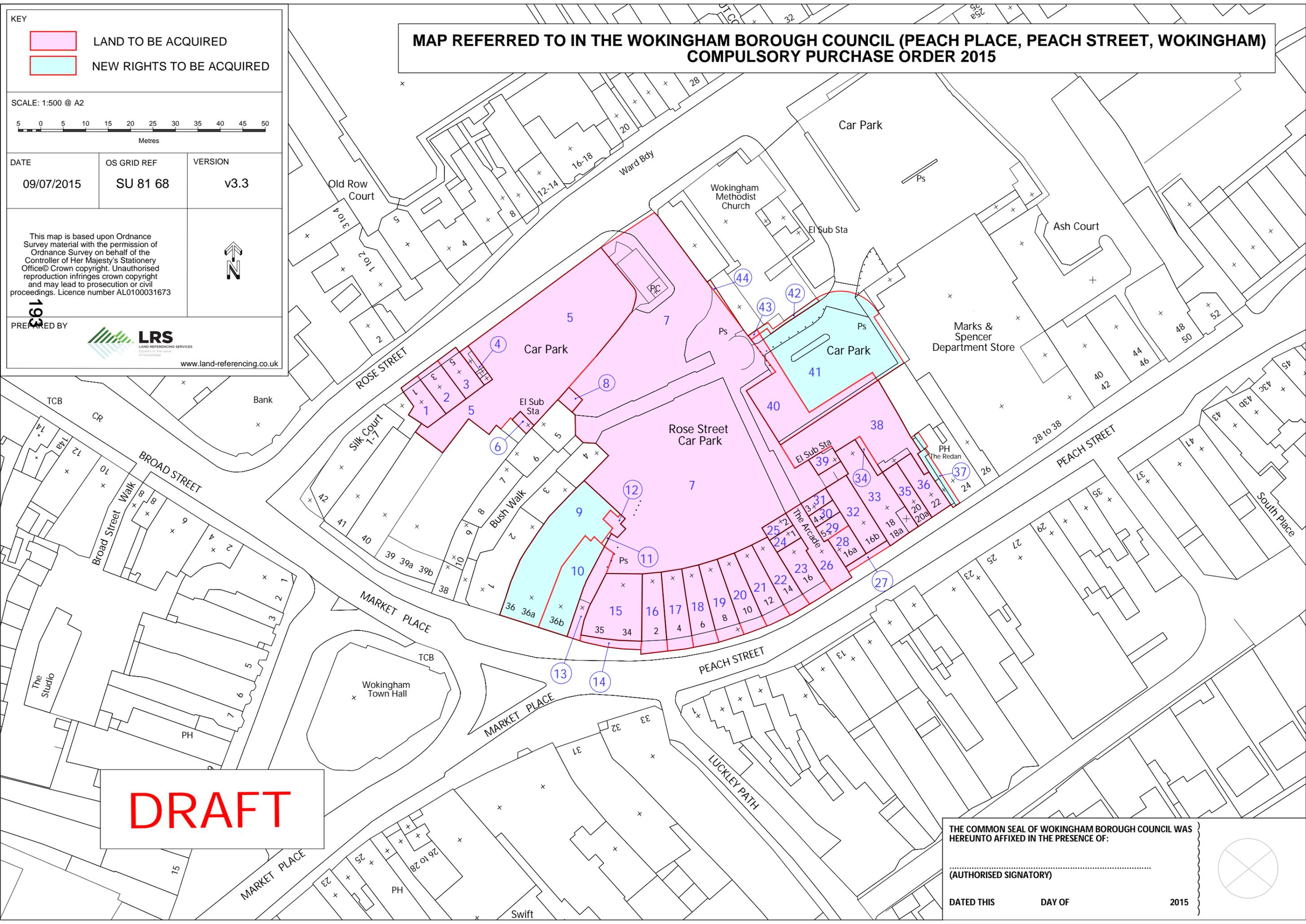
This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes crown copyright and may lead to prosecution or civil proceedings. Licence number AL0100031673



PREPARED BY

www.land-referencing.co.uk

MAP REFERRED TO IN THE WOKINGHAM BOROUGH COUNCIL (PEACH PLACE, PEACH STREET, WOKINGHAM) COMPULSORY PURCHASE ORDER 2015



DRAFT

THE COMMON SEAL OF WOKINGHAM BOROUGH COUNCIL WAS HEREUNTO AFFIXED IN THE PRESENCE OF:

.....
(AUTHORISED SIGNATORY)

DATED THIS DAY OF 2015

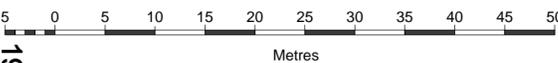


This page is intentionally left blank

TITLE
Wokingham Borough Council Ownership

KEY
 WBC Ownership
 Planning Application Boundary (supplied by client on 24-04-2015)

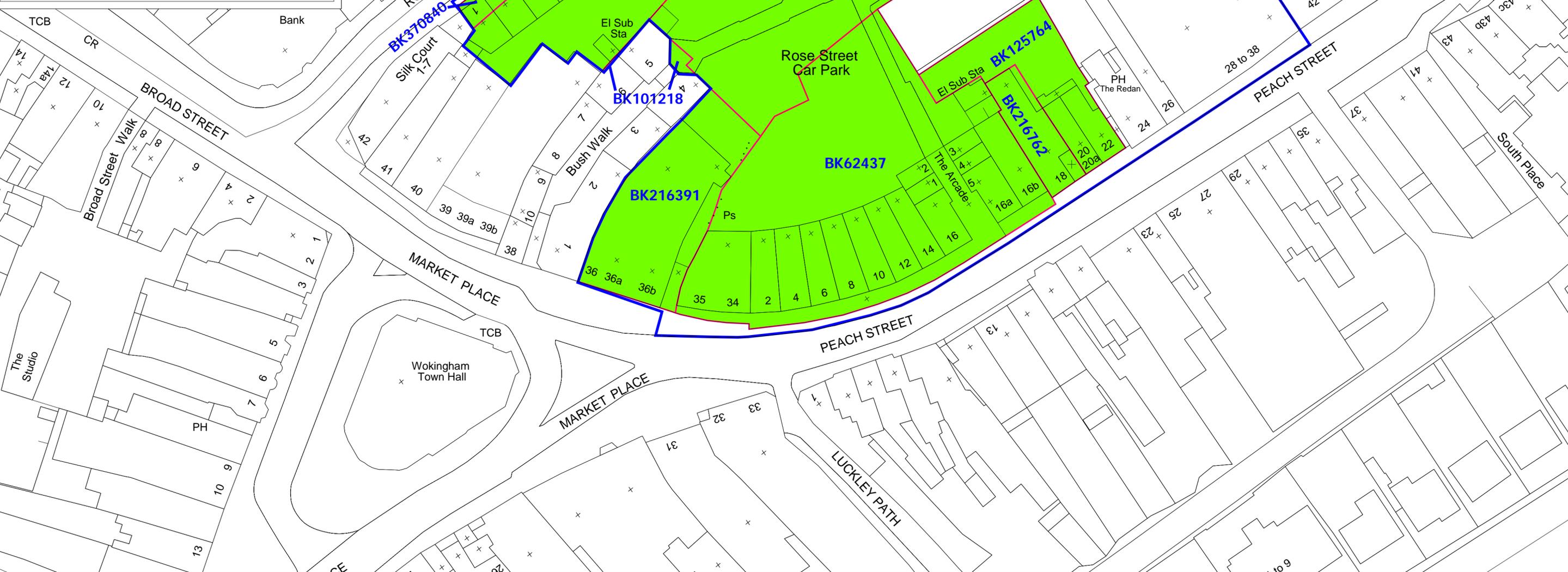
SCALE: 1:500 @ A2



DATE 15/06/2015 **OS GRID REF** SU 81 68 **Version** v3.0

OS MAPPING LICENCE
 This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes crown copyright and may lead to prosecution or civil proceedings. Licence number AL0100031673

PREPARED BY  **LRS**
 LAND REFERENCING SERVICES
 Experts in the value of knowledge



This page is intentionally left blank

EXECUTIVE REPORT CONSIDERED PREVIOUSLY

ITEM NO: 118.00

TITLE	Compulsory Purchase Order (CPO) – In-Principle Resolution
FOR CONSIDERATION BY	The Executive on 19 February 2015
WARD	Wescott
LEAD OFFICER	Andy Couldrick, Chief Executive
LEAD MEMBER	Philip Mirfin, Executive Member for Regeneration and Communities

OUTCOME / BENEFITS TO THE COMMUNITY

- Enable the acquisition of all necessary land interests to deliver the regeneration of Peach Place ("the Site"). This is a plan-led regeneration project which is supported by the planning and corporate policies of the Council and is a key part of the regeneration of Wokingham Town Centre.
- Secure the earlier delivery of the regeneration of the Site and the consequential benefits to the local community which will be delivered in consequence of it.

RECOMMENDATION

That the Executive:

- 1) agrees to authorise the in-principle use of a compulsory purchase order ("CPO") to acquire the necessary land interests the extent of which is shown indicatively edged red on the annexed plan required to deliver the proposed regeneration of Peach Place Wokingham town centre pursuant to section 226(1)(a) of the Town and Country Planning Act 1990 (as amended) and, in the case of any new rights, pursuant to section 13 of the Local Government (Miscellaneous Provisions) Act 1976, because it considers that:
 - (a) The acquisition will facilitate the carrying out of the development, redevelopment or improvement of land; and
 - (b) The development, redevelopment or improvement of the land is likely to contribute to the achievement of any one or more of the promotion or improvement of the economic, social and environmental well-being of Wokingham.
- 2) agrees to authorise the Chief Executive, in conjunction with the Leader and Executive Member for Regeneration, to take all necessary steps to commence the process for the making, confirmation and implementation of the CPO, including securing the appointment of suitable external advisors and preparing all necessary CPO documentation;
- 3) notes that a further report will be put before the Executive to approve the final extent of the land to be acquired following the finalisation of the necessary

preparatory work.

SUMMARY OF REPORT

The purpose of this report is to consider the making of a CPO to achieve the regeneration of the Site.

The regeneration of the Site has been a corporate and planning objective of the Council for many years. The Council has previously referred to the use of compulsory purchase powers to assemble the Site in the Wokingham Core Strategy 2010, and it has subsequently demonstrated its intent to deliver regeneration of the Site by acquiring various land holdings by private treaty arrangements. It has not however been possible to acquire all necessary land interests by negotiation.

Working with Wilson Bowden Developments Limited, the Council's appointed development manager, a fully detailed planning application for the regeneration of the Site is now before the Council, as local planning authority, for consideration. If approved, it is anticipated that planning permission will be secured in Spring/Summer 2015.

The Council considers that the failure to assemble all necessary land interests could delay delivery of the regeneration of the Site. It is therefore appropriate for the Council to now consider use of its compulsory purchase powers. The Council considers that the use of such powers is in accordance with national and local policy.

Background

The regeneration of the Site has been a longstanding corporate and planning policy objective of the Council.

In 2010, the Core Strategy for Wokingham identified one of the aspirations and spatial issues that needed to be addressed by the Council as the "*renaissance of Wokingham and other town centres*" (paragraph 2.68). More particularly at paragraph 2.84 it stated:

"[Wokingham] town centre is the largest retail centre in the borough and its range of facilities and services is recognised in both LPS2 and appendix 3 [of the Core Strategy]. The sustainability of the town may be undermined unless schemes are developed which support its vitality and viability, particularly so it can retain trade that might otherwise leak to the centres of Reading or an improved Bracknell. During the plan period there are likely to be opportunities for a number of significant developments within the town centre. The Council recognises that development around Wokingham could help reduce traffic flows through the town and would support the vitality and viability of the centre through increasing its population".

Core Policy 14 expressly deals with the growth and renaissance of Wokingham Town Centre:

"Wokingham, as a major town centre in Berkshire is considered suitable for growth. Proposals should retain and enhance the historic market town character of Wokingham and maintain its position in the Berkshire retail hierarchy by:

1. *Strengthening shopping in the retail core to reduce leakage of expenditure;*
2. *Conserving and enhancing historic quality and interest;*
3. *Improving existing public space;*
4. *Ensuring development cumulatively provides and maintains:*
 - a) *A wide range of services, learning opportunities, community facilities and tourist facilities that complement existing provision;*
 - b) *Housing;*
 - c) *Office accommodation;*
 - d) *Public open space providing for a range of activities;*
 - e) *Leisure and entertainment;*
 - f) *Improved pedestrian links between the station and the shopping streets;*
 - g) *Improved pedestrian and cycle links between the centre and other parts of the town;*
 - h) *Appropriate car parking to facilitate a viable and sustainable town centre;*
 - i) *Enhanced environmental and design quality.*

The use of compulsory purchase powers to facilitate site assembly and the delivery of renewal and regeneration schemes".

Paragraph 4.69 of the Core Strategy explains that:

"Improving the centre means that it can better meet the needs of residents and prevent decline associated with loss of expenditure following expansion in nearby larger centres. The Retail Study indicates proposals within the town centre should contribute towards lengthening the time visitors stay (including into the evenings),

as this will contribute towards the vitality and viability of the centre. The Retail Study (see table 4.1 earlier) indicates that there is scope for additional comparison floorspace in the centre to help reduce the current leakage....”

In the same year, the Wokingham Town Centre Masterplan was adopted by the Council. It describes the Council's key objectives for the Site as being to:

- improve the retail performance of the site and the town centre, by providing modern retail units;
- improve the environmental quality of the town centre by introducing well designed buildings which relate well to their urban context;
- contribute a new urban space to complement the existing arcade;
- help to diversify the town centre by introducing additional residential units above ground level; and
- continue to provide convenient short stay car parking for town centre visitors.

And more recently, in February 2014, the Managing Development Delivery Local Plan was adopted by the Council which sets out how the vision in the Core Strategy will be delivered. Policy SAL08 allocates the Sites as suitable for mixed use redevelopment:

"Land at Peach Place, Wokingham, for the delivery of A1 (retail) floorspace with flexibility for A3 (restaurants & cafes), A4 (drinking establishments) and C3 (residential) development"

The Council has and continues to remain committed to securing regeneration of the Site in accordance with the above policy. The vision for the town centre sees Wokingham as:

- The number one place for people to live in the UK.
- A town centre that is home to a thriving retail and business economy with a diverse leisure and recreation offer, and which provides high quality living at the heart of the Borough.
- A town centre that not only builds on the existing strengths and unique character of the Town, but also forms the heart of the surrounding community with a high quality and active public realm that attracts and promotes the well-being of its residents, working population and visitors alike.

The Council further considers that the Site represents a significant opportunity to improve the quality of the retail offer in Wokingham and to improve Wokingham town centre's retail competitiveness. Regeneration of the Site will further deliver significant environmental improvements by replacing tired poorly designed buildings with high quality well designed buildings which are complementary and in keeping with the surrounding townscape.

In October 2010, the Council took the first steps in securing implementation of the regeneration of the Site by appointing Wilson Bowden Developments Limited as its

development manager.

The successful development partner will work with the Council to achieve the Council's key principles and objectives as set out in the Project Briefing Document, which can be summarised as follows:

- Improving the Economic Vitality and Viability of the Town;
- Improving the Social Vitality and Viability of the Town;
- Improving and Enhancing Public Open Spaces and Public Realm;
- Enhancing the Architectural Quality of the Town Centre; and
- Improving Pedestrian Accessibility in the Town Centre and Access to the Town.

In 2013, the Council and its development manager progressed two separate planning applications for Peach Place and Elms Field linked by way of one contributions agreement (Infra-structure Delivery Plan). Following a robust master-planning exercise, discussions and negotiations with potential tenants and with a series of consultation events, the two applications were submitted to the Council as local planning authority in November 2013. However, in December 2013, the Council took the decision to withdraw the applications due to the need to review some elements of the elevations of Peach Place. In April 2014, a key proposed tenant for Elms Field withdrew from the scheme and the decision was made to proceed with an independent application for Peach Place.

The Scheme

In November 2014, a fully detailed planning application (reference number F/2014/2637) for the regeneration of the Site was submitted to the Council. The proposals for which planning permission is sought ("the Scheme") comprise:

"Demolition of 34/35 Market Place and 2-16B (even) Peach Street; 18 and 18A (even), Peach Street; 1-6 The Arcade, 20 and 22 Peach Street. Retention of Marks and Spencer, Haka and Redan PH premises (24-38 Peach Street); with alterations to boundary treatment. Erection of a mixed use development to include Class A1-A5 units on ground and part first floor, together with 22 new residential units (four town houses and 18 apartments) (Class C3 Dwellings). The refurbishment of two apartments on first floor of 36 Market Place, including external alterations; refurbishment of Flat 1 and 2 Rose Street and alterations to building elevation and shop fronts of 1,3 and 5 Rose Street. The creation of a new public square and enhanced public realm and landscaping works, new public toilets and associated works including a reconfigured section of the Marks and Spencer car parking area."

It is anticipated that the planning application will be considered by the Council as planning authority in March 2015 and that, if approved, planning permission will be granted in Spring/Summer 2015.

The proposed Scheme is in line with the Development Plan for the Site and is supported by national planning policy and guidance. It will deliver regenerative benefits to the town

centre of Wokingham and will make a significant contribution to the improvement of the economic, social and environmental well-being of the town. In summary, it is considered that the Scheme will contribute by delivering the following public benefits:

Economic Benefits

The Scheme will deliver new, larger format modern retail units which will be attractive to retail and restaurant operators. This will attract new operators into the town centre and add to the vitality and retail performance of the centre in line with approved planning policy. In turn, this will assist in clawing back trade and increasing footfall and dwell-time to the benefit of the town.

The Scheme will create new jobs and valuable investment into the local area. It is predicted to create in the region of 100 (net) new jobs, with a further 44 jobs per annum during the construction phase. In gross value added (GVA) terms, once the Scheme is operational, approximately £4.65M per annum will be secured for the local economy.

Economic benefit to the town will also accrue from the occupants of the proposed new residential properties within the Scheme. Indeed, a further gross direct expenditure, in excess of £600,000 per annum, will be generated into the local economy in this way.

Environmental Benefits

The proposed development will make much more efficient use of prime town centre land and will deliver significantly improved public realm at the heart of the town centre. The Scheme will also enhance the appearance of a back land area, currently utilised for parking, and contribute positively to local character and distinctiveness. Indeed, the buildings have been designed in accordance with robust design principles and in consultation with the local community and other stakeholders.

By removing buildings which actually detract from the setting of key heritage assets, and by providing new buildings which are more sensitive to their location, the heritage value of the locality will be enhanced. Moreover, by the provision of a new public space at the heart of the Conservation Area, opportunities will be created for the historic fabric to be enjoyed and understood.

Improved pedestrian connectivity through the site to Peach Street/Market Street and Rose Street will also result from the new public realm.

The Scheme will meet appropriate sustainability objectives in line with recently approved planning policies and will thereby ensure that climate change considerations are secured.

Social Benefits

The proposed Scheme will enhance the retail offer in order to better cater for the retail needs of the town, as well as providing opportunities for additional restaurant and café provision. Indeed, by linking this new floorspace to the enhanced public realm, (designed to meet all accessibility standards), the Scheme will provide new opportunities for socialising and outdoor community events for the whole community to enjoy.

The proposed residential provision and mix of units will also add to the stock of housing in a highly sustainable location and help meet wider planning objectives in terms of housing land supply.

The opportunity to target newly created jobs to local people via an employment and skills protocol is also to be investigated by the Council.

Proposal

The Council has sought for some time to assemble land ownership of the Site. A large number of interests have already been acquired but it has not been possible to secure every interest. The Council considers that the failure to acquire all necessary land interests by agreement is likely to delay regeneration of the Site.

Having regard to the advice in Circular 06/2004 – Compulsory Purchase and the Crichel Down Rules ("the Circular"), the Council considers it appropriate to seek an early in-principle resolution to commence preparation for the making of a CPO to acquire any outstanding land interests. In particular, the Circular recognises that compulsory purchase is an important tool to use as a means of assembling the land needed to help deliver social and economic change and encourages local authorities to consider using their compulsory purchase powers in a proactive way to ensure that benefits are secured for residents and the business community without delay.

The Council considers that the benefits of such a resolution are:

- It gives officers specific authority to begin the process of making the CPO, including authorising officers to incur CPO costs and enter into any necessary agreements, for instance in respect of the appointment of external advisors or the acquisition of third party interests by agreement.
- It indicates to third party landowners that the Council intends to take all necessary steps to acquire the necessary land interests to enable regeneration of the Site to proceed. Third parties who have been reluctant to engage with the Council are often more willing to negotiate a deal once they become aware that the Council is willing to use its compulsory purchase powers.
- It focuses the Council's resources on achieving the desired outcome, often enabling the programme to be driven forward.
- It secures the appropriate authority for land requisition notices to be served on third party landowners.

Subject to members' agreement to proceed in this way, it is proposed that an item be included within the February 2015 Executive agenda.

If the Executive endorses the recommendation set out in this report then the Council proposes to:

- Continue to seek to acquire all necessary land interests by agreement. This will include advancing negotiations to purchase the freehold interest of a small part of the existing Marks & Spencer side car park (Marks & Spencer are supportive of commencement of the compulsory purchase process to help them raise the issue

within their corporate agenda).

- Commence preparation of the compulsory purchase process by securing the appointment of relevant external advisors and beginning preparation of the relevant CPO documentation. This will include investigating title to the land to identify all third party land interests required to enable the regeneration of the Site.
- Consider the need for any other orders or consents to facilitate the Scheme, including for instance any stopping-up of any highway.
- Enable the Council to deal with any outstanding lease interests required for the regeneration of the Site.

Recommendation

The Council has previously advised publicly that it would be willing to use its compulsory purchase powers, if necessary, to enable the regeneration of the Site. An 'in-principle' resolution at this stage is considered appropriate and in accordance with national and local policy.

Analysis of Issues

Use of Compulsory Purchase Powers

The Council has the power in section 226 of the Town and Country Planning Act 1990 (as amended) to make a CPO for any land within the Borough if the Council thinks that the purchase of the land will facilitate the carrying out of development, redevelopment or improvement on or in relation to the land.

Pursuant to section 226, the Council may not exercise this power unless it thinks that the development, redevelopment or improvement is likely to contribute to the achievement of any one or more of the following objectives:

- (a) the promotion or improvement of the economic well-being of their area;
- (b) the promotion or improvement of the social well-being of their area;
- (c) the promotion or improvement of the environmental well-being of their area.

Section 13 of the Local Government (Miscellaneous Provisions) Act 1976 enables the Council to acquire any new rights.

The Circular provides updated and revised guidance to acquiring authorities in England on the use of CPO powers. Paragraph 1 states:

Ministers believe that Compulsory Purchase Powers are an important tool for local authorities and other public bodies to use as a means of assembling the land needed to help deliver social and economic change. Used properly, they can contribute towards effective and efficient urban and rural regeneration, the revitalisation of communities, and the promotion of business – leading to improvements in quality of life. Bodies possessing Compulsory Purchase powers –

whether at local, regional or national level – are therefore encouraged to consider using them proactively wherever appropriate to ensure real gains are brought to residents and the business community without delay

Particular guidance on orders made by local authorities under section 226 is contained in Appendix A of the Circular. Paragraph 2 states:

"The powers in Section 226 as amended by Section 99 of the Planning and Compulsory Purchase Act 2004 are intended to provide a positive tool to help acquiring authorities with their planning powers to assemble land where this is necessary to implement the proposals in their community strategies and Local Development Documents. These powers are expressed in wide terms and can, therefore, be used by such authorities to assemble land for regeneration and other schemes where the range of activities or purposes proposed means that no other single specific compulsory purchase power would be appropriate"

Importantly the Circular requires that a CPO should only be made where there is a compelling case in the public interest.

Paragraph 15 of the Circular also recognises that it is not always feasible or sensible to wait until the full details of a scheme have been worked up and planning permission has been obtained before proceeding to prepare a CPO. An acquiring authority will however have to demonstrate that there are no reasons why any required planning permission for the scheme should not be secured.

A compulsory purchase order to which there are objections will require confirmation by the Secretary of State to become effective. The Circular provides that any decision by the Secretary of State about whether to confirm a CPO made under section 226 will be made on its own merit but the factors which the Secretary of State can be expected to consider include:

- *"Whether the purpose to which the land is being acquired fits in with the adopted planning framework for the area;*
- *The extent to which the proposed purpose will contribute to the achievement of the promotion or improvement of the economic, social or environmental well-being of the area;*
- *The potential financial viability of the scheme for which the land is being acquired;*
- *Whether the purpose for which the acquiring authority is proposing to acquire the land could be achieved by other means, e.g. alternative proposals put forward by the owners of the land".*

The Circular also requires the Council to have regard to the following when considering making a CPO:

- *"that the purposes for which the order is made sufficiently justify interfering with the human rights of those with an interest in the land affected;*
- *the degree to which other bodies (including the private sector) have agreed to make financial contributions or to underwrite the scheme and on what basis such*

contributions or underwriting is to be made;

- *evidence relating to financial viability;*
- *whether the scheme is likely to be blocked by other impediments to implementation".*

The Circular looks to acquiring authorities to seek to acquire land by agreement wherever practicable. However, the Circular recognises that it may be sensible for acquiring authorities to start formal CPO procedures in parallel with their efforts to acquire by agreement. The Circular notes that this has the advantage of making the seriousness of the acquiring authority's intentions clear from the outset which in turn might encourage those whose land is affected to enter more readily into meaningful negotiations.

In the making of the CPO, the Circular encourages acquiring authorities to offer those concerned about a CPO access to alternative dispute resolution techniques where appropriate.

Notice of the making of the order is given to categories of "qualifying persons", namely owners, lessees and occupiers (other than monthly or shorter tenants) and publicised in the local newspaper. Objections from such persons will lead to a public inquiry.

Land Proposed for Compulsory Acquisition

The land required for regeneration of the Site and proposed for compulsory acquisition is identified as edged red on the plan annexed. It can be generally described as land bounded in the north by Rose Street (though excluding the Methodist Church and Bradbury Centre), in the west by the rear elevations of Clarks, John Wood Sports, Boots and the car park façade of Bush Walk, to the south by Peach St and to the east by Marks and Spencer.

The need for inclusion of the individual land interests is however being considered in detail and it is likely that the extent of the land shown edged red on the plan will be subject to amendment before any CPO is made. The Executive will be asked to approve the final extent of the land to be acquired following conclusion of that exercise and finalisation of the CPO plan.

In addition, a large number of interests within the land edged red have already been acquired by the Council through negotiation. The Council will continue to seek to engage with landowners with a view to acquiring as many other land interests by agreement as possible. This may further reduce the extent of the land to be compulsorily acquired.

Case for Compulsory Acquisition

As set out above, regeneration of the Site has been a longstanding corporate and planning policy objective of the Council. The regeneration of the Site by delivery of the Scheme for which planning permission is sought will bring economic, social and environmental benefits to Wokingham.

The Council has sought over the last five years (since June 2010) to assemble land ownership of the Site and has been successful in securing control of a large part of the

freehold interest in the Site. For instance, a large portion of the Site comprising 1-5 Rose St, 35-41 Market Place and 1 – 16 Peach Street was purchased, subject to a number of occupational leases, in June 2010 by private treaty. Late, in January 2012, a further freehold block again subject to occupational leases was purchased at public auction comprising 20/22/Peach Street. And, most recently, in March 2014, the freehold of 18/18a Peach Street was purchased subject to occupational leases by private treaty linked to an agreement to relocate the owner occupier of the upper parts of the premises. This agreement has now resulted in the grant of a new lease of newly prepared premises to provide for the relocation of this business to a better location in the heart of the town centre, safeguarding the future of the business.

The Council has further throughout this five year period engaged with tenants who are in occupation and trade from the Site with a view to varying their leases to enable regeneration of the Site to proceed. This has involved renewing leases on regeneration compliant terms when leases expire as well as the proactive re-gearing of leases midterm. In all cases, these re-gears have either provided alternative accommodation or alternative leases with suitable compensation provisions to reflect any rights surrendered. Where premises have fallen vacant during this period, care has been taken to grant new leases on regeneration compliant terms.

Notwithstanding the Council's efforts since 2010, it has not been possible to acquire or secure control of all interests in the Site and a number of interests remain to be resolved. The Council proposes to continue to try to acquire or secure control of such interests following any resolution to make a CPO.

In determining whether to proceed with compulsory acquisition the Executive is reminded that for those directly affected there will be interference with convention rights incorporated into law by the Human Rights Act 1998. The Council would take all necessary steps to minimise the effect of such interference so that it is proportionate and necessary for the implementation of any authorised compulsory acquisition.

The Council considers that the inability of the Council to secure the outstanding land interests in the Site will have the effect of delaying the regeneration of the Site and delivery of the consequential benefits to the community.

The Council accordingly considers that there is a compelling case in the public interest for the Council to exercise compulsory purchase powers as proposed in this report.

Financial Implications

The Council has already identified in the Wokingham Town Centre Masterplan 2010 that the use of CPO powers may be necessary to assemble land to deliver regeneration of the Site. The Council's Corporate Plan confirms that it intends to use its resources to deliver the regeneration of the Site.

Human Rights Implications

The Human Rights Act 1998 incorporated into domestic law the European Convention on Human Rights ("the Convention"). The Convention includes provisions in the form of articles, the aim of which is to protect the rights of the individual.

In resolving to make the CPO the Council should consider the rights of property owners

under the Convention, notably under the following Articles:

- Article 1 - This protects the right of everyone to the peaceful enjoyment of possessions. No one can be deprived of possessions except in the public interest and subject to the relevant national and international laws.
- Article 8 - This protects private and family life, home and correspondence. No public authority can interfere with these interests except if it is in accordance with the law and is necessary in the interest of national security, public safety or the economic well-being of the country.
- Article 14 - This protects the right to enjoy rights and freedoms in the Convention free from discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, or national or social origin.

In the case of each of these Articles under the Convention, the Council should be conscious of the need to strike a balance between the rights of the individual and the interests of the public. In the light of the significant public benefit which would arise from the regeneration of the Site, it is considered appropriate to make the CPO. It is not considered that the CPO would constitute any unlawful interference with individual property rights.

The opportunity has been given to landowners and other affected parties to make representations regarding the Council's planning policies which underpin the proposed CPO. Further representations can be made in the context of any public inquiry which the Secretary of State decides to hold in connection with the CPO. Those directly affected will be entitled to compensation (in accordance with the statutory code) proportionate to the loss which they incur as a result of the acquisition of their interests.

FINANCIAL IMPLICATIONS OF THE RECOMMENDATION

The Council faces severe financial challenges over the coming years as a result of the austerity measures implemented by the Government and subsequent reductions to public sector funding. It is estimated that Wokingham Borough Council will be required to make budget reductions in excess of £20m over the next three years and all Executive decisions should be made in this context.

	How much will it Cost/ (Save)	Is there sufficient funding – if not quantify the Shortfall	Revenue or Capital?
Current Financial Year (Year 1)	Nil	Nil	
Next Financial Year (Year 2)	Nil	Nil	
Following Financial Year (Year 3)	Nil	Nil	

Other financial information relevant to the Recommendation/Decision

Funding for this process is included within the WTCR budget currently approved.

Cross-Council Implications

The project is in line with the Council Vision and forms one of the top Priorities
There is no impact on other services.

List of Background Papers
None

Contact Bernie Pich	Service Regeneration
Telephone No 0118 974 6700	Email Bernie.pich@wokingham.gov.uk
Date 10 February 2015	Version No. 1

This page is intentionally left blank

**THE WOKINGHAM BOROUGH COUNCIL
(PEACH PLACE, PEACH STREET, WOKINGHAM)
COMPULSORY PURCHASE ORDER 2015**

**THE TOWN AND COUNTRY PLANNING ACT 1990
THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976
AND
THE ACQUISITION OF LAND ACT 1981**

**STATEMENT OF THE COUNCIL'S
REASONS FOR MAKING THE ORDER**

[July] 2015

CONTENTS

1. Introduction
 2. Location and Description of the Order Land
 3. The Scheme
 4. Planning Position
 5. Case for Compulsory Purchase/Purpose of Acquisition
 6. Related Orders and Special Considerations affecting the Order Land
 7. Human Rights and Equality Considerations
 8. Conclusion
 9. Additional Information
- Appendix A
- Appendix B

DRAFT

1. Introduction

- 1.1 Wokingham Borough Council ("**the Council**") has made The Wokingham Borough Council (Peach Place, Peach Street, Wokingham) Compulsory Purchase Order 2015 ("**the Order**") which it has submitted to the Secretary of State for confirmation.
- 1.2 The Order has been made to enable regeneration of land in Wokingham town centre, known as Peach Place ("**the Site**"), by the construction of a mixed-use redevelopment scheme ("**the Scheme**").
- 1.3 The Scheme is being promoted by the Council working with its appointed development manager, Wilson Bowden Developments Limited ("**Wilson Bowden**").
- 1.4 The Scheme has been a corporate and planning objective of the Council for many years. Although the Council owns the freehold interest in much of the Site, implementation of the Scheme requires the acquisition of various land and property interests. The Council and Wilson Bowden have endeavoured to acquire the necessary interests by negotiation, but it has not been possible to reach agreement with all of the parties affected.
- 1.5 Implementation of the Scheme will bring economic, social and environmental benefits through the regeneration of the town centre. The benefits of the Scheme are described in detail in section 5 of this Statement.
- 1.6 Planning permission (reference F/2014/2637) was secured for the Scheme on 5 March 2015 ("**the Planning Permission**"). It authorises part redevelopment and part retention and refurbishment of existing buildings to provide a mixed use development for town centre uses including Class A1 shops, Class A2 financial and professional services, Class A3 restaurants and cafes, Class A4 drinking establishments, Class A5 hot food takeaways and a new public square, plus 26 Class C3 dwellings (a net gain of 21), as part of the regeneration of Wokingham Town Centre ("**the Permitted Scheme**").
- 1.7 The Council resolved on [] July 2015 to make a compulsory purchase order, reports were presented to the Council's Executive on 19 February 2015 and [] July 2015 in accordance with its powers in Section 226(1)(a) of the Town and Country Planning Act 1990 (as amended by the Planning & Compulsory Purchase Act 2004) and in Section 13 of the Local Government (Miscellaneous Provisions) Act 1976. The Council has consequently made the Order in order to secure the outstanding interests ("**the Order Land**") required for the purpose of implementing the Scheme.

2. Location and Description of the Order Land

- 2.1 The Order Land, comprising some [] acres, is located in Wokingham. It falls mainly within the Wokingham town centre boundary as defined in the Wokingham Town Centre Masterplan. The Order Land is more specifically described in the schedule of interests accompanying the Order and is identified on the related Order Map.
- 2.2 The Order Land is bounded by Peach Street to the south, Market Place to the west and Rose Street to the north. The area has a mix of uses including a Council operated car park and retail units.
- 2.3 The Order Land generally comprises the following land and property:
- 1 – 5 Rose Street;
 - Private car park at Rose Street;
 - Public car park at Rose Street;
 - Service yard to the rear of 39 - 40 Market Place;
 - Electricity substation to the rear of 39 Market Place;
 - Alleyway to the side of 36b Market Place;
 - 34 – 35 Market Place;
 - 2 – 22 Peach Street;
 - Service yard to the rear of 36, 36A and 36B Market Place;
 - Service yard to the rear of 16a – 22 Peach Street;
 - The Arcade off Peach Street;
 - Part of the Marks and Spencer's car park;
 - Public conveniences; and
 - Land to the rear of Wokingham Methodist Church.
- 2.4 The Order Land also includes other land over which rights are needed namely the right to enter on the land referred to below in order to carry out works for and in connection with the construction of the Scheme including in each case the following works and rights:
- Land to the side of 24 Peach Street, Redan Public House - The right to take down buildings on adjacent land, including making good to party wall where necessary. The right to erect temporary scaffolding for the duration of the works. The right to provide a protective walkway over existing rear footway. The right to provide protection to the roof of the public house;
 - Land to the rear of Wokingham Methodist Church and land comprising part of the Marks and Spencer's Car Park - The right to enter the car park to carry out works including resurfacing works and reconfiguration of the car parking spaces. The right to erect and retain scaffolding on the land in connection with the erection of a building on adjacent land;
 - Land by the entrance to the Bradbury Centre at Wokingham Methodist Church - The right to take down existing handrail and replace with new handrail in conjunction with the removal and carrying out of access works on adjacent land;
 - Superdrug, 36 Market Place - The right to install, retain, maintain and renew on the roof of the building photo Voltaic panels and mechanical plant for the purpose of serving the development; and

- Costa Coffee, 36 Market Place - The right to install, retain, maintain and renew on the roof of the building photo Voltaic panels and mechanical plant for the purpose of serving the development. The right to take down buildings on adjacent land, including making good the party wall where necessary and the right to construct new buildings on adjacent land. The right to amend the rear serviced route.

DRAFT

3. The Scheme

Purpose of the Scheme

- 3.1 The purpose of the Scheme is to ensure the continued health of Wokingham town centre, successfully integrating the new retail and residential proposals with the historic core of the town in a seamless way that achieves wider benefits for all.
- 3.2 The buildings presently located on the Site detract from the overall appearance and character of the town centre. They are of poor quality in terms of built form, poor appearance and layout and provide limited flexibility for retail occupiers. As a result, the properties on the Site have struggled to attract the quality of occupier desired to sustain and lift the retail order in the town centre. The balance of the retail offer in the town centre is therefore not as strong as it should be.
- 3.3 Wokingham's position in relation to surrounding town centres has been declining as result of the poor quality of the retail offer. People choose to do their shopping in other centres, including Reading and Bracknell, which continue to improve and diversify the offer of retail and leisure premises. Accordingly a key aim and benefit of the Scheme is to meet the need for an enhanced retail and restaurant offer and experience within Wokingham town centre. This will be accomplished through the provision of larger more flexible shops and restaurant units suitable for modern retailers who might not otherwise be able or willing to locate in the town centre.
- 3.4 The Council considers that, in the absence of the Scheme, the retail environment in the town centre will continue to decline. In the absence of any action to halt that decline, there is a real danger that the overall health of the town will continue to suffer and those national retailers that are presently located within the town centre may choose to close their operations in favour of adjoining centres. The Council considers that the strategic investment proposed by way of the Scheme must therefore be brought forward at the earliest possible opportunity.
- 3.5 The Wokingham Borough Council Retail Study Refresh 2010 and Wokingham Retail Study update 2014, undertaken by Nathaniel Lichfield and Partners provides the evidence base for the retail policies in the Local Plan. The Wokingham Retail Study, Update 2014, identifies unmet need for new retail space in Wokingham town centre. Taking into account future retail commitments in Wokingham Town Centre of a net increase in convenience floor space of 3,546 sqm (GIA) and 4,614 sqm (GIA) comparison (of which this current application forms part), the report identifies a further requirement of 284 sqm of convenience floorspace and 3,700 sqm of comparison floorspace within the town by 2026.
- 3.6 The commercial retail/leisure environment is competitive and potential occupiers are very specific in terms of their requirements for unit layout, location and quality of the town centre environment. It is important that all the correct elements of a well-designed scheme that is managed by a single organisation are in place to attract them. Key to the success of any town centre is therefore the availability of modern, flexible, retail units of varying sizes capable of easy adaptation to meet the changing needs of retailers and shoppers.
- 3.7 Alongside the planned improvements to the town centre, the Council is also bringing forward substantial housing-led Strategic Development Locations (SDL's); the planned urban extensions are located to the north and south of the town. These will also add significantly to the population within the primary catchment areas of the town. Indeed, the growing population places greater emphasis on the need to

enhance the quantum, quality and choice of the retail, leisure and evening economy within the town centre. Developing an appropriate environment and context for a successful mix of use is an important ingredient for a successful town centre.

- 3.8 The refurbishment of part of the Peach Place area, the corner plot of Market Place Rose Street, has been completed. This is considered phase one of the wider regeneration proposals for the town centre. The improvements have helped set a marker for the quality and ambition for the wider regeneration of the town centre. The proposed Scheme is the second and more substantial phase of the town centres regeneration.
- 3.9 The correct balance of key national retailers, restaurants and cafes will also help retain customers and push up footfall. This in turn will help sustain local niche and independent retailers who depend, in part, on the draw of the national retailers for their customer base. At the same time as the units could be increased in size to accommodate larger retailers, they could also be reduced in size to meet the needs of smaller independent retailers within the scheme.
- 3.10 The improvements to the built form and landscape framework at the heart of the town are critical to its future success. Market towns must carve out a niche and draw for discerning customers, a quality environment where town centre users can comfortably move around and enjoy a good range and variety of retail, restaurant, cafes, cultural and leisure uses in an attractive setting is key to its future success. The proposals are an important planned intervention for the historic town centre area and will help secure its sustained health and vitality.
- 3.11 The strengthening of the leisure element, through restaurant and café uses, is seen as a key component of the town's future health. It will help in the diversification of the function and meet the trend for a more leisure focused retail experience. Indeed, the Town Centre Masterplan promotes mixed-use development throughout the Town Centre.
- 3.12 The creation of a high quality public realm in Peach Place will further complement the uses and reinforce a strong sense of distinction and place. It will create a new meeting place at the centre of Wokingham and add to the richness of the town's urban fabric and retail experience.

General Description of the Scheme

- 3.13 In summary, the Scheme is a mixed use redevelopment comprising part new build and part retention and refurbishment of existing buildings to provide a range of town centre uses including:
- Class A1 shops;
 - Class A2 financial and professional services;
 - Class A3 restaurants and cafés;
 - Class A4 drinking establishments;
 - Class A5 hot food takeaways;
 - Class C3 dwellings;
 - A new public square;
 - New public toilets; and
 - Associated works including reconfiguration of part of Marks and Spencer car park.

Permitted Scheme

- 3.14 The Permitted Scheme, for which the Planning Permission has been secured, includes:
- Total floor area of proposed development 6,043m² GIA (6,678 m² GEA) includes existing floor space of apartments to be refurbished;
 - Retail (A1 – A5) of 3,674 m² GIA (3,938 m² GEA) to be arranged over ground and some of the first floor levels – refer to plans;
 - New residential units; 4 three bed town houses and 18 two bed apartments on the first and second floor over the retail units;
 - Refurbishment and reconfiguration of two existing apartments (Flat 1 - two bed and Flat 2 – one bed) on Rose Street, including external alterations;
 - Refurbishment of two existing two bed flats above shops (Costa and Superdrug) at 36 Market Place, including improvements to façade and access;
 - New public toilets to include one male and one female toilet (built to disabled standards);
 - Removal of existing Rose Street car park to create a new public square and access to site; resulting in the net loss of 43 short stay shoppers spaces, together with 56 private car parking spaces let on short term licence to various town centre users; and
 - Reconfigured Marks and Spencer car park area to the west of the Marks and Spencer entrance with no loss of car parking spaces.
- 3.15 The Permitted Scheme requires the demolition of certain properties within the red line of the planning application and the retention of others. These include:
- Demolition of 34-35 Market Place, 2-22 (even) Peach Street and 1-6 The Arcade; and the removal of Rose Street car park;
 - Retention of 24-38 (even) Peach Street (Marks and Spencer, the Haka and Redan Public House);
 - Retention and refurbishment of 36 Market Place (including two first-floor apartments) with external alterations; and 1-5 (odd) Rose Street (including two second-floor apartments) with external alterations.
- 3.16 It is also proposed to upgrade the footpaths adjacent to Site subject to conclusion of an agreement with the Council's Highways Team.
- 3.17 The Permitted Scheme's total gross new retail floorspace is approximately 3,674 sqm (GIA). This represents a net increase of 907 sqm (GIA) taking into account retained floor area and existing floor area to be demolished. Flexibility between the Class A1-5 uses has been sought within the parameters of the application as the final occupants of the Permitted Scheme are not known at the time of the submission. Trends in town centre shopping indicate a move away from a single retail format shopping experience, where the blend of shops, professional services and restaurants contribute to a lively and vibrant centre. The nature of the Permitted Scheme's retail mix will change over time and a well-designed open Class A1 scheme will accommodate this.
- 3.18 The new retail units will have efficient mechanical and natural ventilation systems, the built framework will enable retailers to expand and contract the size of their unit given market conditions and adjoining unit position. They have been designed with flexibility in mind and can accommodate a mix of sizes and 'A' uses to add to the vitality of the town centre and help to sustain its continued health. The suggested

retail unit divisions on the approved floor plans can easily be redefined to allow for growing or shrinking retailer requirements. This is only possible as the scheme will be under a single management arrangement that is very attractive to future retailers. Research with retailers, restaurant/café operators and commercial agents has helped inform and shape the development proposals.

- 3.19 As well as the new retail offer, the Permitted Scheme includes the refurbishment of existing residential properties and the provision of 22 new residential properties. Planning policy recognises that residential development can play an important role in ensuring the vitality of town centres. The Council considers that the improvement and provision of residential properties as part of the Permitted Scheme will help to strengthen the residential community living at the heart of the town centre in a highly accessible and attractive environment and further creating a balanced mixed-use community.

Design Detail of the Permitted Scheme

- 3.20 The key elements of the Permitted Scheme are:

- The Permitted Scheme respects the historic grain and Conservation Area setting within this part of the town centre and includes a new central pedestrian area that will have shops, restaurants and cafes within it. The quality of the environment on Peach Street, Market Place and Rose Street will be improved. Indeed, the removal of existing buildings, which do little for the appearance of the Conservation Area, and their replacement with new buildings, will enhance the locality.
- The Permitted Scheme comprises new retail units fronting Peach Street and the creation of a new public square framed by retail units and cafes. The public square will create an important incidental space that acts to connect a number of key pedestrian desire lines and provides an attractive, quiet and restful space. The public area will be designed in a simple and elegant way to accommodate the needs of town centre users, future occupiers and if required a civic function as well.
- Along Peach Street and facing the new square a total of fifteen new apartments are created at upper levels. The existing two apartments above Costa and Superdrug are refurbished.
- Along Rose Street town houses have been introduced to provide a finer grain and smaller scale to help the transition from the commercial heart of the town to a more residential area with a rich architectural character.
- The current Marks and Spencer unit is retained as existing. However, fourteen car parking spaces at the rear of Marks and Spencer are proposed to be reconfigured (with no loss to the overall number of spaces) and an area currently dedicated to servicing and parking is proposed to be transformed into a new area of public realm.

- 3.21 Against this background the design of the Permitted Scheme has evolved following an extensive period of consultation and design development to include:

- Peach Street - Earlier designs along Peach Street contained 2 storey retail space. Care was taken to integrate the requirements for modern 2 storey retail

into a 3 storey traditional streetscape. The new built form was flexible to allow uses within it to evolve and change as retailer formats change. This approach has now been superseded with the introduction of residential above the retail on the first floor. The decision to introduce residential use was made for a variety of reasons, including responding to a demand for more dwellings in the town centre, a requirement for the retail being primarily at ground floor with back of house above and introducing vitality and a mix of uses within the town centre. This has led to a more honest approach to the facade which is now genuinely three storey.

- Further design work has developed the appearance following the more detailed analysis of the townscape character and how the proposed scheme can add to the richness and variety within the town. Building proportions are derived from the local context. Windows are placed symmetrically within the structure and bay windows are introduced at 1st floor level. This approach has informed later design work.
- Peach Square - The design of the new public square has been developed by exploring a simplified approach, initially with a combination of brick and render.
- The proportions and scale of the building blocks are consistent with the existing context. Windows are placed symmetrically with an appropriate hierarchy of scale. The proposed designs have significantly reduced the quantity of glazing compared to earlier proposals. The original designs for Rose Street townhouses followed very simple principles with an ordered facade and centrally placed dormer windows. The building is stepped back from the pavement giving residents a degree of separation and privacy from the public street.
- The retention of the Haka, Redan Public House and Marks and Spencer store as existing. This is a direct response to feedback received from the 2013 application. This has resulted in a more open Square with the removal of the original pavilion building and reconfiguration of fourteen Marks and Spencer parking spaces. As a result the position of the arcade linking the Square to Peach Street has been altered to better respond to views in and out of the Square.
- A variety in the approach to the roofline has been introduced, more consistent with the prevailing feel of Wokingham.
- The roofline to the new scheme has been influenced by the double gable at the south end of Peach Street and the mansard roof opposite Marks and Spencer.
- The introduction of a mansard roof on Peach Street to break up the roofline by creating more variety and lowering the apparent height of a portion of the building.
- Creating a stronger 'bookend' to the arcade entrance on Peach Street.
- The spacing and proportion of windows has been explored in detail, with a decision to omit the bay window at first floor along Peach Street. All vertical windows have altered in size, becoming wider, reflecting more closely the prevailing proportions within Wokingham.

- The building adjacent to the Redan Public House, this is a large two storey retail building requiring presence both on the street and square within. A decision was taken to proceed with the gabled approach, creating a more varied streetscape and an echo of the double gable found opposite further towards Market Place.
- The designs of four townhouses along Rose Street have also evolved since the original application. Early sketches were made exploring alternative approaches to creating a 'less monolithic' feel to the terrace. Simple compositional devices have been used to do this:
 - alternate dwellings have been handed to place pairs of front doors adjacent to one another.
 - front doors have been recessed to add more depth to the facade
 - window sizes are larger and more varied
 - proportions however, are still ordered, maintaining the simple regularity of a terrace, intrinsic to its charm.

3.22 Overall the Permitted Scheme will deliver a well-designed comprehensive mix use scheme in accordance with government guidelines and Local Plan policies.

Permitted Scheme Layout

3.23 The Permitted Scheme is laid out to provide a vibrant town centre mixed-use scheme as follows:

Ground Floor

- The ground floor layout contains a number of retail units of varying sizes, maximising the amount of active frontage and creating a new external public square framed by retail units and cafes.
- Access into the new square is through a number of pedestrian routes leading from Peach Street, Broad Street and Rose Street. Pedestrian routes between buildings within the streetscape are typical in Wokingham and access to this new intimate public space is very much in this spirit.
- The building line along Peach Street is set back from the existing building line, creating a more generous pedestrian route from Market Place along Peach Street. This will make a significant improvement on the existing colonnade which effectivity splits the pavement in half, creating a darker more oppressive pedestrian experience.
- Access to residential use above is from a residential core facing the arcade between units SU05 and SU07.
- Although the application contains flexibility in terms of specific A class uses, it is anticipated that units facing the Square may be particularly attractive to potential cafe or restaurant use, benefitting from a southern aspect and the ability to place chairs and tables within the square itself.
- Disabled access public toilets are provided adjacent to Bush Walk, opposite SU014. Servicing to all units is provided from within the Square and dedicated service routes to the rear of units accessed between SU08 and SU10. There will be controls placed on delivery times and arrangements.

- Four new townhouses face Rose Street and have defensible external space, set back from the back of the pavement. These townhouses also benefit from rear courtyard space.

First Floor

- The residential core on the arcade gives access to a terrace at 1st floor at the rear of the retail space. This terrace contains private courtyard gardens providing access to the residential units facing Peach Square.
- The back of house for the retail units facing Peach Street is also at this level but is accessed from within the units below.
- SU06 has retail accommodation at this first floor level.
- The first floor of the residential units along Rose Street is also at this level - accessed from within the dwellings.
- The existing 2 flats at 1st floor above 33 Market Square are accessed from a re-configured staircase which has secure access from the new Square between units SU08 and SU10 at ground floor.
- Mechanical plant zones are provided on the roof above Costa Coffee, concealed from view from the Square as they sit behind the 1st floor residential unit and core. This is also the location for some Photo Voltaics.

Second Floor

- The second floor of the residential core along the arcade provides access to 11 apartments, 10 of which face Peach Street. These are duplex apartments with the living accommodation at second floor with direct access to a private courtyard garden. Bedroom accommodation is below at first floor accessed internally within units.
- The uppermost storey of the townhouses on Rose Street is within the roof space, with daylight through dormer windows - consistent with existing roof spaces to a number of properties along Rose Street.
- The 2 reconfigured apartments and new apartment above SU012 are accessed from the private enclosed staircase which forms part of the Peach Place Refurbishment Scheme, completed in 2014.
- The new apartment above SU013 is accessed by a staircase from a dedicated front door along Rose Street adjacent to the townhouses. Mechanical plant zones are provided on the roof above the residential core along the arcade.

Roof Level

- Roofs to retail units vary between flat roofs behind a parapet, pitched roofs, gabled roofs and mansard roofs. This creates a varied and interesting roofline.
- Roofs to the four townhouses are sloping pitched slate roofs with parapet details. Roofs to the apartments along Rose Street are flat within a parapet.

Delivery of the Permitted Scheme

- 3.24 The Council is committed, subject to completing the acquisition of all necessary land interests in the Site, to securing the early delivery of the Permitted Scheme. The grant of the Planning Permission is an important step in this process and securing the making, confirmation and implementation of the Order to complete the land assembly process will be a further important milestone. The Council further has, by way of committed financial provision within its Medium Term Financial Plan, the financial resources necessary to acquire all necessary land interests by agreement or pursuant to the Order and to deliver the Permitted Scheme. As such, the Council is in a position to proceed with the Permitted Scheme following completion of the land assembly process.
- 3.25 Assuming confirmation of the Order and making/confirmation of the related orders referred to in section 7 below by the summer of 2016, it is expected that vacant possession of the Site will be secured in autumn 2016 with work commencing on the Site at the beginning of 2017.
- 3.26 It is anticipated that the Permitted Scheme will be constructed over a period of approximately twenty months, meaning that the Scheme will be completed and open by autumn 2018.

4. Planning Position

Background and Relevant Planning History

- 4.1 The established uses across the Site include, 'A1' Retail, 'A4' Drinking Establishment, 'A5' Hot Food take-away, 'B1' Office, 'C3' Residential, 'D1' Dentist, and car parking.
- 4.2 In 2006, Rockmartin PLC submitted a planning application (F/2006/8307) for the proposed demolition of a number of buildings at Peach Place, including the public toilets, 1-5 (odd) Rose Street, 34-42 Market Place and 2-38 (even) Peach Street. The proposed redevelopment was to provide 27 units for Class A1 retail, Class A2 financial and professional services, and Class A3 restaurant and cafe use, 137 flats, 5 houses and a decked car park. The Council resolved to permit the application, but the developer did not proceed with the development as it was not viable.
- 4.3 Conservation Area Consent (CA/2006/9011) for the demolition of 1-5 (odd), and the public toilets on Rose Street, 34-42 Market Place, and 2-38 (even) Peach Street, was approved on 22 December 2006. [The consent was not implemented.]
- 4.4 A planning application for the comprehensive redevelopment of Peach Place together with development on Elms Field was submitted in November 2013 (F/2013/2283). The application was withdrawn prior to consideration as a number of concerns were made in relation to the design of the scheme. Comments made on the 2013 application have been taken into account during the refinement and amendment of the application for the Planning Permission.

The Planning Policy Framework

- 4.5 The following national, regional and local planning policies and supplementary planning guidance are relevant to the planning application.

National Planning Policy

- 4.6 The National Planning Policy Framework ("NPPF") published on 27 March 2012 sets out the Government's planning policies for England and explains how these are to be applied.
- 4.7 Paragraphs 6 and 7 establish that the purpose of the planning system is to contribute to the achievement of sustainable development which has three dimensions: economic; social; and environmental.
- 4.8 Paragraph 7 identifies the need for the planning system to perform an economic role, including:
- contributing to building a strong, responsive and competitive economy by ensuring sufficient land of the right type is available in the right places at the right time to support growth and innovation; and
 - identifying and coordinating development requirements.
- 4.9 Paragraph 7 identifies the need for the planning system to fulfil a social role, which includes supporting the creation of a high quality built environment, with accessible local services which reflect the community's needs and support its health, social and cultural well-being.

- 4.10 Paragraph 7 further identifies the need for the planning system to fulfil an environmental role, which includes protecting and enhancing the environment.
- 4.11 Paragraph 9 promotes positive improvements in the quality of the built, natural and historic environment and in people's quality of life including:
- making it easier for jobs to be created in cities, towns and villages; replacing poor design with better design; and
 - improving the conditions in which people live, work, travel and take leisure.
- 4.12 Paragraph 17 sets out core planning principles which include:
- encouraging the effective use of land by reusing land that has been previously been developed;
 - promoting mixed use development; and
 - focusing significant development in sustainable locations.
- 4.13 Paragraphs 18-22 set out the Government's commitment to economic growth to create jobs and prosperity. The planning system should do everything it can to support sustainable economic growth, plan proactively to meet the needs of business, and to support an economy fit for the twenty-first century. These policies also set out the need to identify priority areas for economic regeneration and environmental enhancement.
- 4.14 Paragraphs 23 and 24 are concerned with ensuring the vitality of town centres. These paragraphs stress the importance of:
- promoting competitive town centres;
 - policies which deliver the management and growth of centres; recognising town centres as the heart of communities;
 - supporting the vitality and viability of town centres;
 - providing customer choice and a diverse retail offer;
 - allocating sites suitable to deliver development for town centre uses in town centres where available in preference to other locations and ensuring needs are not compromised by limited site availability; and
 - planning positively to encourage economic activity where centres are in decline.
- 4.15 Paragraphs 56-58 set out guidance on making places better for people. These identify the importance of development adding to the overall quality of the area, establishing a strong sense of place and safe and accessible environments. They also set out that local authorities should seek to optimise the potential of land to accommodate development.
- 4.16 Paragraphs 69, 70 and 73 consider the role of the planning system in promoting healthy communities. These paragraphs include promoting the provision of high quality public spaces including meeting places to contribute to the wellbeing of communities.

4.17 The Permitted Scheme is consistent with, and supports the policies contained in, the NPPF because:

- it would contribute to the achievement of economic, social and environmental sustainable development (as set out in section 5 of this Statement) supporting paragraphs 6 and 7.
- it would bring positive improvements to the quality of the built environment, providing new areas of public realm, improved paving, seating and lighting, to improve the conditions in which people take leisure in line with paragraph 9.
- it would deliver mixed use development on previously developed land, in a sustainable location in line with paragraph 17.
- it would support and encourage economic growth by creating additional direct FTE jobs post-construction, and in addition construction jobs over a two year period, in line with paragraphs 18-22.
- it would promote a competitive town centre environment, recognise the town centre as the heart of the community and would support the town centre's vitality and viability in support of paragraphs 23 and 24. It would seek to ensure the town centre provides customer choice and a diverse retail offer reflecting the individuality of the town centre and would deliver main town centre uses in the town centre, in accordance with paragraphs 18-22. Furthermore, it provides a positive plan for a centre in decline in accordance with paragraph 24.
- it would make efficient use of an area which is currently underutilised, in line with the Government's desire to optimise the potential of land to accommodate development (paragraph 58).
- it would deliver the Government's expectations that Council's should plan positively for high quality and inclusive design on all development including individual buildings, public and private spaces to promote healthy communities and developments which add to the overall quality of the area (paragraphs 56-58 and paragraphs 69, 70 and 73).

4.18 Further guidance on NPPF policies is available from the National Planning Practice Guidance ("NPPG"). The section entitled "Ensuring the vitality of town centres" paragraph 001 (reference ID 2b-001-20140306) provides a summary of NPPF policy on planning for town centres. Paragraph 002 (reference ID 2b-002-20140306) states that a positive vision or strategy for towns centres, articulated through the Local Plan, is key to ensuring successful town centres which enable sustainable economic growth and provide a wide range of social and environmental benefits, and paragraph 003 (reference ID 2b-003-20140306) goes on to give recommendations concerning the content of such strategies including the future roles and visions of town centres and timeframes for new retail floorspace and complementary strategies. This paragraph also sets out that where a town centre is in decline, a strategy should seek to manage decline positively to encourage economic activity and achieve an appropriate mix of uses commensurate with a realistic future for the town centre.

4.19 Paragraphs 004 and 005 of the NPPG (reference ID 2b-004-20140306 and 2b-005-20140306) advise local authorities to take full account of market signals when planning for town centres and identify the indicators which are relevant in assessing the health of town centres.

- 4.20 Paragraphs 008-010 (reference ID 2b-008-20140306, 2b-009-20140306 and 2b-010-20140306) give guidance on the application of the sequential test for plan-making and decision-taking.
- 4.21 Through local planning policy and other initiatives described below, the Council has developed a strategy and vision for Wokingham town centre that is consistent with the NPPG and the Scheme, for which the Planning Permission has been granted, is an appropriate response to this.
- 4.22 The NPPG also provides guidance on the ‘importance of good design’ (reference ID: 26-001 to 005-20140306), ‘well designed places’ (reference ID: 26-015 to 022-20140306), town centre design issues (Reference ID: 26-041-20140306) and ‘conserving and enhancing the historic environment’ (reference ID 18a). Again the Permitted Scheme responds positively to this guidance.

Local Planning Policy

- 4.23 The Core Strategy for Wokingham was adopted in January 2010. The policies in the Core Strategy set out the planning framework for the Borough up to 2026.

Core Strategy – Overall Spatial Priorities

- 4.24 Paragraph 2.68 summarises the “*Aspirations and Spatial Issues for the Borough*”. This confirms:

“Overall, taking account of these issues, the aspirations and spatial issues that therefore need to be addressed by the Core Strategy are (in no order of priority):

- i. Delivers sustainable development by providing an acceptable balance of housing and employment including the provision of a full range of services accessible to people;*
- ii. Promotes sustainable use and disposal of resources while mitigating and adapting to climate change;*
- iii. Delivers housing in locations that meet the needs of the community;*
- iv. Supports a sequential approach to new mixed use development locations based primarily on larger scale (SDL) consisting of accessible, high quality, well designed development. The SDL will be supported by Development Briefs to ensure delivery of the essential community facilities and infrastructure required;*
- v. Delivers affordable housing that meets identified local needs;*
- vi. Promotes a transport system that enables access to services by a variety of modes;*
- vii. Protects the character of the borough by maintaining/improving the built/natural environment while mitigating the effect of new development on the environment;*
- viii. Maintains the distinct and separate identity of the borough’s settlements;*
- ix. Maintains and enhances all the infrastructure, including roads, railways, schools, healthcare and open space provision through new development, taking account of the health and well-being of residents;*
- x. Supports the renaissance of Wokingham and other town centres;*
- xi. Limits development in those areas at most risk of flooding and pollution;*
- xii. Protects the most important areas for biodiversity, landscape and heritage from development;*
- xiii. Maintains and enhances the borough’s knowledge and skills base;*
- xiv. Ensures good design which is in keeping with the area*
- xv. Where national and regional policies allow, takes account of the public’s views following consultation and engagement”.*

- 4.25 Paragraph 2.84 describes Wokingham as the largest retail centre in the Borough and states that:

“The town centre is the largest retail centre in the borough and its range of facilities and services is recognised in both LPS2 and appendix 3 [of the Core Strategy]. The sustainability of the town may be undermined unless schemes are developed which support its vitality and viability, particularly so it can retain trade that might otherwise leak to the centres of Reading or an improved Bracknell. During the plan period there are likely to be opportunities for a number of significant developments within the town centre. The Council recognises that development around Wokingham could help reduce traffic flows through the town and would support the vitality and viability of the centre through increasing its population”.

- 4.26 One of the key aspirations for the Borough, as set out in the Wokingham Core Strategy, is to support the renaissance of Wokingham town centre. Indeed, this reflects nationally stated objectives in the NPPF.

Core Strategy – Town Centre

- 4.27 The policies in the Core Strategy are particularly relevant to the assessment of the proposed development. Core Policy CP13 (Town Centres and Shopping) confirms that:

“Wokingham and Woodley town centres, Lower Earley district centre, Shinfield Road centre, Twyford village centre and Winnersh centre are suitable in principle to accommodate town centre uses. The roles of all existing and new retail centres will be protected and maintained, in addition to local shopping centres and parades that meet the day to day needs of the local community. Losses of retail from primary retail frontages will not be permitted in order to maintain vitality and viability”.

- 4.28 The hierarchy of centres within the Borough is confirmed as:

a) *“Wokingham town centre is designated as a major town centre;*
b) *Arborfield Garrison district centre (proposed through policy CP18), Lower Earley district centre, Shinfield Road district centre, Twyford village centre, Winnersh village centre and Woodley town centre are designated as small town/district centres;*
c) *Local centres – as defined in subsequent Development Plan Documents.”*

- 4.29 Paragraph 4.63 of the Core Strategy provides information (derived from the Retail Study) on the current and potential needs during the plan period of retail floorspace within the four main centres of the Borough:

“Having regard to this, the Council expects...Wokingham to serve the convenience needs of its catchment and to reduce leakage of comparison expenditure to other centres. Policy CP15 sets out the broad approach to achieving this in line with the findings of the Retail Study. As table 4.1 [of the Core Strategy] indicates, Wokingham town is the largest retail centre in the borough.”

- 4.30 CP14 expressly deals with the growth and renaissance of Wokingham Town Centre:

“Wokingham, as a major town centre in Berkshire is considered suitable for growth. Proposals should retain and enhance the historic market town character of Wokingham and maintain its position in the Berkshire retail hierarchy by:

1. Strengthening shopping in the retail core to reduce leakage of expenditure;

2. *Conserving and enhancing historic quality and interest;*
3. *Improving existing public space;*
4. *Ensuring development cumulatively provides and maintains:*
 - a) *A wide range of services, learning opportunities, community facilities and tourist facilities that complement existing provision;*
 - b) *Housing;*
 - c) *Office accommodation;*
 - d) *Public open space providing for a range of activities;*
 - e) *Leisure and entertainment;*
 - f) *Improved pedestrian links between the station and the shopping streets;*
 - g) *Improved pedestrian and cycle links between the centre and other parts of the town;*
 - h) *Appropriate car parking to facilitate a viable and sustainable town centre;*
 - i) *Enhanced environmental and design quality.*
5. *The use of compulsory purchase powers to facilitate site assembly and the delivery of renewal and regeneration schemes”.*

4.31 Paragraph 4.69 of the Core Strategy also explains that:

“Improving the centre means that it can better meet the needs of residents and prevent decline associated with loss of expenditure following expansion in nearby larger centres. The Retail Study indicates proposals within the town centre should contribute towards lengthening the time visitors stay (including into the evenings), as this will contribute towards the vitality and viability of the centre. The Retail Study (see table 4.1 earlier) indicates that there is scope for additional comparison floorspace in the centre to help reduce the current leakage....”.

4.32 In Wokingham, the adopted Core Strategy policy framework and its associated guidance has clearly set out measures to promote the sustained growth of the town centre in accordance with the principles of the NPPF. The Scheme meets the tests as set out in the NPPF (paragraph 7, 17 and 23 of the NPPF, as summarised in section 4 above); primarily as this is planned development within the town centre (MDD Policy SAL08). Moreover, as the Scheme seeks to promote a range of town centre uses within the centre of Wokingham, with a clear aim of promoting the centre’s competitiveness and attraction within a highly accessible and sustainable location, the key objectives of the NPPF are clearly achieved.

4.33 The key ambition of the Scheme is to ensure the continued and sustained health of the town centre, integrating the new retail and residential proposals with the historic core of the town in a seamless way that achieves wider benefits for all. As such, the Scheme is in accordance with the Core Strategy policy ambitions and aspirations.

4.34 The scale of the Scheme is such that it will promote more sustainable shopping and leisure patterns by enabling Wokingham to compete more effectively with surrounding higher order centres, including Reading and Bracknell, without challenging their position in the hierarchy. Moreover, the Scheme is ‘planned’ development identified through approved planning policies (Core Strategy Policy CP13 & CP14 and MDD Policy TB16 and SAL08) of the Council directed expressly at regenerating the town centre of Wokingham.

4.35 Furthermore, the Scheme is in accordance with the policy ambitions as it seeks to preserve and enhance the town’s historic character, maintains the vibrant retail frontage and introduces much needed life into the centre throughout the evening period. This is achieved with an improved restaurant and residential offer. The exact blend of restaurants and cafes is not fixed, it is anticipated that local demand and

market forces will influence this, although a planning condition restricts the amount of non A1 on Peach Street.

- 4.36 The strengthening of the leisure element, through restaurant and café uses, is seen as a key component of the town's future health. It will help in the diversification of the function and meet the trend for a more leisure focused retail experience. Indeed, the Town Centre Masterplan promotes mixed-use development throughout the town centre.
- 4.37 The creation of a high quality public realm in Peach Place will complement the uses and reinforce a strong sense of distinction and place. It will create a new meeting place at the centre of Wokingham and add to the richness of the towns' urban fabric and retail experience.

Managing Development Delivery Local Plan ("MDD")

- 4.38 The MDD, adopted February 2014, is the second Local Plan document and provides a greater level of detail about how the vision in the Core Strategy will be delivered in practice. The MDD includes the Peach Place site specific policy SAL08. This, together with other guidance, informed the layout, mix and design of the Permitted Scheme.
- 4.39 SAL08 (Allocated Mixed Use Sites) allocates five sites for development, including land at Peach Place for the delivery of (respectively):

"The sites listed below (and defined on the Policies Map) are allocated for mixed use development.

1. Land at Peach Place, Wokingham, for the delivery of A1 (retail) floorspace with flexibility for A3 (restaurants & cafes), A4 (drinking establishments) and C3 (residential) development"

"The development of the site should provide appropriate pedestrian access, which responds to the retail circuit, as set out in the Wokingham Town Centre Masterplan SPD (2010). It should also provide direct pedestrian connectivity from Market Place, Peach Street and Rose Street. Proposals should reinforce the town centre primary retail frontage and provide additional retail frontage in accordance with the retail circuit. The scale, layout and form of development shall be consistent with the Wokingham Town Centre Masterplan SPD and also the emerging Wokingham Town Centre Car Parks Strategy" [Give reference]

- 4.40 Policy CC04: Sustainable Design and Construction states that planning permission will only be granted for proposals that demonstrate the following:

"1. In respect of all new homes:

a) Seeking to achieve the requirements of the full Code for Sustainable Homes Level 4.

b) Meet internal potable water consumption targets of 105 litres or less per person per day (as part of the requirement to meet full Code for Sustainable Homes Level 4).

2. All new non-residential proposals of more than 100 sq m gross non-residential floorspace shall at least:

a) Achieve the necessary mandatory Building Research Establishment Assessment Method (BREEAM) requirements or any future national equivalent

b) Meet or exceed statutory requirements for water resource management.
3. All development, including conversions, alterations and extensions shall incorporate suitable waste management facilities, including on-site recycling”

4.41 TB15 (Major Town, and Small Town/ District Centre development) confirms the hierarchy as set out in CP13 and sets out proposed primary shopping areas in the respective centres. It provides that:

"3. Planning permission will only be granted for proposals for main town centre uses within Wokingham town centre' where they are consistent with the WTCM SPD and demonstrate that:

- 'They are of a scale and form that is compatible with the retail character of the centre and its role in the hierarchy of retail centres
- How it retains or increases the provision of Use Class A1 (Shops) in primary shopping frontages and the provision of Use Class A1 or A2 (Financial and professional services) or A3 (Restaurants and cafes) or A4 (Drinking establishments) or A5 hot food takeaways in secondary shopping frontages.
- They contribute to the provision of day and evening/night-time uses and are compatible with other uses
- They enhance vitality and viability"

Other Strategies and Guidance

4.42 In addition to the approved Development Plan documents, emerging policies and a range of supplementary planning documents and guidance also have relevance. A summary of the main guidance and how the Scheme complies with it is provided below.

Wokingham Town Centre Masterplan Supplementary Planning Document (2010)

4.43 This is a significant policy 'tool' in terms of the town centre. As adopted supplementary guidance, this policy guidance carries significant weight in the decision making process. The Wokingham Town Centre Masterplan SPD identifies development sites and other areas of the town centre as having potential for redevelopment as part of a wider town centre masterplan.

The SPD was created in order to identify:

"...a clear, distinctive and deliverable vision for Wokingham Town Centre to 2026"

"There are five key objectives:

- A thriving town centre;
- An eighteen hour economy;
- Streets as places;
- Spaces to breath;
- Setting the design standard'

Vision for Peach Place in the Town Centre Masterplan

4.44 Peach Place is identified as a short term opportunity site within the town centre within the SPD. Section 12.3 describes in detail the vision for the Peach Place. The key objectives in its redevelopment are to:

“improve the retail performance of the site and the town centre, by providing modern retail units;

- improve the environmental quality of the town centre by introducing well designed buildings which relate well to their urban context;*
- contribute a new urban space to complement the existing arcade;*
- help to diversify the town centre by introducing additional residential units above ground level; and*
- continue to provide convenient short stay car parking for town centre visitors”*

- 4.45 Paragraph 12.3.3 explains that Peach Place represents a significant opportunity to improve Wokingham’s town centre’s retail competitiveness and that its development is of significant importance to the ongoing improvement of the retail offer in Wokingham. The site includes the Grade II listed Bush Walk, which is accessed from the Market Place frontage, and leads into the heart of the site - *“This small, intimate arcade has an attractive character and accommodates a range of interesting shops, including some independent retailers, with a focus on fashion. Retention of the arcade is essential and in design terms is considered a minimal requirement. The arcade can set the tone for the character and scale of the development, and proposals should enhance the urban experience which it creates”*.
- 4.46 The SPD states that any future development should respond to the setting of Peach Place, taking into consideration its prominent position opposite Wokingham Town Hall. Residential development should be located above ground level and consideration should be given to appropriate unit types, access for residents, waste storage and collection, proximity of employment and services, noise sources, servicing activity and the provision of outdoor private amenity space. The SPD states that a new urban space should be provided within the main area of the Peach Place site. Objectives for this envisaged space include high quality landscaping, ease of access for pedestrians and provision of outdoor seating.
- 4.47 The proposed development also responded positively to the guidance contained within The Borough Design Guide SPD (May 2012) and the Wokingham Borough Sustainable Design and Construction Supplementary Planning Document and Companion Document.
- 4.48 The Scheme fully responds to the identified objectives and vision set out in the policies of the Town Centre Masterplan SPD. Indeed, the Design and Access Statement which was submitted with the planning application for the Permitted Scheme explains in detail how the mix of uses, design, form and scale of the Permitted Scheme complies with the principles included in the policies.
- 4.49 The Permitted Scheme has been developed in accordance with the key spatial land use principles of the Wokingham Town Centre Masterplan, Core Strategy and Managing Development Delivery Plan.
- 4.50 The Permitted Scheme further provides an opportunity for enhancement of the significance and setting of heritage assets by removing buildings that detract from the setting and backdrop of key heritage assets. The replacement buildings will be more sensitive to the setting of the heritage assets by providing a restrained elegance that does not compete with the intricate brick detailing of the town centres most prominent heritage asset the Old Town Hall. The proposed palette of materials complements the brick and render of existing buildings. The development will conserve, sustain and enhance the significance of heritage assets and it will contribute to local character and distinctiveness. In these respects, the development

complies with policy within paragraph 131 of the NPPF.

- 4.51 In addition, the Permitted Scheme has responded in a positive way to the key land use principles of the Wokingham Town Centre Masterplan, including:

Reconfigured retail/leisure environment developed to respect existing building frontages.

- The new quarter links effectively with the adjoining town centre environment, respecting existing routes and desire lines.
- A new public space is created and animated by the adjoining buildings to provide a flexible space for formal and informal activity.
- Building scale and height is appropriate to its context and enhances the setting of this important historic environment.
- A new residential frontage is created on the Rose Street elevation to help mend the fabric of the street and improve the integration of the development with its surroundings.

Determination of the Application

- 4.52 The application relating to the Planning Permission was considered by the Council on 4 March 2015. The report to members concluded:

“The proposal will deliver the next step in the regeneration of the town centre, replacing or refurbishing existing poor quality buildings and providing a mix of town centre uses, including a new public square, to support a vibrant town centre. It is consistent with Development Plan Policy and the guidance in the Wokingham Town Centre Masterplan SPD, which seek to secure the growth and renaissance of Wokingham the town centre and can be supported”

- 4.53 The Council consequently resolved as follows:

*“Wokingham Borough Council, in pursuance of its powers under the above Acts and Regulations, hereby **Grants Permission** for the above development to be carried out in accordance with the application and the accompanying plans submitted to the Council subject to compliance with the following conditions, the reasons for which are specified hereunder”*

- 4.54 The Planning Permission was subsequently granted on 5 March 2015.

- 4.55 The Sustainable Communities Infrastructure Working Group (a Member/Officer Reference Group at Wokingham Borough Council) has committed the following funding by way of mitigation of the Permitted Scheme:

Infrastructure	Contribution
Access and Movement (My Journey sustainable travel)	£9,450
Mainstream Primary Education	£82,106
Primary Special Educational Needs	£19,532
Mainstream Secondary Education	£13,188
Secondary Special Educational Needs	£2,084
Post -16	£3,260
Total Education	£120,170
Suitable Alternative Natural Greenspace (SANG)	£6,897
Strategic Access Monitoring and Management (SAMM)	£28,694
Mitigation of the impact upon SPA (ring-fenced contribution)	£35,590
Environmental Improvements in the Town Centre	c £192,790
TOTAL	c £358,000

DRAFT

5. Case for Compulsory Purchase/Purpose of Acquisition

Compulsory Purchase Powers

- 5.1 The Council has the power in Section 226(1)(a) of the Town and Country Planning Act 1990 (as amended by the Planning & Compulsory Purchase Act 2004) to make a compulsory purchase order for any land in their area if the Council think that the purchase of the land will facilitate the carrying out of development, redevelopment or improvement on or in relation to the land.
- 5.2 Pursuant to Section 226(1)(a) the Council may not exercise the power unless they think that the development, re-development or improvement is likely to contribute to the achievement of any one or more of the following objectives:
- a the promotion or improvement of the economic well-being of their area;
 - b the promotion or improvement of the social well-being of their area;
 - c the promotion or improvement of the environmental well-being of their area.
- 5.3 It is immaterial that the development, re-development or improvement may be carried out by a third party.
- 5.4 Section 13 of the Local Government (Miscellaneous Provisions) Act 1976 enables the Council to acquire new rights.
- 5.5 ODPM Circular 06/2004 (Compulsory Purchase and the Criche Down Rules) (“the Circular”) provides updated and revised guidance to acquiring authorities in England on the use of compulsory purchase powers. Paragraph 1 states:
- “Ministers believe that Compulsory Purchase Powers are an important tool for local authorities and other public bodies to use as a means of assembling the land needed to help deliver social and economic change. Used properly, they can contribute towards effective and efficient urban and rural regeneration, the revitalisation of communities, and the promotion of business – leading to improvements in quality of life. Bodies possessing Compulsory Purchase powers – whether at local, regional or national level – are therefore encouraged to consider using them proactively wherever appropriate to ensure real gains are brought to residents and the business community without delay”.*
- 5.6 Particular guidance on orders made by local authorities under Section 226 of the Town and Country Planning Act 1990 is contained in Appendix A, of the Circular. Paragraph 2 states:-
- “The powers in Section 226 as amended by Section 99 of the Planning and Compulsory Purchase Act 2004 are intended to provide a positive tool to help acquiring authorities with their planning powers to assemble land where this is necessary to implement the proposals in their community strategies and Local Development Documents. These powers are expressed in wide terms and can, therefore, be used by such authorities to assemble land for regeneration and other schemes where the range of activities or purposes proposed means that no other single specific compulsory purchase power would be appropriate.”*
- 5.7 Importantly, the Circular requires that a compulsory purchase order should only be made where there is a compelling case in the public interest.

- 5.8 A compulsory purchase order to which there are objections will require confirmation by the Secretary of State to become effective. The Circular provides that any decision by the Secretary of State about whether to confirm an order made under Section 226 will be made on its own merit but the factors which the Secretary of State can be expected to consider include:-
- a Whether the purpose to which the land is being acquired fits in with the adopted planning framework for the area;
 - b The extent to which the proposed purpose will contribute to the achievement of the promotion or improvement of the economic, social or environmental wellbeing of the area;
 - c The potential financial viability of the scheme for which the land is being acquired;
 - d Whether the purpose for which the acquiring authority is proposing to acquire the land could be achieved by other means e.g. alternative proposals put forward by the owners of the land.
- 5.9 The Circular also requires the Council to have regard to the following when considering making a compulsory purchase order:-
- a That the purposes for which the order is made sufficiently justify interfering with the human rights of those with an interest in the land affected;
 - b The degree to which other bodies (including the private sector) have agreed to make financial contributions or to underwrite the scheme and on what basis such contributions or underwriting is to be made;
 - c Evidence relating to financial viability;
 - d Whether the scheme is likely to be blocked by other impediments to implementation.
- 5.10 In considering the implications of making the Order to enable the redevelopment to proceed, the Council has also had regard to the draft updated guidance published by the Government in March 2015 – 'Compulsory Purchase, The Criche! Down Rules for the disposal of surplus land acquired by, or under the threat of, compulsion'.

The Council's support for the Scheme

- 5.11 The Scheme is in line with adopted planning policy for the Site and is supported by national planning policy and guidance. It will deliver regenerative benefits to the town centre of Wokingham and will make a significant contribution to the improvement of the economic, social and environmental well-being of Wokingham town centre. Importantly, the Council considers that the Scheme will deliver the comprehensive regeneration of the Site and that, in the absence of the Scheme and the Order to enable it, the regeneration of Wokingham town centre will not be achieved as piecemeal redevelopment of the Site is unlikely to come forward.

Resolution to make the Order

- 5.12 The Council resolved on [] July 2015 to make the Order, reports were presented to the Council's Executive on 19 February 2015 and [] July 2015.

- 5.13 In resolving to make the Order the Executive took into account the various factors referred to in this Statement and also the rights of property owners under the European Convention of Human Rights (“the Convention”), as incorporated into domestic law by the Human Rights Act 1998. The Cabinet noted especially the advice of the Secretary of State in Circular 06/2004 that: *“An acquiring authority should be sure that the purposes for which it is making a Compulsory Purchase Order sufficiently justify interfering with the human rights of those with an interest in the land affected, having regard, in particular, to the provisions of Article 1 of the First Protocol of the European Convention of Human Rights and, in the case of a dwelling, Article 8 of the Convention.”*

Article 1 protects the right of everyone to the peaceful enjoyment of possession, so that no one can be deprived of possessions except in the public interest and subject to the relevant national and international laws.

Article 8 protects private and family life, home and correspondence, so that no public authority can interfere with these rights except if it is in accordance with the law and is necessary in the interest of national security, public safety or the economic well-being of the Country.

- 5.14 In balancing the rights of the individuals affected and the interests of the public, and especially in the light of the significant benefits arising from the Scheme, the Executive considered that the Order should be made.

Justification for the Order

- 5.15 The Council considers that the Order is fully justified. Its resolution to make the Order accords entirely with the advice (set out above) in Circular 06/2004 which encourages local authorities to exercise their compulsory purchase powers to ensure that sites are brought forward for development.
- 5.16 The Council believes that all of the land and rights over land including in the Order are required for the Scheme to proceed. The rights, also described in paragraph 2.4 above have been identified, as being necessary for the implementation of the Scheme.
- 5.17 The Council has determined, for the purposes of Section 226(1)(a), that the purchase of the Order Land will facilitate the carrying out of the development, redevelopment and improvement of the land the subject of the Scheme. In this respect the Council also believes, as regards Section 226(1A), that the Scheme is likely to contribute to the achievement of the promotion or improvement of the economic, social and environmental well-being of Wokingham.

Scheme Benefits

- 5.18 A key ambition of the Scheme is to ensure the continued health of the town centre, successfully integrating the new retail and residential proposals with the historic core of the town in a seamless way that achieves wider benefits for all. The buildings on the Site are of poor quality, appearance and layout, meaning that the town centre has struggled to attract the quality of occupier desired to sustain and lift the retail order in the town centre.
- 5.19 The Scheme is in line with the Development Plan for the Site and is supported by national planning policy and guidance, this is discussed in some detail in section 4 of this statement. It will deliver regenerative benefits to the town centre of Wokingham

and will make a significant contribution to the improvement of the economic, social and environmental well-being of the town.

5.20 In summary, it is considered that the Scheme will deliver the following public benefits:

Economic Benefits

- 5.21 The Scheme will deliver new, larger format modern retail units which will be attractive to retail and restaurant operators. This will attract new operators into the town centre and add to the vitality and retail performance of the centre in line with approved planning policy. In turn, this will assist in clawing back trade and increasing footfall and dwell-time to the benefit of the town.
- 5.22 The Scheme will create new jobs and valuable investment into the local area. It is predicted to create approximately of 107 (net) new jobs, with a further 44 jobs per annum during the construction phase. In gross value added (GVA) terms, once the Scheme is operational, approximately £4.65M per annum will be secured for the local economy.
- 5.23 Economic benefit to the town will also accrue from the occupants of the proposed new residential properties within the Scheme. Indeed, a further gross direct expenditure, in excess of £600,000 per annum, will be generated into the local economy in this way.
- 5.24 The Wokingham Retail Study, Update 2014, prepared by Nathaniel Lichfield and Partners (NLP), identifies unmet need for new retail space in Wokingham town centre. Taking into account future retail commitments in Wokingham Town Centre of a net increase in convenience floor space of 3,546 sqm (GIA) and 4,614 sqm (GIA) comparison (of which the Permitted Scheme forms part), the report identifies a further requirement of 284 sqm of convenience floorspace and 3,700sqm of comparison floorspace within the town by 2026. As the Permitted Scheme will deliver a net increase in retail floor area of just over 900 sqm (GIA), it will make a positive contribution to bringing forward some of the identified commitment for the town centre.
- 5.25 Wokingham's position in relation to surrounding town centres has been declining as people choose to do their shopping in these other centres, which continue to improve and diversify the offer of retail and leisure premises. Therefore, a key aim and benefit of the Scheme is to meet the need for an enhanced retail and restaurant offer and experience within Wokingham town centre. This is to be accomplished through the provision of larger more flexible shop and restaurant units suitable for modern retailers who might not otherwise be able to locate in the town.
- 5.26 The requirement for larger format units (over 200 sqm) has been specifically identified by the Council's retail advisors (Strutt & Parker) and was referenced in the Wokingham Retail Study Update 2014 by NLP. The aim is to make Wokingham town centre a destination in its own right, one that plays to its strengths as an historic market town, a safe and convenient centre and one that offers choice for a range of shoppers.
- 5.27 The commercial retail/leisure environment is competitive and potential occupiers are very specific in terms of their requirements for unit layout, location and quality of the town centre environment. National retailers typically require units of specific size and layout from 200 to 300 sqm; larger format stores will trade from 500 sqm. National retailers are becoming ever more discerning in terms of location and type of

environment they will locate in. It is important that all the correct elements of a well-designed scheme that is managed by a single organisation are in place to attract them. The new units will have efficient mechanical and natural ventilation systems, the built framework will enable retailers to expand and contract the size of their unit given market conditions and adjoining unit conditions.

Environmental Benefits

- 5.28 The improvements to the built form and landscape framework at the heart of the town are critical to its future success. Market towns must carve out a niche and draw for discerning customers, a quality environment where town centre users can comfortably move around and enjoy a good range and variety of retail, restaurant, cafes, cultural and leisure uses in an attractive setting is key to its future success. The Scheme is an important planned intervention for the historic town centre area and will help secure its sustained health and vitality.
- 5.29 The Scheme will make much more efficient use of prime town centre land and will deliver significantly improved public realm at the heart of the town centre. A quality new public space will be created that will help reinforce a sense of local distinctiveness, provide an attractive meeting place and introduce quality hard and soft landscaping.
- 5.30 By removing unattractive buildings, which detract from the setting of key heritage assets, and by providing new buildings that are more sensitive to their location, the heritage and townscape value of the locality will be enhanced. Moreover, by the provision of a new public space at the heart of the Conservation Area, opportunities will be created for the historic fabric to be enjoyed and understood.
- 5.31 The Scheme will enhance the appearance of a back land area, currently utilised for parking and with some service access, and contribute positively to local character and distinctiveness. Indeed, the buildings have been designed in accordance with robust design principles and in consultation with the local community and other stakeholders. Active shop and restaurant frontages will animate the space and unattractive service areas will be screened.
- 5.32 Improved pedestrian connectivity through the site to Peach Street/Market Street and Rose Street will also result from the new public realm. The new space will act as an important link connecting various town centre areas and activities.
- 5.33 Seating and resting areas will be located at regular intervals, the gentle gradient across the public realm across area is DDA compliant and paving and kerb detailing will be carefully considered to ensure the needs of all members of the community are accommodated. The majority of the new homes will be built to Lifetime Homes standards and capable of future adaptation to meet residents changing needs.
- 5.34 The Scheme will meet appropriate sustainability objectives in line with recently approved planning policies and will thereby ensure that climate change considerations are secured.
- 5.35 The Scheme will provide for more sustainable modes of transit including walking and the provision of 37 cycle storage spaces will be included as part of the scheme.

Social Benefits

- 5.36 The Scheme will enhance the retail offer in order to better cater for the retail needs of the town, as well as providing opportunities for additional restaurant and café provision. Indeed, by linking this new floorspace to the enhanced public realm, (designed to meet all accessibility standards), the Scheme will provide new opportunities for socialising and outdoor community events for the whole community to enjoy. Providing highly accessible environments and premises helps provide an important resource that reduces a sense of isolation for some of the most disadvantaged members of the community.
- 5.37 The proposed residential provision within the Permitted Scheme and mix of units will also add to the stock of housing in a highly sustainable location and help meet wider planning objectives in terms of housing land supply.
- 5.38 It is estimated that the proposed scheme will create 44 construction jobs per year and an additional 107 operational jobs. The opportunity to target newly created jobs to local people via an employment and skills protocol is also to be investigated by the Council.
- 5.39 New public toilets that are compliant with the Disability Discrimination Act 1995 will be provided on the site, this is an important amenity that has been consistently requested by the local community during the development of the Permitted Scheme.

Conclusions

- 5.40 The Scheme now represents a prime opportunity to bring forward an appropriate comprehensive redevelopment scheme for Wokingham town centre. With the grant of planning permission, the Council is satisfied that there are no planning, financial or other impediments to the implementation of the Scheme.
- 5.41 The Council considers that there is a compelling case in the public interest for the Order to facilitate the Scheme.

6. Related Orders and Special Considerations affecting the Order Land

Stopping Up Order

6.1 []

6.2 It is expected that any objections to the Section 247 Order would be considered together at any public inquiry relating to objections to the Order.

Special Considerations

6.3 Peach Place is within the Wokingham Town Centre Conservation Area.

6.4 Peach Place is further identified within the MDD Policy TB25 as being within an area of Archaeological Potential. A Cultural Heritage Baseline Assessment report of the site, to include an appropriate mitigation strategy, was submitted with the application relating to the Permitted Scheme. Planning conditions are in place to protect any archaeological remains on the Order Land.

6.5 There are no listed buildings within the Order Land. There are however listed buildings adjoining and within close proximity of the Order Land including: Bush Walk and Wokingham Town Hall on Market Place is a Grade II* listed building. In addition other listed buildings are located on Bush Walk, Rose Street and Market Place.

6.6 The Permitted Scheme takes account of the listed buildings in the town centre in accordance with relevant policy. The setting of the listed buildings, and key views across the town, has been carefully considered and measures have been included to enhance these within the development proposals. A benefit of the Permitted Scheme is that the improved quality of the architecture to be provided as part of the Permitted Scheme will contribute to the overall setting of the nearby listed buildings. The Design and Access Statement submitted with the application for the Permitted Scheme explains the approach in more detail.

7. Human Rights and Equality Considerations

Human Rights

- 7.1 The Human Rights Act 1998 incorporated into domestic law the European Convention on Human Rights (“ECHR”). The ECHR includes provisions in the form of Articles, which aim to protect the rights of the individual.
- 7.2 Section 6 of the Human Rights Act 1998 prohibits public authorities from acting in a way which is incompatible with rights protected by the ECHR.
- 7.3 As is clear from the Circular, a compulsory purchase order should only be made where there is a “compelling case in the public interest”, and that a public authority pursuing a compulsory purchase order should be sure that the purposes for which it is making that order sufficiently justify interfering with the human rights of those with an interest in the land affected. In making this assessment, the authority should have regard, in particular, to the provisions of Article 1 of the First Protocol and Articles 6 and 8 to the ECHR.
- 7.4 Article 1 of the First Protocol of the ECHR states that “every natural or legal person is entitled to peaceful enjoyment of his possessions” and that “no one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by the law and by the general principles of international law....”.
- 7.5 Whilst the owners of the land comprised in the Order Land may be deprived of their property if the Order is confirmed and thereafter implemented, this will be done in accordance with the law. The public benefits associated with the Order are set out in this statement, and the Council considers that the Order strikes a fair balance between the public interest in seeing the regeneration proceed (which is unlikely to happen in the absence of the Order), and the private rights which will be affected by the Order.
- 7.6 In this case, despite efforts being made, the Council has not been able to secure agreements with the owners of the Order Land nor has it been possible to locate the owners of the land in “unknown” ownership. Such parties will be entitled to compensation calculated under the CPO Compensation Code in respect of land acquired by the Council pursuant to the Order.
- 7.7 Article 6 of the ECHR provides that: “in determining his civil rights and obligations ...everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law”. The Article 6 rights are met by the procedures for objection and confirmation, the right to bring a legal challenge in the High Court under the Acquisition of Land Act 1981 and the right to have any claim for compensation determined by the Upper Tribunal.
- 7.8 The regeneration of the Site including the Order Land has been comprehensively consulted upon. There has been an opportunity to make representations regarding the planning policies that promote development of the Order Land. The Council has further entered into extensive discussions and negotiations with the affected landowners regarding the future of the area and the regeneration proposals.
- 7.9 Where parties object to the Order, the Secretary of State for Communities and Local Government shall arrange either for written representations, or for a public local inquiry to be held to provide those parties with an opportunity to be heard. Should the Order be confirmed, a person aggrieved may challenge the order in the High

Court if they consider that there are sufficient grounds for doing so. In relation to compensation disputes, affected persons have the right to apply to the Upper Tribunal, an independent judicial body. This process is compliant with Article 6.

- 7.10 Article 8 of the ECHR provides that: "*everyone has the right to respect for his private and family life, his home and his correspondence*" and that "*there shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of....the economic wellbeing of the country...*".
- 7.11 Whilst there may be some interference with the rights of the owners of the land comprised in the Order, this will be done in accordance with the law. The Council considers that the benefits associated with the Scheme as set out in this report, strike a fair balance between the public interest in seeing the Scheme proceed (which is unlikely to happen in the absence of the Order), and the private rights which will be affected by the Order.
- 7.12 The Council has carefully considered the matters it has to balance in reaching its decision to progress the Order, and has decided that there is a compelling case in the public interest to proceed with making it, so as to enable the redevelopment of the Site to proceed.

Equality

- 7.13 The Council further has a duty, when exercising any power, to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out its activities (section 149 of the Equality Act 2010). This includes removing or minimising disadvantages suffered by people due to their protected characteristics, taking steps to meet the needs to people from protected groups where these are different from the needs of other people and encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 7.14 The Council has been mindful of its equality duty and has had regard to the impact of the regeneration of the Site and provision of the Permitted Scheme on such protected characteristics.

Consultation with the Local Community about the Scheme

- 7.15 The regeneration of Wokingham Town Centre has been a long term aspiration and corporate objective of the Council and a high priority of the local community. Engagement with the local community to develop a better understanding of individual, group and business interests varied needs and aspirations for the site has been ongoing for a long period of time. Some of the key engagement activities and findings are outlined below.
- 7.16 As stated above the Local Plan policy in the Core Strategy (Jan 2010) and MDD (Feb 2014) identifies the site known as Peach Place as being allocated for mixed use development. Both plans were placed on deposit and provided individuals, groups and business concerns with the opportunity to consider the implications of the proposed policy and to comment on them. The Public Inquiry enabled the independent Inspector to consider all representations on the plan policy and to direct any changes, the policy was adopted as sound and appropriate for the site and the

needs of the local community.

- 7.17 The Wokingham Masterplan was adopted in 2010, this included details of how Peach Place was to be developed and how it related to its context and helped achieve the wider ambitions of the town centre. The Masterplan was the subject of extensive consultation, individuals, local groups and members of the local community were invited to comment. Issues raised included the loss of the Rose Street car park, access to the town centre for the elderly and people with disabilities, the range of commercial and community uses that would provide a balanced offer within the town, pedestrian routes to and within the site, cycle access and storage facilities as well as comments on the potential layout and design of the scheme.

Consultation with the Local Community about the Permitted Scheme

- 7.18 During the preparation of the Permitted Scheme and during its determination period, the applicant and the Council undertook a wide range of consultation and engagement events to enable local interested parties to comment on the proposed scheme. The engagement events took the form of:

- Stakeholder briefing sessions for invited parties including:
 - Wokingham Society;
 - Wokingham History Group;
 - Wokingham Remembers;
 - Rose Street Residents Association;
 - Great Langborough Residents Association;
 - Wokingham Town Team;
 - Wokingham Chamber of Commerce;
 - Wokingham Town Council;
 - Bradbury Centre and Rose Street Methodist Church;
 - Peach Place Commercial Tenants (Tenants within Council owned units).
- Public exhibition events where members of the public could view and comment on emerging schemes proposals. These events were advertised in local newspaper, letters were sent to local residents and businesses and posters erected close to the event location – usually within one of the vacant premises on Peach Street.
- Regular press articles were issued to help keep locals engaged and informed of progress with the scheme proposals.
- A scheme web-page was created to help inform people and to collect comments
- The Council's regeneration website also provided the opportunity to view the submitted proposals and to comment on them.
- Engagement events were held at local schools to ensure that the views, needs and concerns of the local youth community were understood and they had an opportunity to help shape and inform the form and design of the Scheme.

- 7.19 The Statement of Community Involvement and Design and Access Statement submitted with the planning application both set out in some detail a summary of the comments made on the proposals during the preparation of the planning application

and how the scheme had sought to address these. The key points included:

- Overall general support for the redevelopment of Peach Place and the proposed new land uses.
- Concern at loss of car parking and access to the town centre. The Transport Statement considered the impacts associated with the loss of parking and access for all to the town centre amenities and concluded that the overall quantity and spread of alternative parking within the town was adequate to meet the needs of all user groups. Additional disabled parking bays will be provided either on Rose Street and or an alternative location within close proximity to the site.
- The mix of residential unit size on the site was supported as this will allow for a range of users from single household to families, the town houses and majority of the flats are designed to 'lifetime homes' standards to accommodate the needs of future occupiers.
- Affordable housing on the site was requested, this has been considered and is under review as part of the ongoing viability appraisal for the site.
- The retail and leisure facilities were supported as they will meet the needs of the growing community in a safe and attractive environment, smaller shop units that could be used for new local independent traders supported.
- Concern was raised in relation to where existing businesses would be relocated. The majority of the units on Peach Street are on short-term leases and were let in the understanding that the development was being proposed, the Councils Estates team will work with the existing tenants in an effort to identify possible alternative premises.
- Cultural and arts activities on the site will be possible within the new square.
- The new public toilets will be built to disabled access standards.
- Adequate cycle parking and storage will be provided on the site to promote alternative access to the site.
- The Permitted Scheme has been designed to secure by design standards, appropriate lighting and surveillance will be provided to promote a safe and secure environment for all.
- The new public realm will provide a much improved and accessible environment at the heart of the town, resting places for use by the elderly and less mobile will be provided.

7.20 The Permitted Scheme has been amended where possible to accommodate the requirements and address the concerns raised by local residents and businesses. The Permitted Scheme will offer important enhanced employment opportunities for the local community and help promote an improved sense of wellbeing for all residents.

7.21 One particular issue which was raised during the consultation process in respect of the planning application for the Permitted Scheme was the impact of the Permitted Scheme on users of the Bradbury Centre, particularly disabled users who are commonly dropped off in front of and use the ramp to the entrance to the centre in

Rose Street car park. The loss of a disabled access and parking (including drop off facilities) could prevent disabled users from being able to access the centre. The Council considered the issue carefully as part of the planning application process.

- 7.22 The Council determined that generally the Permitted Scheme had been designed in compliance with the requirements of the Disability Discrimination Act 1995 and that, as such, it would overall improve the environment and experience of residents, businesses and visitors and in achieving this deliver benefits to those with disabilities. Specifically, the Permitted Scheme would allow much easier physical access to shops, residences and communal areas which would in turn promote independence and social inclusion.
- 7.23 In considering the disabled access to the Bradbury Centre, in particular, the Council noted that the centre presently operates an informal drop off facility within Rose Street car park but has no formal legal right to provide such facility. The Council, however, accepted that the loss of parking spaces and drop off facilities could have detrimental impact on disabled users of the centre. The Council accordingly imposed a condition on the Planning Permission (condition 26) requiring the proposed Scheme to provide three disabled parking bays or two disabled parking bays and a drop-off facility before use of the Rose Street car park by visiting members of the public ceases. The Council, with Wilson Bowden, is in the process of finalising the details for discharge of this condition and is satisfied that such provision will ensure continuity of access to the centre by disabled users.

Conclusions

- 7.24 The Council is content that it has discharged its public equality duty and that the redevelopment of the Site and the Permitted Scheme has the potential to have a positive impact on the protected characteristics. Where there is potential for the Permitted Scheme to have a detrimental impact on protected characteristics, steps have been taken to mitigate it.

8 CONCLUSION

For the reasons set out in this Statement, the Council considers that there is a compelling case in the public interest and that the Order should be confirmed to facilitate the regeneration of the Site.

DRAFT

9 ADDITIONAL INFORMATION

General Information

- 9.1 The documents relating to the Order are listed in Appendix A to this Statement and can be inspected during normal office hours at the Council's offices at the Civic Offices Shute End Wokingham RG40 1BN.
- 9.2 The additional documents listed in Appendix B to this Statement, which the Council may also refer to at any public inquiry, can be inspected during normal office hours at the Council's offices. The Council reserves the right to add or remove documents from this list in the light of any objections and representations made in respect of the Order.
- 9.3 All of the documents can also be viewed online at [].
- 9.4 Persons requiring further information regarding the Order should contact [] at the Council by email to [] or by telephone on [].
- 9.5 Owners and occupiers of the Order Land who wish to negotiate a sale or discuss matters of compensation should contact [] or by telephone on [].

Statutory Procedures

- 9.6 Any objection or other representation concerning the Order must be made in writing to National Planning Casework Unit, 5 St Philips Place, Colmore Row, Birmingham B3 2PW before [] and should state the title of the Order and the grounds of objection or representation.
- 9.7 If objections to the Order are received from any person who is an owner, lessee or occupier (except tenants for a month or a period less than a month) of the Order Land and such objections are not withdrawn, then an opportunity will be given by the Secretary of State for objectors to state their views at either a public inquiry or hearing before an independent inspector after the end of the objection period.
- 9.8 If a public inquiry or hearing is to be held, all objectors will be notified individually at least 6 weeks beforehand and those who have made representations or wish to support the proposals will be similarly informed. Notice of any public inquiry or hearing would also be published in the local press.
- 9.9 It should be noted that it might be necessary to communicate the substance of all comments received to other people. If a public inquiry or hearing is held, letters of objections and other representations would be passed to the inspector holding the public inquiry or hearing.

Compensation

- 9.10 Provision is made by statute with regard to compensation for the compulsory purchase of land and the depreciation in the value of affected properties. More information is given in the series of booklets published by the Department for Communities and Local Government entitled 'Compulsory Purchase and Compensation' Listed below:
- (a) Booklet No 1 – Compulsory Purchase Procedure;

- (b) Booklet No 2 – Compensation to Business Owners and Occupiers;
- (c) Booklet No 4 – Compensation to Residential Owners and Occupiers.

9.11 Copies of these booklets are available free of charge from the National Planning Casework Unit, 5 St Philips Place, Colmore Row, Birmingham B3 2PW or online at:

www.gov.uk/government/collections/compulsory-purchase-system-guidance

DRAFT

APPENDIX A

Order Documents

- 1 The Order
- 2 The Order Map
- 3 Statement of Reasons for the Order

APPENDIX B

Reports and Minutes

- 1 Executive Paper dated 19 February 2015
- 2 Minutes of Executive Meeting on 19 February 2015
- 3 Executive Paper dated [] July 2015
- 4 Minutes of Executive Meeting on [] July 2015

Planning Application Documentation

- 5 Planning Application F/2014/2637
- 6 Plan showing application boundary
- 7 Planning Statement dated []
- 8 Design and Access Statement dated []
- 9 Statement of Community Involvement dated []
- 10 Approved Drawings
- 11 Committee Report dated 4 March 2015
- 12 Members' Update dated 4 March 2015
- 13 Planning Permission dated []

Planning Policy Documentation

- 14 National Planning Policy Framework
- 15 National Planning Policy Guidance
- 16 Core Strategy for Wokingham
- 17 Managing Development Delivery Local Plan
- 18 Wokingham Town Centre Masterplan SPD

Other Documentation

19

20

DRAFT

This page is intentionally left blank

TITLE	Ryeish Green and Grays Fruit Farm Sports Hub Projects
FOR CONSIDERATION BY	The Executive on 30 July 2015
WARD	Shinfield South and Wokingham Without
DIRECTOR	Heather Thwaites, Director of Environment
LEAD MEMBER	Angus Ross, Executive Member for Environment

OUTCOME / BENEFITS TO THE COMMUNITY

A much improved outdoor sports offer for both the existing and new residents of Wokingham and Shinfield.

RECOMMENDATION

It is recommended that Executive resolve to:

- 1) agree, to the release of S106 funding to progress a planning application for the co-located Wokingham Sports Hub facility at Grays Fruit Farm in South Wokingham to serve the North and South Wokingham Strategic Development Location (SDL).
- 2) agree to the release of S106 funding to progress a planning application for the Sports Hub to serve the South of the M4 SDL and implement any proposals which may be authorised within the budget identified in the "Financial Implications" table below.
- 3) delegates authority to the Director of Finance and Resources to forward fund the Ryeish Green Sports Hub scheme through short term borrowing where needed.

SUMMARY OF REPORT

Grays Fruit Farm - In order to be ready to commence delivery of this facility in September 2017 it will be necessary to commence on the initial internal and external/public consultation exercise towards the end of the 2015. The consultation exercise will be guided by the Sports and Leisure Working Group and will engage with Sport England/ individual sports governing bodies, Town/Parish Councils, Wokingham Sports Council, local Sports Clubs and the general public. The results of this consultation exercise will inform the development of a detailed masterplan for the site in summer 2016 which will be followed by a detailed planning application in late 2016/early 2017. It has been estimated that these two stages will cost in the region of £65,000.

Ryeish Green Sports Hub - During the last couple of years the Council has secured around £1.95million in contributions towards the Ryeish Green Sports Hub project from the SDL developments. The borough and parish council have identified a preferred option for this money, which is to upgrade the existing grass pitches through improved drainage, construct a new full size Multi-Sport Artificial Turf Pitch (with floodlights) and a 4 team changing room facility with car parking. The results of the recent public

consultation exercise will be used to inform the development of a detailed masterplan for the site in summer 2015, which will be followed by a detailed planning application in late 2015/early 2016. It has been estimated that these two stages will cost in the region of £60,000.

Improvements to the grass pitch drainage, and the construction of a new full size Multi-Sport Artificial Turf Pitch (with floodlights) and a 4 team changing room facility with car parking could then commence in the summer of 2016. It has been estimated that these two stages will cost in the region of £2,000,000.

The Council is exploring potential sustainable uses for the former Ryeish Green Leisure centre building.

Background

Grays Fruit Farm

During 2013 it became clear to the Council that the South Wokingham SDL consortium were unlikely to be able to deliver both the required area of playing pitches and the allocated housing numbers on land in their control. As a consequence the Council commissioned a feasibility Study to look at two possible locations for a sports hub to serve the South Wokingham SDL (Priors Farm and Grays Fruit Farm) in March 2014. Quite by chance at the beginning of May 2014 Grays Fruit Farm was advertised for sale on the open market at an estimated value of £1.5million (based on existing use), with a deadline for bids set for Friday 30th May. The Council's Executive took the decision to purchase the Grays Farm fruit Farm on 31st July 2014 to enable the delivery of a comprehensive outdoor sports hub to serve the South Wokingham SDL. One of the conditions of the sale was that the site would be leased back to the current operator until 29th September 2017 in order to give the Council Time to prepare plans for the development of the site.

Ryeish Green Sports Hub

The former Ryeish Green School site lies in the heart of the South of the M4 Strategic Development Location (SDL). Having been closed by the Council in 2010 because of falling student numbers, part of the site reopened in September 2012 as Oakbank Free School. The Free School lease includes only part of the built area of the site (excluding the former Ryeish Green Sports Hall and the School Music block) and access to the playing pitches. Consequently the Council has retained ownership of 1.5ha of the built area of the site (including the former Ryeish Green Sports Hall and the School Music block) and 4.83ha of grass playing pitches.

Initially the Council Executive took the decision to use the remaining area of the former Ryeish Green School site for residential development (25th November 2010) although this development would have been restricted to the previously developed part of the site and would have left space to accommodate public access to the playing pitches and even pavilion facilities. However with the emergence of the Oakbank free school in 2012 the Council began to explore the location as a possible site for expanded leisure provision to serve the SDL.

Through the Shinfield Parish and Community Forum the issue of the use of the former Ryeish Green school site to provide sport and leisure facilities for the SDL was raised and subsequently Shinfield Parish Council wrote to enquire about progress on this as a favoured community option.

On 26th September 2013 the Council's Executive took the decision to approve the use of the former Ryeish Green School site as a sports hub to serve the south of the M4 SDL to enable the delivery of a comprehensive outdoor sports hub to serve the South Wokingham SDL.

Subsequently officer have worked to secure contributions to this project from the SDL developments and undertaken a comprehensive public consultation exercise in partnership with the Parish Council.

Analysis of Issues

Grays Fruit Farm

In order to be ready to commence delivery of this facility in September 2017 it will be

necessary to commence on the initial internal and external/public consultation exercise towards the end of the 2015. The consultation exercise will be guided by the Sports and Leisure Working Group and will engage with Sport England/ individual sports governing bodies, Town/Parish Councils, Wokingham Sports Council, local Sports Clubs and the general public. The results of this consultation exercise will inform the development of a detailed masterplan for the site in summer 2016.

The draft project programme is as follows

Project task	Schedule
Pre application consultation	Autumn 2015 - Winter 2016
Develop detailed masterplan for site based upon results of public consultation	Spring-Summer 2016
Submission of detailed planning application	Summer to Winter 2016
Procure contractor to construct sports hub	Spring –Summer 2017
Construct Sports Hub	Autumn 2017 onwards

The Council's Property Team has estimated that it will cost around £44,500 to progress the project through to detailed planning permission.

The Feasibility Study for South Wokingham Sports Hub (Site 4 Priors Farm and Site 7 Gray's Fruit Farm) indicates that the overall cost of the construction of the Grays Fruit Farm Sports Hub would be around £4,579,550. The Council Property Team have reviewed these costs and have suggested that a precautionary estimate of £6,795,548 would be more robust at this stage.

The Council has secured developer contributions totalling £3,699,727 from the Buckhurst Farm, Kentwood Farm (Phases 1 and 2), Matthewsgreen Farm and Keephatch Beech developments. The remaining funding will need to come from the CIL receipts from the South of the railway line parts of the south Wokingham SDL. Were this development to contribute at the same level as the most recent parts of the North Wokingham SDL then we would expect to receive an additional £4,342,709.

Around 3ha of the Grays Fruit Farm site falls within the floodplain and would not be suitable for sports pitches, although it would be suitable as SANG (providing it can tie in with the wider SDL SANG suite). It should be possible to secure a significant contribution from the SDL consortium towards land value element of the SANG (in addition to layout costs and in perpetuity maintenance). On other SDLs we have secured £123,500/ha for the use of Council owned land as SANG and this would potentially give an additional contribution of nearly £400,000 which could be used to fund the sports hub.

A future Executive report will be brought forward in due course to approve expenditure required to cover the actual delivery of the sports hub.

Ryeish Green Sports Hub

During the last couple of years the Council has secured around £1.95million in contributions towards the Ryeish Green Sports Hub project from the SDL developments. In addition to these contributions the Council has established an overarching strategy for sports pitch provision based upon the Ryeish Green Sports Hub plus 2 new pitches (immediately to the East of the Ryeish Green Sports Hub) and

3.184ha of playing pitches at High Copse Farm (including a new cricket pitch and pavilion) (see South of the M4 SDL Sports Provision slide).

The borough and parish council have identified a preferred option for this money, which is to upgrade the existing grass pitches through improved drainage, construct a new full size Multi-Sport Artificial Turf Pitch (with floodlights) and a 4 team changing room facility with car parking. In May 2015 The Council undertook a comprehensive public engagement exercise in order to establish that there was community support for the Council's preferred option for this Sports Hub.

The public consultation, open from Monday May 18 to Friday June 26 has shown strong support from respondents for the Council's preferred option of upgrading the existing grass pitches through improved drainage, constructing a new full size Multi-Sport Artificial Turf Pitch with floodlights and a 4 team changing room facility with car parking. This public support reflects the views of key local sports clubs engaged before and during the consultation and is supported by Shinfield Parish Council.

The main issues relating to the outdoor provision raised during the consultation were:

- Concern from Oakbank School and its parents that any work to the pitches be planned and phased to take into account the school's current usage of the site
- Some comment that there could be a wider focus for outdoor sports and that the plans concentrate too much on football. This feedback needs to be considered in the light of previous research that has indicated a very significant general demand for football in the borough that outstrips demand for other sporting facilities and also the specific local need identified in Shinfield by all stakeholders.

The results of this consultation exercise will be used to inform the development of a detailed masterplan for the site in summer 2015. There is a clear community aspiration to see the Ryeish Green Sports Hub delivered as soon as is practically possible.

Project task	Schedule
Pre application consultation	Spring-Summer 2015
Develop detailed masterplan for site based upon results of public consultation	Summer to Autumn 2015
Submission of detailed planning application	Autumn to Winter 2015
Procure contractor to construct sports hub	Spring 2016
Construct Sports Hub	Summer 2016 onwards

The Council's Property Team has estimated that it will cost around £37,945 to progress the project through to detailed planning permission.

Early cost estimates are that the construction works required to deliver the preferred option are as follows.

Project task	Cost estimate
Improved field drainage of existing grass pitches	£478,445
Construction of new Artificial Turf Pitch with floodlights	£600,000
Construction of 4 team pavilion with clubroom	£685,000
Construction of access and car parking	£200,000
Total	£1,963,445

FINANCIAL IMPLICATIONS OF THE RECOMMENDATION

The Council faces severe financial challenges over the coming years as a result of the austerity measures implemented by the Government and subsequent reductions to public sector funding. It is estimated that Wokingham Borough Council will be required to make budget reductions in excess of £20m over the next three years and all Executive decisions should be made in this context.

	How much will it Cost/ (Save)	Is there sufficient funding – if not quantify the Shortfall	Revenue or Capital?
Current Financial Year (Year 1)	£80,000*	£0	Capital – Funded from HCA Large Sites Grant
Next Financial Year (Year 2)	£2,045,000*	£0	Capital – Funded from HCA Large Sites Grant £45k and S106 Developer Contributions £2m
Following Financial Year (Year 3)			

* Excludes forward funding costs (see note below)

Other financial information relevant to the Recommendation/Decision

Year 1 expenditure will be made up of the following items

Develop detailed masterplan for Ryeish Green Sports Hub	- £20,000
Submission of detailed planning application for Ryeish Green Sports Hub	- £40,000
Develop detailed masterplan for Grays Fruit Farm Sports Hub (although this may fall in year 2)	- £20,000

Year 2 expenditure will be made up of the following items

Submission of detailed planning application for Grays Fruit Farm Sports Hub	- £45,000
Construction of Ryeish Green Sports Hub	- £2,000,000

Forward Funding – Due to the timing of developer contributions being received, there may be a need to forward fund this scheme. The costs of short term borrowing will be managed through the current Treasury Management Debt/Interest budget. Current estimate is that forward funding costs in total would be approx. £69k.

Cross-Council Implications

None

List of Background Papers

Feasibility Study for South Wokingham Sports Hub (Site 4 Priors Farm and Site 7 Gray's Fruit Farm)
South of the M4 SDL Sports Provision slide

Contact Andy Glencross	Service Community Services
Telephone No 0118 9746199	Email andy.glencross@wokingham.gov.uk
Date 16 July 2015	Version No. 4

This page is intentionally left blank

Agenda Item 42.

TITLE	Community Facility at SM4 Strategic Development Location
FOR CONSIDERATION BY	The Executive on 30 July 2015
WARD	Shinfield South
DIRECTOR	Heather Thwaites, Director of Environment
LEAD MEMBER	John Kaiser, Executive Member for Planning and Highways

OUTCOME / BENEFITS TO THE COMMUNITY

Enabling increased community facilities in Shinfield Village Centre.

RECOMMENDATION

It is recommended that Executive resolve to

- 1) agree to advise the University of Reading that WBC elect to accept a cash contribution in lieu of direct provision of a community building for Shinfield Village Centre, pursuant to the Shinfield West S106 agreement;
- 2) agree in principle to develop the new community facilities to serve the South of the M4 SDL on the Royal British Legion site in Shinfield Village Centre subject to, the Director of the Environment and Executive Member for Planning and Highways receiving from Shinfield Parish Council (SPC) a satisfactory form of
 - a) business case for erection of a community facility and its ongoing operation;
 - b) agreement to contribute funds towards project (to be determined);
 - c) agreement to suitable governance arrangements with WBC to enable provision of services which are consistent with 'Shaping Our New Communities' principles;
 - d) evidence of wider community support for the community facility
- 3) agree that subject to 2) being satisfactorily concluded, initial feasibility, costings and other details to be worked up and reported back to the Executive to enable a planning application to be progressed;
- 4) agree that in the event that resolution 2 is not met by 31 December 2015 that the community S106 will be released to WBC to implement community/leisure projects to support the South of the M4 SDL.

SUMMARY OF REPORT

Shinfield Village Centre is within the South of the M4 SDL and is the location of the main community infrastructure delivery site; this was shown in the approved scheme as a free standing new building near the existing Village Hall. All of the planning permissions contribute in one form or another to this objective however there are options about the means of delivery in the Shinfield West S106 and this is that either the developer

provides a new free standing 1000sqm building or alternatively provides a cash alternative of £960,000. The Council need to 'elect' which alternative is to be pursued by the 15th September 2015.

The development of a community facility in an alternative location is viewed as a preferred option by the local community and the current Royal British Legion site has been identified as a location that will make positive use of a currently unused site in a prominent and well-used area of Shinfield.

The S106 contributions from the SDL S106s for community and leisure/sports facilities do not match the current ambitions for these facilities in this area. The support of Shinfield Parish Council (SPC) in progressing the delivery costs and establishing a viable operational model is viewed as preferred option in securing the delivery of the new community facility. SPC have expressed a willingness to contribute up to £300k and more depending on circumstances. The current estimated shortfall in meeting aspirations for costs is £300-£670k, otherwise the scale of proposal would need to be pared back to make ends meet.

Background

Shinfield Parish contains the South of M4 Strategic Development Location (SDL) which is one of four development areas within the Borough and is expected to supply at least 2500 new dwellings.

The new dwellings are being developed by a range of land owners and developers including the West of Shinfield scheme promoted by the University of Reading and the North of Hyde End Road and the Three Mile Cross Consortium consisting of Taylor Wimpey and David Wilson Homes.

As part of the planning consents for the West of Shinfield and North of Hyde End Road/Three Mile Cross developments the land owners/developers have through S106 agreements committed to support certain elements of community infrastructure as part of the development.

The S106 agreement with the West of Shinfield development includes an option for the developers to provide a site for a 1000sqm community facility of which they would have to fund 560sqm of that facility (the remaining funding was envisaged to come from the other SDL development within the SM4) within the neighbourhood centre. The Deed of Variation (DoV) on the original s106 provided for the Council to Elect to take a capital payment of £960,000 in lieu of this provision and to facilitate the construction of a community facility itself in an alternative location. Under the terms of the DoV this election must be made by the 15th September 2015

In addition to the provision of a community facility within the SDL, the S106 agreement with developers also includes contributions to the provision of sports/leisure facilities for its residents.

In total, the following S106 contributions have been agreed for community and sports/leisure facilities within the West of Shinfield development:

Community	£1,136,191
Leisure/Sports	£1,637,055
Flexible (Leisure/Community)	£1,357,123
Total	£4,130,369

Current approximate cost estimates for SM4 are: -

Community	£2,500,000-	£2,800,000
Leisure/Sports		£2,000,000
Total	£4,500,000-	£4,800,000

There is therefore a net shortage of £370-£670k

Analysis of Issues

As part of the Council's agreed 'Shaping Our New Communities (SONC)' document, it is our ambition to provide community facilities for the residents within the Strategic Development Locations which enable a flexible mix of services and activities that change and adapt over time with their needs and aspirations.

In this context, a community facility can support a number of specific activities such as a place for local groups or individuals to utilise, library services, faith activities, children’s centre/early years services or neighbourhood policing.

Within the SM4 Strategic Development Location the Council secured a commitment from developers for the provision of a community centre within the proposed development.

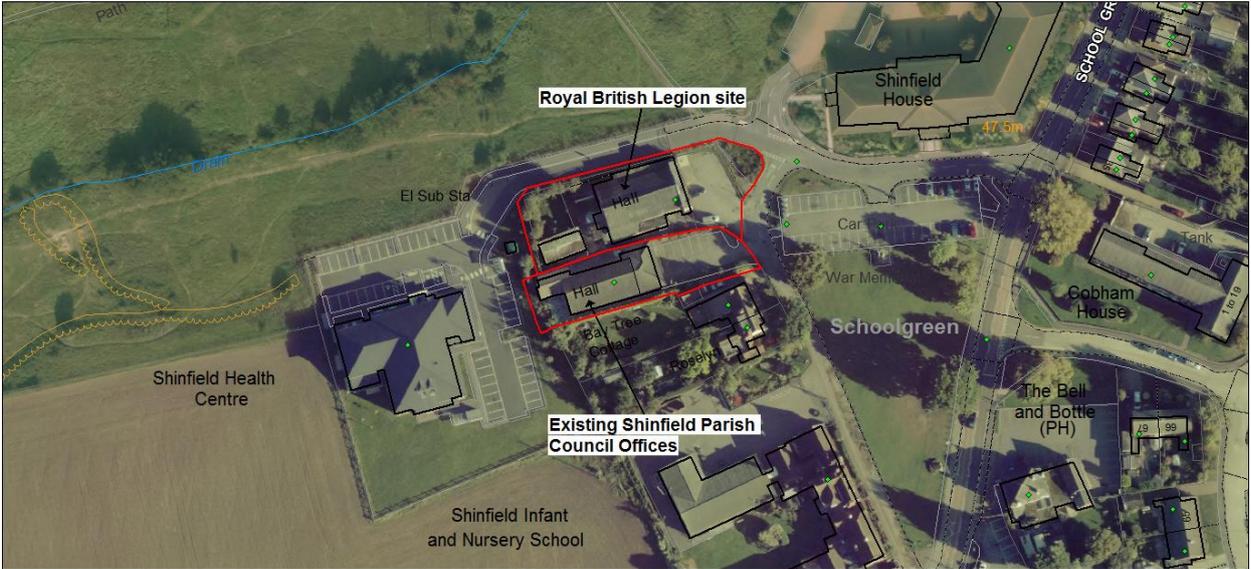
Other key elements of the SONC document relate to the engagement with local residents and organisations over the integration and sustainability of community facilities and specifically their ongoing management arrangements. Within the SM4 Strategic Development Location there has been a sustained dialogue with local residents supported through the regular Community Forum Meetings.

As part of this dialogue, Shinfield Parish Council have expressed a clear view to engage in the long term provision of a community facility for the area and have presented the Council with an alternative option for doing so. This option encompasses the utilisation of an existing site within the area which the Parish Council view as a more natural location for a new community facility within Shinfield.

Royal British Legion Site

The West of Shinfield consent requires the developer to create a new local centre within the development to include a 25,000sqft supermarket and ancillary retail units and provide space for a 1000m2 community centre.

Since the time of the consent some of the neighbouring buildings to the local centre have come onto the market. Shinfield House has been purchased with an intention to convert it to a care home for people with Dementia. The former British Legion Club in Shinfield has also become available for purchase. The Shinfield Infants and Nursery School has also been granted planning consent for its new hall.



Locating the new community facility on the existing Royal British Legion site has the

advantages of maintaining the village green as the natural centre of the village and aligns the new community centre with existing and emerging local facilities. This approach is strongly supported by Shinfield Parish Council.

Redevelopment Costs

The S106 agreement with the West of Shinfield development includes an option for the developers to provide space for a 1000m² community facility within the development or for the Council to Elect to take a capital payment of £960,000 in order to facilitate the establishment of a community facility for the development in a more preferable manner.

Locating this new community facility on the current Royal British Legion site is viewed as a preferred option by the local community as it will make positive use of a currently unused site in a prominent and well-used area of Shinfield.

In order to support this ambition, the Council will have to formally elect to take a capital payment of £960,000 as the contribution to a community facility from the West of Shinfield development.

The overall cost of redeveloping the Royal British Legion site has been estimated by the Council's Property Services at between £2,547,500 and £2,748,750.

Ryeish Green Sports Hub

As part of the West of Shinfield development the Borough Council has secured approximately £1.6 million in S106 contributions for a wide range of sport and leisure improvements in the area.

Wokingham Borough Council and Shinfield Parish Council have identified a preferred option for utilising this contribution, which is to upgrade the existing grass pitches at the former Ryeish Green School site through improved drainage, construct a new full size Multi-Sport Artificial Turf Pitch with floodlights and a 4 team changing room facility with car parking. The estimated costs of this option are £2 million.

Delivering Both Community & Leisure/Sports Facilities

With cost estimates of between £2.5m and £2.8m for the community facility and £2m for the sports hub, there is a clear shortfall of between £370,000 and £670,000 in the required funds to deliver both facilities.

In securing the provision of the community facility on the current Royal British Legion site, a collaborative arrangement with Shinfield Parish Council is viewed as the preferred option for achieving this.

In taking the decision to elect to take the capital payment of £960,000 and allocate other available S106 contributions to the provision of a community facility on the current Royal British Legion site, the Council would first require assurances from Shinfield Parish Council on the following items:

- Capital contribution to the build costs of the community facility
- Suitable governance arrangements

- Evidence of wider community support to operate the community facility
- Viable business case for the ongoing operation of the community facility
- Provision of services consistent with SONC principles

FINANCIAL IMPLICATIONS OF THE RECOMMENDATION

The Council faces severe financial challenges over the coming years as a result of the austerity measures implemented by the Government and subsequent reductions to public sector funding. It is estimated that Wokingham Borough Council will be required to make budget reductions in excess of £20m over the next three years and all Executive decisions should be made in this context.

	How much will it Cost/ (Save)	Is there sufficient funding – if not quantify the Shortfall	Revenue or Capital?
Current Financial Year (Year 1)	£150,000	Yes	Capital
Next Financial Year (Year 2)	£350,000	Yes	Capital
Following Financial Year (Year 3)	£2.0m - £2.3m	No - £370-£670K*	Capital

Other financial information relevant to the Recommendation/Decision

*Options for identifying the necessary resources to cover the shortfall will be presented to the Executive later in the year, including confirmation of the contribution from Shinfield Parish Council.

Cross-Council Implications

None

List of Background Papers

None

Contact Mark Redfearn	Service Environment
Telephone No 0118 9746012	Email mark.redfearn@wokingham.gov.uk
Date 20 July 2015	Version No. 1