



# WOKINGHAM BOROUGH COUNCIL

A Meeting of the **EXECUTIVE** will be held in David Hicks 1 -  
Civic Offices on **THURSDAY 29 MARCH 2018 AT 7.30 PM**

A handwritten signature in black ink, appearing to read 'Manjeet Gill'.

Manjeet Gill  
Interim Chief Executive  
Published on 21 March 2018

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

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# **WOKINGHAM BOROUGH COUNCIL**

## **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

Charlotte Haitham Taylor	Leader of the Council
David Lee	Deputy Leader and Strategic Highways and Planning
Richard Dolinski	Adults Services
Stuart Munro	Business and Economic Development and Regeneration
Mark Ashwell	Children's Services
Norman Jorgensen	Environment, Sports, Environmental Health, Leisure and Libraries
Julian McGhee-Sumner	Finance
Keith Baker	Highways and Transport
Simon Weeks	Planning and Enforcement

ITEM NO.	WARD	SUBJECT	PAGE NO.
106.		<b>APOLOGIES</b> To receive any apologies for absence	
107.		<b>MINUTES OF PREVIOUS MEETING</b> To confirm the Minutes of the Meeting held on 22 February 2018.	7 - 22
108.		<b>DECLARATION OF INTEREST</b> To receive any declarations of interest	
109.		<b>PUBLIC QUESTION TIME</b> 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 <a href="http://www.wokingham.gov.uk/publicquestions">www.wokingham.gov.uk/publicquestions</a>	
109.1	None Specific	Alexandra Fraser has asked the Executive Member for Environment the following question:  <b>Question</b> The Council has increased our recycling initiative across the borough. Historically we exported our recycled rubbish to China but this was stopped since January this year. Our Minister for the Environment said that the Government didn't have a clear idea on	

what to do for that eventuality. So where will our current recycling go let alone more of it - what will be done with it?

109.2 None Specific

Janet Rogers has asked the Executive Member for Children's Services the following question:

**Question**

Many local groups (Children's Overview and Scrutiny Committee, Corporate Parenting Board, Officers within Children's Services, charities such as the Children's Society) recognise the difficulty caused by CTAX debt for the Borough's vulnerable care leavers. Please outline the steps WBC as the "corporate parent" will be taking to ensure an exemption from the upcoming 2018/19 CTAX bill is implemented for the Borough Care Leavers?

110.

**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

110.1 None Specific

Gary Cowan has asked the Executive Member for Environment the following question:

**Question**

How many trees has this Council given permission to be cut down each year for the last five years?

**Matters for Consideration**

111.	None Specific	<b>SHAREHOLDERS' REPORT</b>	<b>23 - 30</b>
112.	None Specific	<b>CUSTOM AND SELF-BUILD HOUSING REGISTER ELIGIBILITY CRITERIA AND FEES</b>	<b>31 - 40</b>
113.	Hurst	<b>ST NICHOLAS HURST NEIGHBOURHOOD PLAN AREA DESIGNATION</b>	<b>41 - 50</b>
114.	None Specific	<b>SELECTION OF PREFERRED REGISTERED PROVIDER PARTNERS</b>	<b>51 - 56</b>
115.	None Specific	<b>FOSTER CARER BENEFITS AND ENTITLEMENTS: EXEMPTION OF COUNCIL TAX</b>	<b>57 - 64</b>
116.	None Specific	<b>CARE LEAVERS LIVING SUPPORT: EXEMPTION OF COUNCIL TAX</b>	<b>65 - 70</b>

117.	Arborfield	<b>THE WOKINGHAM BOROUGH COUNCIL (ARBORFIELD CROSS RELIEF ROAD) COMPULSORY PURCHASE ORDER</b>	<b>71 - 116</b>
118.	None Specific	<b>INTELLIGENT TRAFFIC SYSTEMS MAINTENANCE - BUSINESS CASE APPROVAL</b>	<b>117 - 126</b>
119.	None Specific	<b>UNAUTHORISED ENCAMPMENT POLICY FOR WOKINGHAM BOROUGH COUNCIL</b>	<b>127 - 138</b>

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.

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**MINUTES OF A MEETING OF  
THE EXECUTIVE  
HELD ON 22 FEBRUARY 2018 FROM 6.30 PM TO 7.30 PM**

**Committee Members Present**

Councillors: Charlotte Haitham Taylor (Chairman), David Lee, Mark Ashwell, Keith Baker, Richard Dolinski, Norman Jorgensen, Julian McGhee-Sumner, Stuart Munro and Simon Weeks

**Other Councillors Present**

Prue Bray  
UllaKarin Clark  
Gary Cowan  
Lindsay Ferris  
Michael Firmager  
John Halsall  
Clive Jones  
Philip Mirfin  
Ian Pittock  
Malcolm Richards  
Imogen Shepherd-DuBey  
Rachelle Shepherd-DuBey  
Chris Smith  
Oliver Whittle

**96. APOLOGIES**

There were no apologies for absence submitted.

**97. MINUTES OF PREVIOUS MEETING**

The Minutes of the meeting of the Executive held on 25 January 2018 were confirmed as a correct record and signed by the Leader of Council.

**98. DECLARATION OF INTEREST**

Councillor Norman Jorgensen declared a personal interest in Agenda Item 101 Shareholders' Report by virtue of the fact that his wife was a paid Non-Executive Director of WBC Holdings Ltd. Councillor Jorgensen remained in the meeting during discussions and voted on the matter.

Councillors David Lee and Stuart Munro declared personal interests in Agenda Item 101 Shareholders' Report by virtue of the fact that they were paid Non-Executive Directors of WBC Holdings Ltd. Councillors Lee and Munro remained in the meeting during discussions and voted on the matter.

**99. PUBLIC QUESTION TIME**

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

**99.1 Paul Craddock had asked the Executive Member for Environment the following question. As Mr Craddock was unable to attend the meeting the following written response was provided to him:**

### **Question**

Given the focus on reducing plastic waste globally and given that in Bristol alone they will be installing 200, what is Wokingham Council's plan and timescale for the introduction of one or more plastic bottle refilling fountains in the newly regenerated town centre?

### **Answer**

Water supplies are included within both Peach Place and Elms Field development. We will ensure that fountains are fitted to enable re-filling of plastic water bottle

### **99.2 Rachel Bishop-Firth asked the Executive Member for Highways and Transport the following question:**

#### **Question**

I understand that the Council and Network Rail have signed a Memorandum of Understanding to develop a solution to the Tanhill Lane crossing, which currently has two separate bridges including a very steep and unsightly temporary bridge. Could the Council please outline what this Memorandum of Understanding contains including the responsibilities of each party and any agreed timescales?

The Council has previously stated that it is not the Council's responsibility to provide this bridge. Network Rail, on the other hand, are very clear that they see a permanent solution as being the responsibility of the Council and have stated to me in response to my questions to them that 'you will need to speak to the Council as it is their project to install the permanent bridge'.

#### **Answer**

The Memorandum of Understanding, the MOU, was signed off between Network Rail and the Borough Council in late 2016. It is quite a brief document only covering one A4 page. You asked what was contained in this document for "responsibilities" so I will quote from it exactly what it says. It is Section 3 Responsibilities:

*"NR (that is Network Rail) will build and wholly fund and maintain a temporary stepped footbridge at Tan House level crossing to mitigate the current safety risks associated with crossing the railway on the level in that location until such time as a permanent solution is put in place."* Which they have done.

*"Network Rail and Wokingham Borough Council will collaborate on a permanent ramped footbridge solution upon the progression of development proposals for the multi storey car park and the life expiration of the existing stepped footbridge over the Gatwick to Reading line. The responsibilities of Network Rail and Wokingham Borough Council in respect of the permanent ramped footbridge will be subject to discussion once the development of the multi storey car park has been commenced."*

So you can see that the development of the permanent ramped footbridge is not the sole responsibility on either the Council or Network Rail. It is a joint project between both organisations.

The next item is around costs which is Item 4.

*"Network Rail will wholly fund the temporary stepped bridge."*

*WBC and NR will approach funding collaboratively in respect of the permanent ramped footbridge solution. The terms of the funding will be subject to discussion once the development of the multi storey car park has been commenced.”*

As you can see once again it is not the sole responsibility of either Network Rail or the Council. It is the responsibility of both organisations and those joint discussions are continuing.

### **Supplementary Question**

Yes we have got the multi storey car park in place now and I understand that the Council is going to be building a number of homes for sale on this site, and that does not include any social or affordable housing as I understand it. Could the CIL money for these houses be used to finance the building of a permanent bridge?

### **Supplementary Answer**

Certainly that could be one option; no question. The biggest issue tends to be, for those of us who have worked with Network Rail, is that they are quite a bureaucratic organisation, worse than the Council, and it does take a long, long time to sort out the workings between Network Rail and anybody who is trying to work with them. But it could possibly be an option.

I will get back to you on timescales.

### **99.3 Derek Oxbrough asked the Executive Member for Environment the following question:**

#### **Question**

Are budget constraints responsible for the lack of routine care and maintenance of the road drains/gulleys in the WBC area and particularly within Barkham. Background: For the past 4 years Barkham Parish Council, as a matter of record, have been requesting that WBC solve the drainage issues in Barkham Road between Coppid Hill and the Barkham Brook bridge. This section of road has a short, but one of the steepest hills (approx. 1 in 8) in the Wokingham area and has a double “S” bend on the slope to make it even more dangerous. Because of blocked drains, particularly in the winter, heavy rain causes a huge amount of surface water in the form of a 2m wide stream causing any salt that been spread on the road to be quickly washed away. If a frost then follows the rain the road ices over with black ice which is impossible for motorists to detect, and could lead to serious injury or death. There have been two major accidents this winter and in the second one a young lady driver was injured and her car written off. This is a dangerous section of rural road, which has a narrow pavement, and a high brick wall that has to take a huge amount of traffic. This traffic flow will only increase with all the additional new housing in the Barkham area. An additional aggravating cause of these blocked drains/gulleys is the lack of supervision of the WBC contactors who are meant to clear the pavements and road sides of all the debris from soil, litter and oak trees etc. on a monthly basis. If this debris is not removed regularly, it ends up blocking the drains and their interconnecting pipework. Barkham Parish Council has continually requested for the street cleaning task to be done properly and taken seriously as the roads are often missed for months or only partly cleared. No one seems to monitor the contractor to make sure the job has been done properly. So are budget constraints responsible for the lack of routine street cleaning and maintenance of the road drains/gulleys and will WBC provide adequate funds to resolve this issue in the coming financial year?

## **Answer**

You made quite a number of points there so hopefully I will address them all in the response. There are approximately 30,000 gullies in the Borough of Wokingham, all of which are included in the annual maintenance programme completed by the Council's contractor. In certain locations, including Barkham Road, where we know that there are historical drainage issues, the gullies are cleaned more frequently.

Officers monitor the routine maintenance works by auditing selected areas on a monthly basis, as well as using an online asset management system where they can track the gully emptier and review the condition and silt levels of the gullies. The current gully emptying contract is in its first year of operation so it is a new thing.

This section of Barkham Road is cleaned every four weeks and my information is that it was last cleaned on 8<sup>th</sup> February 2018 and it is next due to be cleaned on 8<sup>th</sup> March.

Officers are aware that there are historical flooding issues in this location, which have been exacerbated by a number of Thames Water drainage leaks in the last few years. For this reason, more detailed works have been carried out on several occasions to try and resolve the problems.

As you are aware, the most recent works have been carried out on the Barkham Road, between Barkham Street and School Road, over a three week period which began on 5<sup>th</sup> February 2018. This has involved ditch clearance, gully emptying and jetting, pipe extension, pipe replacement, outlet clearing, gully lid replacement and root cutting. It is hoped that this work will help reduce the problems you have mentioned.

There were also concerns about the drainage between Coppid Hill and Barkham Ride so that section was jet cleaned during this three week period to ensure it runs clear. As well as this, the contractor has cleared the ditch where the water in this system ends up. In addition to this our Officers have continuously put pressure on Thames Water to resolve the water leaks outside Barkham Manor and at the junction of Barkham Road and Bearwood Road. I understand that Thames Water are continuing to investigate.

There is a similar situation with a Thames Water leak near to the junction with School Road whereby water runs out of a BT manhole cover. Thames Water will be carrying out works to repair this leak within the next week.

Moving forward, a capital scheme will be required in this location to replace the existing drainage system but this will involve a significant amount of traffic disruption as well as having to conduct works on properties in the area. Therefore, our Drainage Officers are working collaboratively with other teams conducting other schemes so that they can programme these works.

## **Supplementary Question**

Because you have just answered there that various bits would be dealt with and so forth but the most dangerous bit, which I believe should have been tackled first, is the hill. It is where the accidents occur, it is where a double bend is, and it is where ice forms. Yet you go and do other pieces that aren't so important on a straight piece of road in a much lesser hill. So I am not sure why that was.

But what I would like to know is when specifically is the question of the hill going to be sorted out? When will that be done bearing in mind that we are just about to have another load of frost over the next 10 days?

### **Supplementary Answer**

All these works, I am sure, will help it is all about flowing water in the right places but specifically on the hill I will take that away and come back to you with a further answer.

### **99.4 Jack Beresford asked the Executive Member for Strategic Highways and Planning the following question:**

#### **Question**

Can you please confirm that the proposed new Community Centre at Matthewsgreen will be operated in a manner that allows all members of our community to have full access to it, irrespective of race or religious beliefs?

#### **Answer**

I would like to give you reassurance that all community facilities provided by the Council are done so in accordance with the principles set out in the Shaping Our New Communities document and that is why community facilities have been built on each of our strategic development locations. This new community facility being built as part of the Matthewsgreen development will be available to everyone in the local community and indeed if you look at page 189 of tonight's agenda you will see in the final paragraph, first sentence, it states that (this is from the Kings Church submission): *"As a publicly-funded community space, the community centre would be open to all. We would aim to be fully inclusive of all community groups. We would not seek to exclude, or look to impose restrictions on, individuals or groups permitted to book the space."*

Further clarification came from one of the Church's senior members when he responded me and said *"Dear David. Further to our telephone conversation I can confirm that under the Equalities Act 2010 we would have to hire the community centre to any group that wanted it."* So he has confirmed that. This group is bringing great benefit to that area. They were the only ones that submitted a final bid and they have actually within the report you will see that they have likened it to the FBC Centre which is not branded as a church it is a community centre which is used for church services on Sundays. So it will be open to everyone.

#### **Supplementary Question**

When will this be expected to open for Emmbrook residents?

#### **Supplementary Answer**

We need to agree it tonight and it then has to go through a planning application as they are going to be putting in the region of £1m of their own money to increase the size of that facility which will be built as part of the developer contribution.

So in terms of when will it be open I would love to say next Monday morning at 9 o'clock but I think that would be a bit rash.

### **100. MEMBER QUESTION TIME**

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

**100.1 Imogen Shepherd-DuBey asked the Executive Member for Highways and Transport the following question:**

**Question**

Many residents live in areas which have week day parking restrictions designed to deter commuters and shoppers from parking on residential streets. They have been very surprised to be getting Parking Tickets on public holidays such as Boxing Day and New Year's Day when they are not at work and have family visiting.

Is it still really necessary to be issuing tickets on these days?

**Answer**

When Civil Parking Enforcement powers were introduced in October 2017 the previous police restrictions, including on bank holidays, were adopted by the Council. It is important to note that parking enforcement in this respect has not changed at all. The reason why many people believe this is the case is that the police, the former enforcement agency, due to other priorities never carried out planning enforcement. The Council is now in the process of reviewing the traffic orders across the 1,800+ roads we have to ensure that they are still effective and relevant to the traffic management policy but this is an extensive process and will not happen overnight.

Whilst it is unfortunate that residents have been issued Penalty Notices since the Council took on CPE powers, parking restrictions are clearly advertised on street and residents are expected to comply with these. If the signage is inaccurate or not clear then they should use that if they decide to lodge an appeal to the independent assessors. Now this point is very important as there is now a process and the Council cannot intervene on an individual's behalf as they could in the past. Clearly Officers will do their level best to carry out the review process mentioned previously but inevitably it is going to take time.

**Supplementary Question**

How would one go about getting these things reviewed and get them reviewed quickly because there are some areas obviously eg certain areas near the town when the shops were shut, and they were getting parking tickets on Boxing Day and things like this all of a sudden. I appreciate that it probably was already there.

**Supplementary Answer**

The issue is one of fairness. Because for the residents you are talking about I can probably site another 20, 30, or 40 roads who will say exactly the same so therefore we need to do that in a very systematic priority based way which means we can't actually, or we shouldn't, prioritise one road over another.

**100.2 Michael Firmager asked the Executive Member for Adults' Services the following question:**

**Question**

Regarding the Council Housing List, please can you advise what has been the reduction in numbers with particular regard to Band A, which concerns the people with most need?

**Answer**

Between January and December 2017 we were able to re-house 138 people from the priority Band One. People in Band One include those where we have accepted a homeless duty, those with urgent medical and social priority, and those who need to move due to reasons of regeneration of social housing.

Although Band One remains at a constant level of between 70 and 80 applicants at any one time due to new households joining, people moving into the Borough or people existing within the Borough, activity in rehousing people in urgent housing need progresses well and those with priority are rehoused in a timely manner that reflects how urgent their housing need may be. For example I met a young lady only last week. She came into Shute End to collect her keys. She was made homeless only 3½ months ago.

### **Supplementary Question**

I was just wondering what the future plans are to further reduce the Council housing list?

### **Supplementary Answer**

We are going to continue to work with our Council owned housing companies and we are going to deliver innovative solutions to meet the demand for housing and that is going to grow and work with our housing association partners to deliver homes in strategic locations. And as such I am pleased to say that we are on target to provide around 500 new affordable homes this coming year many of which will be social homes where the rent is capped at 60% of the market value.

### **100.3 Chris Smith asked the Executive Member for Highways and Transport the following question:**

#### **Question**

In February 2017 Reading Borough Council installed parking meters on Pepper Lane in what had previously been free parking spaces. These parking spaces were used by students and staff at Reading University who did not have allocated parking spaces. This has meant that parking from Reading University has been forced further down Pepper Lane and into the residential areas off Elm Road and Wilderness Road. This is causing a problem for residents in these areas as the extra cars parked are restricting residents' access.

Although additional parking enforcement patrols have occurred in the affected areas, if the cars are not parked illegally no enforcement action or parking tickets can be issued. Any changes will require a majority of residents in a street to opt for additional restrictions such as yellow lines for them to be introduced.

What warning was received by Wokingham Borough Council over these proposed changes?

#### **Answer**

The Local Authorities Traffic Orders (Procedure)(England and Wales) Regulations 1996 Part 2 Section 6 gives details of those that should be consulted and in this case we should have been included. It says "*when the order relates to, or appears to, the order making authority to be likely to affect traffic on a road for which another authority is the highway authority or the traffic authority.*" Clearly, as you describe, this has had a direct impact on Earley wards in Wokingham Borough. Having searched our computer records we do not have any record of any consultation re Pepper Lane.

The Officer in charge of parking has asked Reading Parking Services, who would be responsible for the work, to confirm if they did consult with us and request they provide a copy of the consultation and response if they did. I have not yet had a response.

### **Supplementary Question**

Will you work with me to get this sorted for my residents in Hillside and across the rest of Earley whether that means increased parking restrictions or rolling back what Reading attempted to do on Pepper Lane?

### **Supplementary Answer**

When it comes to anything under our control absolutely yes we can work together. When it comes back to Reading Borough Council those of us who have tried to get the traffic lights removed up at Shinfield know what an uphill struggle that is.

### **100.4 Clive Jones asked the Leader of the Council the following question:**

#### **Question**

Although Wokingham Borough is generally a safe place to live. There has been a spike in the number of burglaries recently.

What can be done to reduce the number of burglaries in and around the Borough and particularly the Earley and Lower Earley area?

#### **Answer**

The 1998 Crime and Disorder Act places a statutory duty on Local Authorities to work in partnership with the Police, Health Bodies, Probation and the Fire Service to reduce crime and disorder in their local areas.

Much of this work is carried out through the Community Safety Partnership, a high level body that takes a strategic approach to crime reduction by developing and implementing action plans, holding the police to account on performance, commissioning crime reduction related services and operations based on intelligence. Working in this way has helped Wokingham achieve and maintain the lowest crime rates in the country.

There has been a recent spike in residential burglary in the Thames Valley, and Wokingham Borough has been particularly affected. Currently the increase is around 12%, which is the fourth highest increase in the area.

To address this the Council is working with the Police to: communicate crime prevention advice enabling residents to better protect themselves against becoming victims, using any regulatory powers in particular to improve the security of flats or houses in multiple occupation for example, making sure that lighting in communal areas meets the standards and supports the Police in their investigations by sharing relevant information.

Burglary reduction is a priority and performance is monitored at the fortnightly Police Tasking Meeting attended by the Community Safety Partnership Manager as well as the bi-monthly Community Safety Partnership Board Meeting.

### **Supplementary Question**

Residents are particularly concerned about the spike in burglaries. Will you work with me to ensure that funds are available to erect new street lighting and trim the hedgerows in urban areas such as Earley and Lower Earley should the police feel that these measures would assist them with crime prevention and as we are short of time tonight a simple yes or no would be fine?

## **Supplementary Answer**

I am not going to commit specific funds to this because I am not sure that is necessary to prevent this but I think that we should go to the Community Safety Partnership and ask them what are the things that they deem necessary for the prevention of these crimes.

Like you have raised specific things in your ward I also have seen a specific rate increase as well in my ward and it is actually particularly in new housing which I think is particularly odd. I think that one of the things we need to concentrate on is people understanding how they can secure their own homes and I think we need to take precautions around alarms. People are deterred from breaking in when they see an alarm, when they see good locks on windows, when they see cameras. There are lots of different methods that people can employ and lots of them. Hedge cutting is perhaps one of them but that is not the only thing and I think we can explore these things together and some of that doesn't include the Council spending lots of money on it. So I would like to have a discussion outside this meeting about how we can tackle this.

### **100.5 Ian Pittock asked the Executive Member for Highways and Transport the following question:**

#### **Question**

The Executive Member for Highways will be aware of the promised plan to build a cycleway down the Nine Mile Ride from Gorse Ride South to Park Lane which has been delayed due to the necessary extra Highway's land to be added to the existing footway having been encroached upon by residents and there is some reluctance to tackle these residents despite this being in the interests of the wider community. Bohunt students are already cycling along the footway. There is now a welcome plan to build new bus stops, shelters and a light controlled pedestrian crossing at the entrance to California Country Park. There is Highway's owned grass land at this point suitable for the eastbound shelter and the bus stop itself could be placed a little further east so as not to cause a traffic issue at the entrance. Why, therefore, is it felt necessary to place both the bus stop and the shelter on the existing footway so causing another obstruction in the way of building the cycleway adding this to the fact that you have not yet placed a marker down by writing to the offending residents; what message are you sending to the wider community?

#### **Answer**

You will recall that you were a participant in meetings with all Councillors in April 2017 where this issue of cyclists and Nine Mile Ride were discussed at great length. At the end of that meeting a proposal was put forward, and accepted by Finchamptead Councillors to assist cyclists and wider access to the school. It was agreed the Nine Mile Ride route would be installed as a safe walking route to the school, aligned to the s106 planning obligations of the new school which were delivered on time and on budget. It was agreed that the California Park Greenway route, delivered in Summer 2017, would be upgraded to provide lighting to assist users including cyclists to use this alternative off road route. Cyclists especially child cyclists will always tell you, and their parents will tell you, that providing an off-road cycling route is infinitely safer than a route alongside a very, very busy main road with many house access points crossing it. Councillor Simon Weeks has worked on behalf of residents to enable the provision of these much needed bus shelters and improved safer road crossing at this point.

The proposed bus stops and crossing points with drop kerbs on Nine Mile Ride near California Country Park have been carefully designed at locations where buses can access them safely and they are accessible and convenient for those walking to access the bus service. Moving the bus stops as you propose would introduce road safety issues.

The available highway width at the designed stop locations requires the shelters to be located on the footway, and I confirm the proposals comply with the nationally recognised inclusive mobility guidance for highway users including vulnerable users and I come back to the point that an off-road, a significantly off-road cycle route, will always be far, far better than one that is right next to a busy road.

### **Supplementary Question**

Is not the real truth that you do not intend dealing with highways encroachments and the message to residents is to grab as much highways land as they possibly can?

### **Supplementary Answer**

No the message is not that. There is alternative work going on across the whole Borough looking at that issue right across. But to bring that into the cyclist is, I think, inappropriate.

### **100.6 Gary Cowan asked the Executive Member for Finance the following question: Question**

How does the Council general fund reserve for this financial year compare with that of the previous five years?

### **Answer**

The balances have reduced significantly since March 2017 as the result of sizeable supplementary estimates approved in year, such as the work needed for the Local Plan Update and the in-year overspend in People's Services. Although £7m is a safe balance, as evidenced by the budget risk analysis work, it is however on the low side of the safe range. Work will be undertaken throughout the year and the next year to build the general reserves back towards previous levels by measures that contain within budgets or generating supplementary income sources.

### **Supplementary Question**

Forgetting about our past Icelandic ventures, and not forgetting David Lee reminding us all the time about being the worst funded council in England, can you assure me that allowing for some risk in investment our resources are being put in the best possible way to get the best possible return for the Council?

### **Supplementary Answer**

Absolutely. We analyse all our spend and that is in line with Council policy.

### **100.7 Prue Bray asked the Executive Member for Highways and Transport the following question: Question**

Wokingham Borough Council placed a full page advert on page 22 of the Bracknell and Wokingham Weekender newspaper on February 8<sup>th</sup>, giving notice of variation in the car park charges. But no decision to make the change to the car park charges had been made. That decision is about to be made at this Executive meeting, two weeks after the advert went out. I am not objecting to the proposals in any way but I am concerned that by advertising without waiting for a formal decision, the Council has not followed the correct process or its own Constitution, and could find itself in difficulties as a result of not following the rules. Will you undertake to make sure that in future the Council follows the correct statutory procedure for giving notice of highways and parking changes?

### **Answer**

Given the success of the Woodley Car Parking Trial I was keen to see other Council residents benefit from the changes to the tariff regime, especially the suspension of evening and Sunday charges as soon as possible, so we have tried to accelerate the programme for this approach to be rolled out Borough wide. Officers have completed the task of preparing a report for this Executive in an extremely short period of time, almost unprecedented, to which I am very, very grateful to them. Especially as there is a strong link between this trial and a further extension of the “free after three” offer. Unfortunately, this resulted in a premature advert being placed in this newspaper. Please accept my apology for any confusion that this has caused but it has given us a insight of residents’ views on this which we are currently collating.

The proposal will be considered by tonight’s meeting of the Executive and if approved it will be advertised again for a minimum of 21 days before the tariff changes are implemented in accordance with statutory procedure.

### **Supplementary Question**

That advert two weeks ago was placed in the Bracknell and Wokingham Weekender newspaper which is only read by a small section of the Borough. Can you explain why you put it in that paper and not in the Wokingham paper which is read across the whole Borough and not just that one corner of it?

### **Supplementary Answer**

I cannot but I will get the answer and get back to you.

### **100.8 John Halsall asked the Executive Member for Highways and Transport the following question:**

#### **Question**

Many years ago, together we planned and delivered a traffic calming and parking scheme for Wargrave High Street. It was innovative and controversial but solved both problems.

It has been extremely successful and a very delicate compromise. The solution was dependent upon the availability of the School Lane Car Park. With the new charging regime of Evening and Sunday charges, parking has spilled over into every available nook and cranny close to the High Street. CPE has and will exacerbate this.

It is therefore with considerable gratitude that you are proposing to eliminate night time and Sunday charging. A very big thank you. Will this happen immediately?

#### **Answer**

If agreed by the Executive, the proposed changes to allow free evening and Sunday/Bank Holiday charges will be implemented as soon as possible. There is a statutory minimum advertisement period of 21 days post the decision and ‘Call In’ period. The new charges will be put in place after this and are planned to commence on 2<sup>nd</sup> April 2018 for a one year trial period.

### **Supplementary Question**

Can we now turn our attention to the project of the community transfer of the car park to the Parish Council which has stalled. The Parish Council would continue to host recycling and other Borough facilities but it would enable the Parish Council to reopen the toilets which it wants to do.

## **Supplementary Answer**

As you know I am only recently in the post but I am absolutely willing to work together to see what is appropriate going forward.

### **101. HOUSING REVENUE ACCOUNT BUDGET 2018/21**

The Executive considered a report setting out the proposed Housing Revenue Account budget for 2018/19 which included proposed rent levels for council housing and council-owned garages. The budget takes account of forecast economic changes and movements in interest rates using relevant available information from various sources, including the Council's treasury advisors.

The Executive Member for Finance introduced the report and proposed the following amendment to recommendation 7 which he stated reflected changes in charges across other areas:

"Sheltered room guest charges to be increased from £9.00 to £9.50 per night effective from April 2018." This was agreed by the Executive.

**RESOLVED** that Council be recommended to approve:

- 1) The Housing Revenue Account budget;
- 2) Council house dwelling rents be reduced by 1% effective from April 2018 in line with the Welfare Reform and Work Bill 2015;
- 3) Garage rents be increased by 3.6% effective from April 2018 in line with Council fees and charges;
- 4) Shared Equity Rents will be increased by 3.85% based on September RPI, effective from April 2018;
- 5) Tenant Service Charges are set in line with estimated costs;
- 6) The Housing Major Repairs (capital) programme for 2018/19 as set out in Appendix C;
- 7) Sheltered room guest charges to be increased from £9.00 to £9.50 per night effective from April 2018.

### **102. CAPITAL PROGRAMME AND STRATEGY 2018/21**

The Executive considered a report setting out a proposed Capital Programme and Strategy 2018/21. The Capital Strategy provides a framework within which the Council's capital investment plans would be delivered and has been prepared to cover a 10 year time frame from 2018/19 to 2028.

**RESOLVED** that Council be recommended to:

- 1) approve the Capital Programme and Strategy for 2018/21, as set out in Appendix A to the report;
- 2) note the draft vision for capital investment over the next 10 years, as set out in Appendix B to the report; and

- 3) approve the developer contributions S106 and CIL as set out in Appendix C to the report. The S106 and CIL values are estimated and approval is sought up to the scheme budget.

### **103. TREASURY MANAGEMENT STRATEGY 2018/21**

The Executive considered a report setting out a proposed Treasury Management Strategy for 2018/19. The report sets out the expected treasury activity for the forthcoming year and includes prudential indicators relating specifically to Treasury Management for the next three years.

**RESOLVED** that Council be recommended to approve the following:

- 1) Capital Prudential Indicators, 2018/19;
- 2) Borrowing Strategy 2018/19;
- 3) Annual Investment Strategy 2018/19;
- 4) Flexible use of capital receipts strategy;
- 5) MRP policy; and
- 6) Treasury Indicators: limits to borrowing activity 2018/19.

### **104. MEDIUM TERM FINANCIAL PLAN 2018/21 - REVENUE BUDGET SUBMISSION 2018/19**

The Executive considered a report setting out the Medium Term Financial Plan for 2018/21, which covers both the revenue and capital budgets required to deliver the priorities of the Council over the next three years, and the Revenue Budget Submission for 2018/19.

**RESOLVED:** That Council be recommended to approve the Medium Term Financial Plan (MTFP) 2018/21, including the budget submission for 2018/19.

### **105. SHAREHOLDERS' REPORT**

*(Councillors David Lee, Norman Jorgensen and Stuart Munro declared personal interests in this item)*

The Executive considered a report which provided the budget monitoring position of the Council owned companies and an operational update for the period to 31 December 2017.

Councillor Lee highlighted the predicted forecast outturns for Wokingham Housing Limited of £850k and Berry Brook Homes Limited of £142k and the small loss from Loddon Homes. The Leader of Council congratulated the housing companies on the amount of funds they had generated and also for delivering over 120 affordable homes

**RESOLVED** that:

- 1) the budget monitoring position for the month ending 31 December 2017 be noted;
- 2) the operational update for the period to 31 December 2017 be noted.

## **106. BOROUGH WIDE PARKING CHARGES**

The Executive considered a report setting out proposals for Borough Wide Parking Charges.

The Executive Member for Highways and Transport advised the meeting that he wished to amend all the dates in the recommendations to 2<sup>nd</sup> April.

In introducing the report Councillor Baker advised Members that as a result of the successful Woodley car parking trial it was proposed to extend this across all Council car parks that charged a one hour parking fee for a trial period of one year. Allied to the extra 10p on the one hour charge the evening and Sunday charging would be suspended. In order to go seamlessly from the “free after three” to the introduction of the trial the dates had been aligned. It was noted that the Winnersh and Earley station car parks would not be affected.

Councillor Baker wanted to make Members aware that every area was different with a different profile and therefore although the scheme worked in Woodley it would not necessarily work in other areas. A 12 month trial would provide the opportunity to assess the viability of the scheme.

In response to a query Councillor Baker confirmed that the changes would be clearly advertised to avoid any confusion.

### **RESOLVED** that:

- 1) the extension of the ‘Free after 3’ scheme within Wokingham Town Centre until 2<sup>nd</sup> April 2018 be approved;
- 2) a supplementary estimate for £36,000 for 2017/18 to cover the cost of lost income during the extended period for ‘Free after 3’ be approved;
- 3) a 1 year trial (from 2<sup>nd</sup> April 2018) to increase the 1 hour parking charge from 70p to 80p in the Wokingham car parks (Carnival MSCP, Elms Road MSCP, The Paddocks, Easthampstead Road East and West, Cockpit Path, Denmark Street and Wellington House and Rose Street temporary car park) be approved. Approve a trial (from 2<sup>nd</sup> April 2018) to increase the 1 hour parking charge from 40p to 50p in Polehampton Close Car Park in Twyford and School Lane Car Park in Wargrave;
- 4) from 2<sup>nd</sup> April 2018, suspend the evening and Sunday charging in all car parks (in Wokingham Borough (except Station Road Earley and Winnersh Triangle Rail Station) until the trial results are considered;
- 5) the range of estimated financial implications with regard to the trial period for WBC car parks in the borough (excluding station car parks) of between a £65,000 deficit to a £100,000 surplus be noted and that the specific budget requirement (if any) will be requested at a future Executive following an assessment of the impact;
- 6) Officers be instructed to amend signing and equipment in the car parks as required;
- 7) the results of the trial will be brought back to Executive for a longer term decision to be made regarding car parking charges in the Borough.

#### **107. TEMPORARY CLOSURE REMENHAM 4**

The Executive considered a report relating to an application for temporary closure of Footpath Remenham No 4 to allow the Henley Festival to be organised and run in a safe manner whilst enabling residents and visitors to continue to use the Footpath via a short detour.

The Executive Member for Environment advised the meeting that the proposal was for the temporary closure of the footpath during the set-up, breakdown and running of the Henley Festival.

Due to the fact that an application was received every year Councillor Weeks queried whether there was a possibility that for future years the recommendation could cover a longer period eg two or three years? Councillor Jorgensen agreed to look into this to ascertain if this was a possibility.

Councillor Baker advised that from previous experience of the matter he didn't believe that the item actually needed to be considered by the Executive but because of the interest in the application it had been felt that it would be appropriate for it to be considered by the Executive in order to have it discussed in a public forum.

#### **RESOLVED** that:

- 1) the making of an Order for the closure of Footpath Remenham No 4, for a closure of an 80m section of the footpath for the set up and de rig of the Festival stage from Monday 9<sup>th</sup> to Wednesday 11<sup>th</sup> July 2018 inclusive and from Monday 16<sup>th</sup> July to Tuesday 17<sup>th</sup> July 2018 inclusive be approved;
- 2) within the closure a 620m section be included for evening performances from Wednesday 11<sup>th</sup> July to Sunday 15<sup>th</sup> July 2018 inclusive and day time performances on Saturday 14<sup>th</sup> July and Sunday 15<sup>th</sup> July, under Section 16A of the Road Traffic Regulation Act 1984, subject to the receipt of the requisite consent of the Secretary of State for Transport.

#### **108. SDL COMMUNITY FACILITY, NORTH WOKINGHAM MATTHEWSGREEN**

The Executive considered a report relating to a new community facility within the North Wokingham Strategic Development Location (SDL).

The Executive Member for Strategic Highways and Planning informed the meeting that the Kings Church Wokingham had come forward with a proposal to be the provider of the community centre and in addition had committed to putting nearly £1m of their own money into the project to undertake the work outlined in their proposal which included a café, community hall, nursery etc. The Kings Church Wokingham wanted people to be made aware that although they would be managing the new Centre, like the FBC Centre in Finchampstead, the building would not be made to look like or feel like a 'church'. Councillor Lee also highlighted that the facility would be fitted out to a good commercial standard to comply with all health and safety legislation.

Councillor Weeks highlighted the wording on the cover of the Proposals document which stated that the proposals were "subject to contract and to approval by the Planning Committee of WBC to the modifications ..." and reminded Members that, approval of the Community Centre by the Executive in no way commits the Council, in its role as Planning Authority, to approve such an application.

In recommending Kings Church Wokingham as the provider for the Matthewsgreen Community Centre Councillor Lee highlighted all the activities that they had provided in the past eg a mum and toddler group, Soulscape, youth club etc. He also praised the work of all the churches for the great service they provided throughout the community.

**RESOLVED** that:

- 1) it be agreed in principal that the provider for the Matthewsgreen Community Centre will be Kings Church Wokingham subject to the Director of Locality and Customer Services and Executive Member for Strategic Highways and Planning receiving a satisfactory form of agreement for suitable governance arrangements with WBC to enable provision of services which are consistent with 'Shaping Our New Communities' principles; and
- 2) that subject to 1) being satisfactorily concluded, a final agreement with Kings Church Wokingham will be written and reported back to the Executive for final agreement.

#### **109. WOKINGHAM SCHOOL ADMISSIONS ARRANGEMENTS 2019/20**

The Executive considered a report setting out proposed School Admissions Arrangements for Wokingham Borough in 2019/20.

The Executive Member for Children's Services introduced the report and advised that the proposals, which included the following three variations, had been consulted upon:

- Changes to the designated areas involving four schools: Aldryngton, Loddon, Whiteknights and Radstock;
- Tightening of the definition of "residency" which was designed to stop "gaming" i.e. where a short term rent is sought to gain a catchment area advantage;
- The parents' choice, which makes it clear that when a child (who has not yet reached the age of statutory education) starts school the parents can choose whether the child attends on a full or part time basis.

Councillor Jorgensen was pleased to see that the definition of residency was being tightened up and with regard to the changes in designated areas asked if these could be reviewed after one year in operation to ensure that the changes were working? Councillor Ashwell confirmed that all the schools involved were happy with the proposals but agreed that a review would be appropriate.

**RESOLVED:** That the 2019/20 admissions arrangements for Wokingham Borough Council community and controlled schools be agreed. To include the variations:

- 1) The changes to designated areas
- 2) A tightening of the definition of "residency"
- 3) The parents' choice of full or part time attendance of reception classes.

These comprising the co-ordinated admissions scheme and admission policy 2019-20, the local in year co-ordinated scheme 2019-20, the sixth form policy 2019-20 and the amended Designated Areas of Loddon and Whiteknights Primary Schools.

<b>TITLE</b>	<b>Shareholder's Report</b>
<b>FOR CONSIDERATION BY</b>	The Executive on 29 <sup>th</sup> March 2018
<b>WARD</b>	None specific
<b>DIRECTOR</b>	Graham Ebers, Director of Corporate Services
<b>LEAD MEMBER</b>	Julian McGhee-Sumner, Executive Member for Finance

**OUTCOME / BENEFITS TO THE COMMUNITY**

Transparency in respect of Council Owned Companies.

**RECOMMENDATION**

The Executive is asked to note:

- 1) the budget monitoring position for the month ending 31 January 2018;
- 2) the operational update for the period to 31 January 2018.

**SUMMARY OF REPORT**

The Council have established a group of housing subsidiaries to provide much needed affordable housing across the Borough and generate a financial return for the Council. This return will help towards its aspiration of becoming increasingly self-sufficient. At a high level the housing group has now become well established and will see Wokingham Housing (WHL) handing over 125 new homes in the financial year to its sister housing companies Loddon and Berry Brook Homes and will generate a profit of £1.1m. In 2018/19 WHL will hand over a further 60 new homes at a profit of just short of £1m. Year on year WHL will deliver 50-70 homes per year generating an ongoing profit of at least £1m per annum.

Optalis was established to be the provider of choice for Adult Care Services. Its key objectives were to reduce the cost of services commissioned by the Council and provide a financial return to the Council, whilst providing safe and good quality Adult Social Care Services. To date over £1m per annum costs have been reduced in the cost to the Council and the business has expanded from approximately £11m p.a. to £40m p.a. following a recent merger with RBWM. This will enable Optalis to create further financial returns through its economies of scale and place the company in a stronger position to generate additional streams of income.

**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 October 2017.

## Financial Report

A budget monitoring report is provided in section 1 for each of the companies for December 2017.

## Operational Update

An operational update is provided in section 2 for each of the companies as at 31st January 2018. Any changes to the Directorships of the companies is provided at the end of the relevant company's operational update.

## BACKGROUND

### 1. Financial Report

**WBC (Holdings) Group Consolidated** (comprising WBC (Holdings) Ltd (Holdco), Wokingham Housing Ltd, Loddon Homes Ltd and Berry Brook Homes Ltd).

P:10 Jan-18	WBC (Holdings) Group Consolidated - Profit & Loss								
	Month			YTD			Full Year		
	Jan-18	Jan-18		Jan-18	Jan-18		Mar-18	Mar-18	
	Actual	Budget	Variance	Actual	Budget	Variance	Forecast	Budget	Variance
	£K	£K	£K	£K	£K	£K	£K	£K	
Income	2,145	13,755	(11,610)	11,845	20,678	(8,833)	21,120	21,120	0
Expenditure	(959)	(12,902)	11,943	(11,097)	(19,743)	8,646	(20,361)	(20,361)	0
Operating Profit/(Loss)	1,186	853	333	748	935	(187)	759	759	0

Total Actual Income for WBC Holdings in January was £2,145k against Budget of £13,755k. The large variance of £11,610k is due to the new accounting regime for Actuals in Asset Under Construction not being reflected in the Budgets within WHL. Total Expenditure was £(959)k against a Budget of £(12,902)k, closing the month with a net variance of £11,943. This is due to the same reason as above.

The Year to Date Operating Profit of £748k versus £935k Operating Profit in the month caused a variance of £(187)k. This is primarily due to timing issues with completion of projects schemes within the Housing Companies. We continue to hold our full year position of £759k, Operating Profit.

### Wokingham Housing Limited (WHL)

P:10 Jan-18	Wokingham Housing Limited- Profit & Loss								
	Month			YTD			Full Year		
	Jan-18	Jan-18		Jan-18	Jan-18		Mar-18	Mar-18	
	Actual	Budget	Variance	Actual	Budget	Variance	Forecast	Budget	Variance
	£K	£K	£K	£K	£K	£K	£K	£K	
Income	1,996	13,544	(11,548)	10,767	19,453	(8,686)	12,221	20,750	(8,529)
Expenditure	(788)	(12,626)	11,838	(9,817)	(18,222)	8,405	(11,374)	(19,592)	8,218
Operating Profit/(Loss)	1,208	918	290	950	1,231	(281)	847	1,158	(311)

**Income & Expense:** Certain accounting changes have been implemented to reflect FY16/17 audit requirements. As such, payments for assets under construction are treated as income along with the corresponding expense in the month. Prior months have been adjusted to reflect this change. However, budget figures do not reflect this change, causing high monthly variances.

In January 2018, Phoenix and Fosters reached practical completion, representing two of the largest developments expected to finish in the year. As a result, WHL recorded income of £1,996k in the month of January, representing profits from those schemes in addition to continued works on smaller schemes. However, this level of income was £11,548k below budget given the accounting changes explained above. However, this was offset by expenditure in the month being £11,838k lower than budgeted, allowing WHL to achieve a £1,208k operating profit in the month.

The year to date operating profit of £950k represents a £281k negative variance compared to the budgeted loss. Profit for the year is forecasted to be £847k, which reflects a £311k negative variance.

### **Loddon Homes Limited (LHL)**

<b>Loddon Homes Limited- Profit &amp; Loss</b>									
P:10 Jan-18	<b>Month</b>			<b>YTD</b>			<b>Full Year</b>		
	<b>Jan-18</b>	<b>Jan-18</b>		<b>Jan-18</b>	<b>Jan-18</b>		<b>Mar-18</b>	<b>Mar-18</b>	
	<b>Actual</b>	<b>Budget</b>	<b>Variance</b>	<b>Actual</b>	<b>Budget</b>	<b>Variance</b>	<b>Forecast</b>	<b>Budget</b>	<b>Variance</b>
	<b>£K</b>	<b>£K</b>	<b>£K</b>	<b>£K</b>	<b>£K</b>	<b>£K</b>	<b>£K</b>	<b>£K</b>	<b>£K</b>
Income	10	38	(28)	74	133	(59)	136	210	(74)
Expenditure	(22)	(23)	1	(155)	(175)	20	(180)	(222)	42
Operating Profit/(Loss)	(12)	15	(27)	(81)	(42)	(39)	(44)	(12)	(32)

**Income & Expense:** Income of £10k in the month of January 2018 for LHL included rental income from the Hillside and Vauxhall Drive properties, which reflects a £28k negative variance given rental income for Fosters is not expected until February. On a year-to-date basis, income of £74k is £59k lower than budget given Fosters income was expected to be received from December.

Expenditures are £1k lower than budget, due to lower than expected direct property costs given Fosters reached completion in the month. Expenditure is lower year-to-date by £20k, due to lower direct property costs and lower spending on marketing expenses and gross wages after intercompany recharges.

The operating loss of £12k in the month reflects a £27k unfavourable variance compared to budget while the year to date net loss of £81k is £39k lower than budgeted. The forecasted operating loss of £44k is largely a result of lower than expected rental income due to developments coming on line later than expected.

## **Berry Brook Homes Limited (BBHL)**

<b>Berry Brook Homes Limited- Profit &amp; Loss</b>									
P:10 Jan-18	Month			YTD			Full Year		
	Jan-18	Jan-18		Jan-18	Jan-18		Mar-18	Mar-18	
	Actual	Budget	Variance	Actual	Budget	Variance	Forecast	Budget	Variance
	£K	£K	£K	£K	£K	£K	£K	£K	£K
Income	37	51	(14)	193	247	(54)	297	355	(58)
Expenditure	(11)	(18)	7	(98)	(144)	46	(130)	(181)	51
Operating Profit/(Loss)	26	33	(7)	95	103	(8)	167	174	(7)

**Income & Expense:** Income of £37k in the month of January for BBHL included rental income from the Phoenix as well as one unit each at Anson and Grovelands. This was £14k under budget due to delays in handover of properties. On a year-to-date basis, income of £193k is £54k under budget.

Expenditure of £11k was £7k better than budget due to lower than budgeted direct property costs. Year-to-date direct costs of £98k represent a £46k favourable variance compared to budget due to similar reasons as the monthly result.

Overall, BBHL recorded a £26k operating profit for the month, which was £7k lower than budgeted, while the year to date operating profit reflected a £95k negative variance against budget. BBHL is forecasted to make an operating profit of £167k in the year, which is before depreciation, amortisation and interest expense.

## **Optalis Group** (comprising Optalis Ltd, Optalis Wokingham Ltd and Optalis Holdings Ltd.)

<b>Optalis Group Consolidated- Profit &amp; Loss</b>									
P:10 Jan -18	Month			YTD			Full Year		
	Jan-18	Jan-18		Jan-18	Jan-18		Jan-18	Jan-18	
	Actual	Budget	Variance	Actual	Budget	Variance	Forecast	Budget	Variance
	£K	£K	£K	£K	£K	£K	£K	£K	£K
Income	3,715	3,723	(8)	36,898	37,217	(319)	44,374	44,675	(301)
Expenditure	(3,705)	(3,722)	17	(36,835)	(37,200)	365	(44,311)	(44,655)	344
Operating Profit/(Loss)	10	1	9	63	17	46	63	20	43

### January 2018 results:

Optalis made a £10k profit for January 2018 increasing the positive year to date position to £63k.

## 1. Operational Report

### WHL Schemes In Progress/Under Development:

#### Summary:

WHL have delivered 110 new homes to date in 2017/18. Another 37 units are currently, or about to be, on site over 5 sites, including 11 units being delivered for WBCs HRA. Approximately another 140 potential units are being worked on to build up the future development pipeline.

Consultancy for other councils around setting up and using Local Housing Companies (LHC) is now starting to feature as an additional income stream for WHL. Current undertaken, or booked work, is expected to generate fees in the region of £2k, excluding VAT, and is estimated to bring in an additional £5-10k per annum.

WHL expects to make a profit in 2017/18 of around £850k and will be able to start to clear the LHCs working capital loan.

<b>SITE:</b>	<b>PROGRESS:</b>
<b>Grovelands (6 units)</b>	<ul style="list-style-type: none"><li>• Work has started again on the delayed plots 1 and 2 with current estimated completion dates of July 2018.</li><li>• The net valuation of works to date is now £1.008m, 92% of the original build contract price. As previously reported the project will be over budget.</li></ul>
<b>Reading Road (9 units)</b>	<ul style="list-style-type: none"><li>• Work is slightly behind schedule, but is not expected to threaten the completion of the project before the end of March to secure the final HCA grant funding.</li><li>• The last net valuation was £775k against the contract sum of £1.1m – c. 72% - but no invoice has been received this month so this is misleading around the progress of the project, where the latest certification calculates current spend closer to 85%.</li></ul>
<b>Barrett Crescent (2 units)</b>	<ul style="list-style-type: none"><li>• Barrett Crescent is progressing well and is on time and to budget.</li><li>• To date the net valuation is £342k against the contract sum of £398k – c. 86%.</li></ul>
<b>Elizabeth Road (2 units)</b>	<ul style="list-style-type: none"><li>• Elizabeth Road is progressing well and is on time and to budget.</li><li>• To date the net valuation is £501k against the contract sum of £536k – c. 93%.</li></ul>
<b>Norton Road (9 units)</b>	<ul style="list-style-type: none"><li>• As a brownfield site Norton Road is likely to be a challenging site and an unmapped Thames Water drainage pipe is the first unexpected issue requiring additional work.</li><li>• To date the net valuation is £60k against the contract sum of £1.531m – c. 4%.</li></ul>
<b>Finch Road (2 units)</b>	<ul style="list-style-type: none"><li>• Finch Road start on site is being delayed to April. This is as a result of some minor amendments to the planning permission being made by our Joint Venture partner, Burrwood Developments.</li></ul>

### **Pipeline Sites:**

Tape Lane (11 units for WBCs Housing Services): Tender returns were received end January 2018 and are being evaluated by the EA for the project.

Middlesfields (2 units): The questionnaire sent out to answer some clarifications from the tenders were returned this week and we expect the Employers Agents (EA) final report to be with us this week. This will enable us to award the contract mid-March.

Gorrick Square (1 specialist unit for 3 high dependency need young adults): A Thames Water drainage pipe discovered on site needs to be diverted which is affecting the timescales for getting the tender documents out to bidders. WHL want an idea of the likely cost for the diversion works to be included in the tender.

Work to try and progress future pipeline projects is continuing through appraisal work and work on planning applications. These include Cockayne Court/ Gorse Ride (c.35-45 units), Woodley Age Concern site (c.12-20 units), Area DD (c.26-30 units) and Wellington Road/ Station Road (c. 16-20 units for private rent).

### **Changes to Directors:**

There have been no changes to WHL company directors since the last report.

### **Loddon Homes Limited (LHL)**

LHL continue to work on making sure the housing management, care and catering arrangements at Fosters Extra Care scheme are all working well for the new residents moving in to Fosters. An open afternoon was well attended by Councillors and some Council officers in advance of any formal opening planned for April 2018.

Work is also taking place to ensure that the housing management and care arrangements for 52 Reading Road are all in place for young care leavers due to start moving in from April 2018. An initial meeting with WBCs Housing Services, Social Services and the appointed care provider, P3, has taken place, along with the first Allocations Panel meeting.

Work is also continuing with Housing Solutions on the sale of shared ownership units at Elizabeth Road and Barrett Crescent due to be handed over at the end of March. Independent valuations have now been undertaken. These are higher than our own assessments during the appraisal stage of the development so should outperform our business planning expectations.

The Loddon Homes Board remain concerned by the ongoing share capital issue with Hillside residing in Loddon Homes as an asset, but the original share capital of £1.9m shares still sitting within WHL. With the 2017/18 financial year coming to an end the Loddon Homes Board are keen to see the matter resolved as part of finalising this year's accounts.

Loddon Homes is forecasting that it will be profitable from 2018/19 onwards.

#### Changes to Directors:

There have been no changes to Loddon Homes' company directors since the last report.

#### **Berry Brook Homes Limited (BBHL)**

Berry Brook Homes are currently working on the production of the 2018/19 Business Plan looking at how best to achieve the objective of delivering profits back to WBC in light of the latest Government housing policy announcements that may affect the company.

Letting the final units at Phoenix Avenue, Anson Walk and Grovelands remains the priority for the company. However ensuring that the management arrangements are working well and that WHL are managing the finishing works and snagging effectively is also important.

#### Changes to Directors:

There have been no changes to Berry Brook Homes' company directors since the last report.

#### **Optalis Limited**

##### General:

The new CEO has visited all services across the organisation, and is now working toward establishing a 2020 strategy, based on integrating, building and growing the organisation. Part of that process will involve meeting with teams and customers so the plan can be formed together.

##### Staff

Vacancy rates are now tracking below the national average reflecting the ongoing proactive work done by our recruitment team. Overall, we have seen a 47% reduction in vacancies since the beginning of the financial year. Staff turnover is showing signs of stabilisation and is now performing better than the national industry average.

A new partnership initiative has been launched between Optalis and Brunel University to support the continued professional development of our qualified social workers and unqualified social care practitioners. Members of the Optalis team are now enrolled on to this programme. Additionally, our brokerage and support teams are working with Occupational therapists and Social work students, all of whom have expressed an interest in joining Optalis.

##### Quality

Our "Focus Friends" team (a customer led group operating within our day services) have raised money to buy rucksacks which they fill and give to the homeless community across the region at Christmas time. This community initiative will continue throughout the year.

### Business development

Two new extracare housing schemes, a joint project between Wokingham Borough Council, Wokingham Housing and Optalis opened in January.

We continue to build strong collaborative links with the NHS including the successful IRIS (Integrated Referral and Information Service) programme with Wexham Park Hospital to enhance early hospital discharge. Optalis have assigned two social workers to the programme and this joint initiative is already making a positive impact for both customers and colleagues.

Optalis Supported Employment Service continues to offer a quality service and has achieved top a 10 position for supported employment (across all Local Authorities in the UK)

### **2.3 Changes to Directors**

There have been no changes since the last report.

## **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

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<b>Telephone No</b> 07769957900	<b>Email</b> <a href="mailto:Kajal.Patel@wokingham.gov.uk">Kajal.Patel@wokingham.gov.uk</a>

<b>TITLE</b>	<b>Custom and Self-Build Housing Register Eligibility Criteria</b>
<b>FOR CONSIDERATION BY</b>	The Executive on 29 March 2018
<b>WARD</b>	None specific
<b>DIRECTOR</b>	Graham Ebers, Director of Corporate Services
<b>LEAD MEMBER</b>	Richard Dolinski, Executive Member for Adults' Services, Health, Wellbeing and Housing / David Lee, Executive Member for Strategic Planning and Highways

**OUTCOME / BENEFITS TO THE COMMUNITY**

The introduction of eligibility criteria for the custom and self-build register will assist in ensuring that future action is focused on the needs of local residents.

**RECOMMENDATION**

That the Executive approves:

- 1) The inclusion of a local connection test for the Wokingham Borough Self and Custom Build Register as set out in the Report.
- 2) The implementation date of 1 June 2018 for the local connection test to be introduced for new and existing applicants.

**SUMMARY OF REPORT**

Since 1 April 2016 all relevant authorities must have in place a self-build and custom housebuilding register under The Self-build and Custom Housebuilding Act 2015 (amended by the Housing and Planning Act 2016).

The Housing and Planning Act 2016 defines self-build and custom housebuilding as the “building or completion by individuals, associations of individuals, or persons working with or for individuals or associations of individuals, of houses to be occupied as homes by those individuals. But it does not include the building of a house on a plot acquired from a person who builds the house wholly or mainly to plans or specifications decided or offered by that person.”

Additional regulations have been implemented through The Self-build and Custom Housebuilding Regulations 2016 and The Self-build and Custom Housebuilding (Time for Compliance and Fees) Regulations 2016. These give the Council the ability to introduce fees, a local connection test and/or a financial test to the register.

This report outlines the changes to legislation and regulations relating to self-build and custom housebuilding and proposes the introduction of a local connection test under the 2016 Regulations to come into effect on 1 June 2018. The introduction of a local connection test will ensure that the focus of the register is on local housing needs.

## Background

The Housing and Planning Act 2016 defines self-build and custom housebuilding as the “building or completion by individuals, associations of individuals, or persons working with or for individuals or associations of individuals, of houses to be occupied as homes by those individuals. But it does not include the building of a house on a plot acquired from a person who builds the house wholly or mainly to plans or specifications decided or offered by that person.”

Furthermore, the Self-Build and Custom Housebuilding Act 2015 defines a “house” as “a dwelling that forms part of a building”.

The Self-build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016) places a number of duties on relevant authorities. These include:

- Setting up and maintaining a register of individuals/associations that are seeking serviced plots for self-build and/or custom housebuilding.
- To have regard to the register when carrying out planning, housing, land disposal and regeneration functions.
- Imposes a duty to grant planning permission for sufficient serviced plots of land to meet the demand evidenced by the register.

Eligibility criteria for entry onto the Council’s register was originally set out in the 2015 Act. These stated that applicants would be eligible to be placed on the Council’s register if they are:

- Aged 18 or over;
- A British citizen, a national of an European Economic Area (EEA) state other than the UK or a national of Switzerland; and
- Seeking (either alone or with others) to acquire a serviced plot of land in the relevant authority’s area to occupy as that individual’s sole or main residence.

The Council is expected to grant planning approval for a sufficient number of serviced plots to meet the demand for self-build and custom housebuilding as evidenced on its Register within three years of the conclusion of each base period. The first base period commenced on the date the Council first established its register (1st April 2016) and concluded on 30th October 2016. The second base period commenced on 31st October 2016 and will last a period of one year. Subsequent base periods will begin on 31<sup>st</sup> October each year and have a duration of one year.

In addition to the above, new regulations<sup>1</sup>, which came into force on 31 October 2016, allow local authorities to introduce a:

- Local connection test; or
- Financial solvency test; and/or
- A registration fee and an annual charge to cover reasonable costs of maintaining the register and granting permissions.

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<sup>1</sup> <http://www.legislation.gov.uk/ukxi/2016/950/contents/made> and <http://www.legislation.gov.uk/ukxi/2016/1027/contents/made>

The 2016 regulations specify that the Register can be split into two parts with applicants meeting all of the eligibility criteria, including a local connection test, a financial solvency test and a payment of the requisite entry fee (if introduced by the authority) being placed onto Part 1 of the register.

Those applicants that fail a local connection test but otherwise meet the eligibility criteria must be entered onto Part 2 of the register. The Council's duty is then to grant enough development permissions for only Part 1 of the register. Entries on Part 2 do not count towards demand for granting development permissions but relevant authorities must have regard to the entries on Part 2 when carrying out their planning, housing, land disposal and regeneration functions.

### **Analysis of Issues**

Wokingham Borough Council's custom and self-build housing register has been live since 1 April 2016 and is publicised on the Council's website. The register currently includes 187 individuals and 1 association. As it stands, the only eligibility criteria that applicants must meet are the ones set out in 2015 Act (aged 18 or over; a British citizen, a national of an EEA state other than the UK or a national of Switzerland; and seeking to acquire a serviced plot of land in the area).

The Council has a duty to grant planning permission for sufficient serviced plots of land to meet all of this demand.

The Self and Custom Build Register will form part of the framework of evidence underpinning the Local Plan Update and is a material consideration in the determination of planning applications.

To ensure the register focuses on local housing needs, the recommendation of this report is to apply additional local connection test.

#### Local Connection Test

Like many local authorities, the Council is facing a number of challenges and resource constraints in meeting its housing targets and delivering its wider functions. It is therefore considered appropriate that the Council only meets demand for self and custom build homes from individuals and associations whom are able to demonstrate a strong local connection to the Borough.

It is proposed that a local connection test should be applied and the register to be divided into two parts as permitted by the October 2016 Regulations. The proposal is that in order to be eligible for Part 1 of the Register, applicants will be required:

- To have either lived in the borough for at least 5 years; or
- To be in full-time employment (greater than 16 hours per week) within the Borough for at least 5 years; and/or
- To have an immediate family member who has lived in the borough for the past 5 years prior to their application.

Some flexibility may be applied to the above criteria in exceptional circumstances (for example, where someone is unable to work more than 16 hours due to disability).

Immediate family will be defined as a close relative (mother, father, brother, sister or adult child) who has been living in the Borough for more than five years.

Current or former personnel (applying to join the Register within 5 years of discharge) of the armed services will automatically satisfy any local connection test set.

### Fees

The Council may look into proposing a fee for registration and an annual fee to remain on Part 1 of the register in the future. Any proposals on this will need to be accepted by the Executive.

### Financial Solvency Test

The Council is keen to support self-build projects that deliver affordable housing as well as market housing. Therefore, a financial solvency test is not proposed at the current time.

The Council may consider other mechanisms, such as planning policies, to ensure self-build schemes are developed out in a reasonable timeframe.

### Implementation

If the Executive approves the recommendations, it is proposed that the local connection test would come into effect on 1 June 2018. The new local eligibility criteria will automatically be applied to new applicants seeking to join the Register from this date.

An email will be sent out to all applicants currently on the Council's register (and anyone joining the Register between the date of the Executive decision and 31 May 2018) setting out the Council's newly adopted requirements. Arrangements will be made with applicants to furnish the Council with any necessary information to confirm their continued eligibility on Part 1 of the Register.

The Council is entitled to refuse entry on Part 1 of the register until the applicant has proved they have a local connection to the borough under the new regulations.

## **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
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<b>Other financial information relevant to the Recommendation/Decision</b>
None

<b>Cross-Council Implications</b>
Housing Strategy 2015 – 2018: Strategic priority to undertake a self-build project.

<b>Reasons for considering the report in Part 2</b>
Not Applicable

<b>List of Background Papers</b>
The Self-build and Custom Housebuilding (Time for Compliance and Fees) Regulations 2016: <a href="http://www.legislation.gov.uk/uksi/2016/1027/pdfs/uksi_20161027_en.pdf">http://www.legislation.gov.uk/uksi/2016/1027/pdfs/uksi_20161027_en.pdf</a>

<b>Contact</b> Louise Strongitharm	<b>Service</b> Economic Prosperity and Place
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<b>Date</b> 8 March 2018	<b>Version No.</b> 0.4

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## Appendix C: Equality Impact Assessment (EqIA) for Custom and Self-Build Housing Register Eligibility Criteria

Date: 22/02/2018	Scheduled refresh date: 30/11/2018	Version: 1
Service: Strategy and Commissioning Place Team (Corporate Services)	Completed by: Frances Haywood / Kayleigh Pearse	Signed-off by: Sarah Hollamby
<b>What key decision activity are you completing this EqIA for?</b>		
Policy/Strategy <input type="checkbox"/>	Decision <input checked="" type="checkbox"/>	Service <input type="checkbox"/>

### STAGE 1: INITIAL SCREENING

<b>1.1: Did you answer yes to any question in the EqIA Criteria Checklist?</b> <i>(Source: EqIA Criteria Checklist, Appendix B, EqIA Guidance)</i>	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
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*If yes, please complete the template.  
If no, please provide an explanation below of why an EqIA is not required for the policy, function or service work you are implementing.*

[Click or tap here to enter text.](#)

### 1.2: What are the aims and objectives of the policy/strategy, decision or service?

The Self-Build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016) places a number of duties on relevant authorities. These include:

- Setting up and maintaining a register of individuals/associations that are seeking serviced plots for self-build and/or custom housebuilding
- To have regard for the register when carrying out planning, housing, land disposal and regeneration functions
- Imposes a duty to grant planning permission for sufficient serviced plots of land to meet the demand evidenced by the register

Eligibility criteria for entry onto the Council's register was originally set out in the 2015 Act. These stated that applicants would be eligible to be placed on the Council's register if they are:

- Aged 18 or over
- A British Citizen, a national of an European Economic Area (EEA) state other than the UK or national of Switzerland; and
- Seeking (either alone or with others) to acquire a serviced plot of land in the relevant authority's area to occupy as that individual's sole or main residence

New regulations which came into force on 31 October 2016, allow local authorities to introduce a:

- Local connection test
- Financial solvency test; and/or
- A registration fee and an annual charge to cover reasonable costs of maintaining the register and granting permissions

The introduction of eligibility criteria (in the form of a local connection test) for the Council's custom and self-build register will assist in ensuring that future action is focused on the needs of local residents.

### STAGE 2: SCOPE AND DEFINE

#### 2.1: Who are the main beneficiaries of the policy, decision or service?

*List the groups the work is targeted or aimed at.*

To ensure that the Custom and Self-Build register is focused on local housing needs, a local connection test would require applicants to have:

- Either lived in the Borough for at least 5 years, or
- To be in full-time employment (greater than 16 hours per week) within the Borough for at least 5 years; and/or
- To have an immediate family member who has lived in the borough for the past 5 years prior to their application

To note: Immediate family will be defined as a close relative (mother, father, brother, sister or adult child) who has been living in the Borough for more than five years. Current or former personnel (applying to join the Register within 5 years of discharge) of the armed services will automatically satisfy any local connection test set.

#### 2.2: Who has been involved in the creation of the policy, decision or service? Who will it impact?

*E.g. focus groups, interviews, staff, service users. Also identify any groups, in addition to the main beneficiaries, the work may impact*

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Council staff have worked closely with Members, including Members of the Affordable Housing Implementation Group, consisting of Officers and representation of Members from both political parties, in determining how the Custom and Self-Build register should operate and whether a local connection test should be introduced.

The local connection test will impact on current and future applicants who do not meet the new eligibility criteria. Those who don't meet the criteria will be moved to Part 2 of the Register. Entries on Part 2 do not count towards demand for granting development permissions but relevant authorities must have regard to the entries on Part 2 when carrying out their planning, housing, land disposal and regeneration functions.

### STAGE 3: INFORMATION GATHERING/EVIDENCE

#### 3.1: What Secondary Data did you use in the creation of this EqIA?

*Secondary data is data collected by someone other than the user. Common sources of secondary data for social science include censuses, organizational records and data collected through qualitative methodologies or qualitative research)*

The data which has been used in the production of this EqIA includes:

[Self-build and Custom Housebuilding Act 2015](#)

[Housing and Planning Act 2016](#)

[The Self-build and Custom Housebuilding \(Time for Compliance and Fees\) Regulations 2016](#)

[The Self-build and Custom Housebuilding Regulations 2016](#)

Desk based research of other Council's examples on how they have implemented additional criteria.

#### 3.2: What Primary data did you use in the creation of this EqIA?

*Primary data is data collected by the investigator conducting the research, for example data collected through consultation, questionnaires or focus groups*

- Data from the Council's Self and Custom Build Register
- Feedback from the Affordable Housing Implementation Group
- Feedback from staff including the planning team

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### STAGE 4: ASSESSING THE IMPACT

*Please complete the impact assessment table below by identifying any function or service that is likely to touch on any of the 3 main duties of the Equality Act 2010, then select the protected characteristic that maybe effected by the decision.*

### STAGE 5: ADDRESSING THE ISSUES

*Once you have identified the impacts, please consider ways to tackle each of the negative impacts identified in order to mitigate them by completing the mitigation section of the table.*

## 4 & 5: IMPACT ASSESSMENT AND ACTION PLAN

Consider the 3 main duties set out in the Equality Act 2010

1. Eliminate discrimination, harassment, victimisation and other conduct that is prohibited under the Act

2. Advance equality of opportunity between persons who share relevant protected characteristics and persons who do not share it

3. Foster good relations between persons who share a relevant protected characteristic and persons who do not share it

Protected Characteristics	IMPACT ASSESSMENT			MITIGATION			
	(+ve / 0 / -ve)	Nature/Explanation	Main Duty (1-3)	Action required	Who is responsible?	By when?	Expected outcome
Race	+ve	No specific impact relating to race has been identified during this assessment. Adopting a local connection test is likely	N/A	Ensure the Council's Custom and Self-Build Register is available to all those with a local connection to the Borough and who want to build their own home	Strategy and Commissioning/Planning	Ongoing	Equal access by all protected characteristics who have a local connection to the Borough and who want to build their own home

		to have a positive impact on those from ethnic minority backgrounds with a local connection to the Borough who want to build their own home.					
Disability	+ve	A potential risk was initially identified that the 16 hours working requirement could disadvantage those who due to disability could not work this number of hours. However, the criteria was adapted to give flexibility in exceptional circumstances. Adopting a local connection test is likely to have a positive impact on those with disabilities who have a local connection to the Borough and who want to build their own home.	N/A	Ensure the Council's Custom and Self-Build Register is available to all those with a local connection to the Borough and who want to build their own home	Strategy and Commissioning/Planning	Ongoing	Equal access by all protected characteristics who have a local connection to the Borough and who want to build their own home
Gender	+ve	No specific impact relating to gender has been identified during this assessment. Adopting a local connection test is likely to have a positive impact on all genders who have a local connection to the Borough and who want to build their own home.	N/A	Ensure the Council's Custom and Self-Build Register is available to all those with a local connection to the Borough and who want to build their own home	Strategy and Commissioning/Planning	Ongoing	Equal access by all protected characteristics who have a local connection to the Borough and who want to build their own home
Age	+ve	No specific impact relating to age (other than the 2015 Act states applicants must be over 18 years) has been identified during this assessment. Adopting a local connection test is likely to have a positive impact on all age groups who have a local connection to the Borough and who want to build their own home.	N/A	Ensure the Council's Custom and Self-Build Register is available to all those with a local connection to the Borough and who want to build their own home	Strategy and Commissioning/Planning	Ongoing	Equal access by all protected characteristics who have a local connection to the Borough and who want to build their own home
Sexual orientation	+ve	No specific impact relating to sexual orientation has been identified during this assessment. Adopting a local connection test is likely to have a positive impact on all those with a local connection to the Borough who want to build their own home.	N/A	Ensure the Council's Custom and Self-Build Register is available to all those with a local connection to the Borough and who want to build their own home	Strategy and Commissioning/Planning	Ongoing	Equal access by all protected characteristics who have a local connection to the Borough and who want to build their own home
Religion/ belief	+ve	No specific impact relating to religion has been identified during this assessment. Adopting a local connection test is likely to have a positive impact on all those with a local	N/A	Ensure the Council's Custom and Self-Build Register is available to all those with a local connection to the Borough and who want to build their own home	Strategy and Commissioning/Planning	Ongoing	Equal access by all protected characteristics who have a local connection to the Borough and who want to build their own home

		connection to the Borough who want to build their own home.					
Gender Reassignment	+ve	No specific impact relating to gender reassignment has been identified during this assessment. Adopting a local connection test is likely to have a positive impact on all those with a local connection to the Borough who want to build their own home.	N/A	Ensure the Council's Custom and Self-Build Register is available to all those with a local connection to the Borough and who want to build their own home	Strategy and Commissioning/Planning	Ongoing	Equal access by all protected characteristics who have a local connection to the Borough and who want to build their own home
Pregnancy and maternity	+ve	No specific impact relating to pregnancy and maternity has been identified during this assessment. Adopting a local connection test is likely to have a positive impact on all those with a local connection to the Borough who want to build their own home.	N/A	Ensure the Council's Custom and Self-Build Register is available to all those with a local connection to the Borough and who want to build their own home	Strategy and Commissioning/Planning	Ongoing	Equal access by all protected characteristics who have a local connection to the Borough and who want to build their own home

To note, when carrying out the impact assessment the discriminatory factor is the local connection test, which can be seen as excluding any group which do not meet the criteria. But it does not target any protected characteristic. If, however a household outside of the Wokingham borough wants to build a house in the borough then they can purchase land themselves to do this and will not be restricted by this criteria.

**STAGE 6: REVIEW & SCRUTINY**

**6.1: Has your EqlA been considered at your service's Management Team for discussion?**

Yes

No

If yes, date of meeting: 23/02/2018

**6.2: After discussion with Management Teams, list comments, criticisms or alternative approaches suggested regarding the impacts and actions of the policy/strategy, decision or service.**

**What changes, if any, have been taken following discussion with your service Management Team?**

No further changes

**STAGE 7: PUBLICATION AND COMMUNICATION OF RESULTS**

**7.1: How will the assessment, consultation and outcomes be published and communicated?**

The EqlA will be published with information on the Custom and Self-Build Register on the Council's website and made available in hard copy upon request.

**STAGE 8: EMBEDDING ACTIONS INTO DELIVERY PLANS**

**8.1: Has your delivery plan been updated to incorporate the activities identified in the EqlA to mitigate any negative impacts that you have discovered?**

These could be service, equality, project or other delivery plans.

Note: If you did not have sufficient data to complete a thorough impact assessment, then an action should be incorporated to collect this information in the future.

**Any actions will be embedded into service plans and regular performance monitoring.**

<b>TITLE</b>	<b>St Nicholas Hurst Neighbourhood Plan Area Designation</b>
<b>FOR CONSIDERATION BY</b>	The Executive on 29 <sup>th</sup> March 2018
<b>WARD</b>	Hurst;
<b>DIRECTOR</b>	Director of Corporate Services - Graham Ebers Interim Director of Environment - Josie Wragg
<b>LEAD MEMBER</b>	Executive Member for Strategic Highways and Planning- David Lee

## **OUTCOME / BENEFITS TO THE COMMUNITY**

The designation as a neighbourhood area will enable St Nicholas Hurst Parish Council to lead on the preparation of a Neighbourhood Development Plan that will help to influence development decisions across the parish.

## **RECOMMENDATION**

It is recommended that the Executive agree that St Nicholas Hurst Parish is designated as a Neighbourhood Area.

## **SUMMARY OF REPORT**

St Nicholas Hurst Parish Council wishes to prepare a neighbourhood plan. The neighbourhood plan would outline locally produced planning policies which would influence planning decisions alongside Wokingham Borough Council's planning policies.

St Nicholas Hurst Parish Council submitted an application to be designated a Neighbourhood Plan Area, the first step in the process. Consultation on the proposal was undertaken between Wednesday 14 February 2018 and Friday 16 March 2018 with 10 responses received. The responses did not give rise to any substantive issues regarding the appropriateness of the designation. It is therefore recommended that St Nicholas Hurst Parish is designated as a Neighbourhood Plan Area.

## **Background**

Neighbourhood planning gives communities the power to develop a shared vision for their area and shape its development and growth. Through a Neighbourhood Plan, communities are able to write planning policies to influence where new homes, shops and offices should be built, have their say on what those new buildings should look like and what infrastructure should be provided. A draft Neighbourhood Plan must be in general conformity with the strategic policies of the Council's development plan (the Core Strategy 2010 and the Managing Development Delivery Document 2014). Once a Neighbourhood Plan has been through an independent examination and a successful referendum, it can be adopted by the Council and forms part of its development plan. The Neighbourhood Plan is then used to make decisions on planning applications within that Neighbourhood Area.

Where communities wish to take up the opportunities offered by Neighbourhood Plans, they must first apply to the local authority to be designated as a Neighbourhood Planning Area. In areas with parish or town councils the application can be made by these organisations although in the preparation of the plan they are expected to work with the wider community.

## **St Nicholas Hurst Parish Council**

St Nicholas Hurst Parish Council wish to prepare a neighbourhood plan covering the entirety of their administrative area and have submitted the necessary application to be designated as a neighbourhood plan area. In line with the Neighbourhood Planning (General) Regulations (as amended 2015), Wokingham Borough Council published the application for a 4 week period between 14 February 2018 and 16 March 2018.

## **Representations received**

A total of 10 representations were received. A table summarising the consultation responses can be found in Appendix 1 of this report.

None of the representations received raise substantive issues which would suggest that St Nicholas Hurst Parish should not be designed as a neighbourhood plan area. A number directed St Nicholas Hurst Parish Council to guidance that will be helpful for future stages of plan preparation and a couple suggested support for certain types of development within the plan area, which will be considered in future stages of the Neighbourhood Plan process.

## **Recommendation**

It is considered that the application from St Nicholas Hurst Parish Council satisfies the requirements of the Localism Act (2011) and Neighbourhood Plan Regulations 2012 (as amended). The area proposed for designation, being the entire parish of St Nicholas Hurst, is considered to form a logical neighbourhood plan area. When considering the above and the nature of the representations received, it is recommended that the Neighbourhood Planning Area designation be approved.

If Wokingham Borough Council decides to designate the Neighbourhood Planning Area then WBC must publish on the website (as a minimum) the following:

- the name of the neighbourhood area;

- a map identifying the area; and
- the name of the relevant body (St Nicholas Hurst Parish Council) who applied for the designation.

## 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)	Zero	Yes	Revenue
Next Financial Year (Year 2)	£5,000 grant from the MHCLG once designation made (can be claimed in June 2018).	Yes	Revenue
Following Financial Year (Year 3)	Zero	Yes	Revenue

### Other financial information relevant to the Recommendation/Decision

There is currently funding made available by MHCLG (formerly DCLG) to support the first 5 designated areas within a Borough, at £5,000 per plan. Shinfield; Arborfield & Barkham; Remenham; and Ruscombe have already been designated. St Nicholas Hurst will be the fifth area, and therefore last for which funding is available, to be designated.

In addition, the government currently provides a grant of £20,000 for each plan that reaches referendum stage. However, it is unclear whether this will be available in subsequent years. This grant is to cover officer time and the cost of running a referendum which we believe will be fully covered by the £20,000 grant.

Whilst we are currently meeting the demands on officer time through existing resources, we will have to find the cost of any referendum, should this funding no longer be available.

The budget is based on what we know at this point of time. Further issues, including any arising from new legislation, could have financial implications.

### Cross-Council Implications

Continued support of the Neighbourhood Development Plan that St Nicholas Hurst Parish Council are progressing.

<b>List of Background Papers</b>
Appendix 1 – Table of consultation responses for St Nicholas Hurst Neighbourhood Area St Nicholas Hurst Parish Council application for the designation of a Neighbourhood Plan Area St Nicholas Hurst Parish Neighbourhood Plan Area Map

<b>Contact</b> James McCabe	<b>Service</b> Place Commissioning
<b>Telephone</b> Tel: 0118 908 8333	<b>Email</b> james.mccabe@wokingham.gov.uk

### **Application for the Designation of a Neighbourhood Plan Area for St Nicholas Hurst Parish**

The Neighbourhood Planning (General) Regulations 2012 requires Parish Councils which intend to prepare a Neighbourhood Development Plan to submit an application for designation of a neighbourhood area.

#### **Area to be Designated**

The map attached identifies the area to which this application relates.

#### **Statement**

The boundary of the proposed Neighbourhood Plan for St Nicholas Hurst coincides with the civil parish boundary for St Nicholas Hurst Parish Council. This boundary represents the full extent of the Council's area of responsibility in terms of both statutory obligations and discretionary powers to provide services to the people of St Nicholas Hurst, and is therefore considered appropriate for designation as a neighbourhood area.

The Parish Council recognises that a Neighbourhood Plan must have regards to the National Planning Policy framework, be compatible with EU obligations and human rights requirements, and be in general conformity with the strategic policies in the local authority's Local Plan, and will not apply to planning applications which have already been approved.

In making this application St Nicholas Hurst Parish Council is a relevant body for the purposes of Section 61G of the 1990 Act.

Chairman



Parish Clerk



St Nicholas Hurst Parish Council

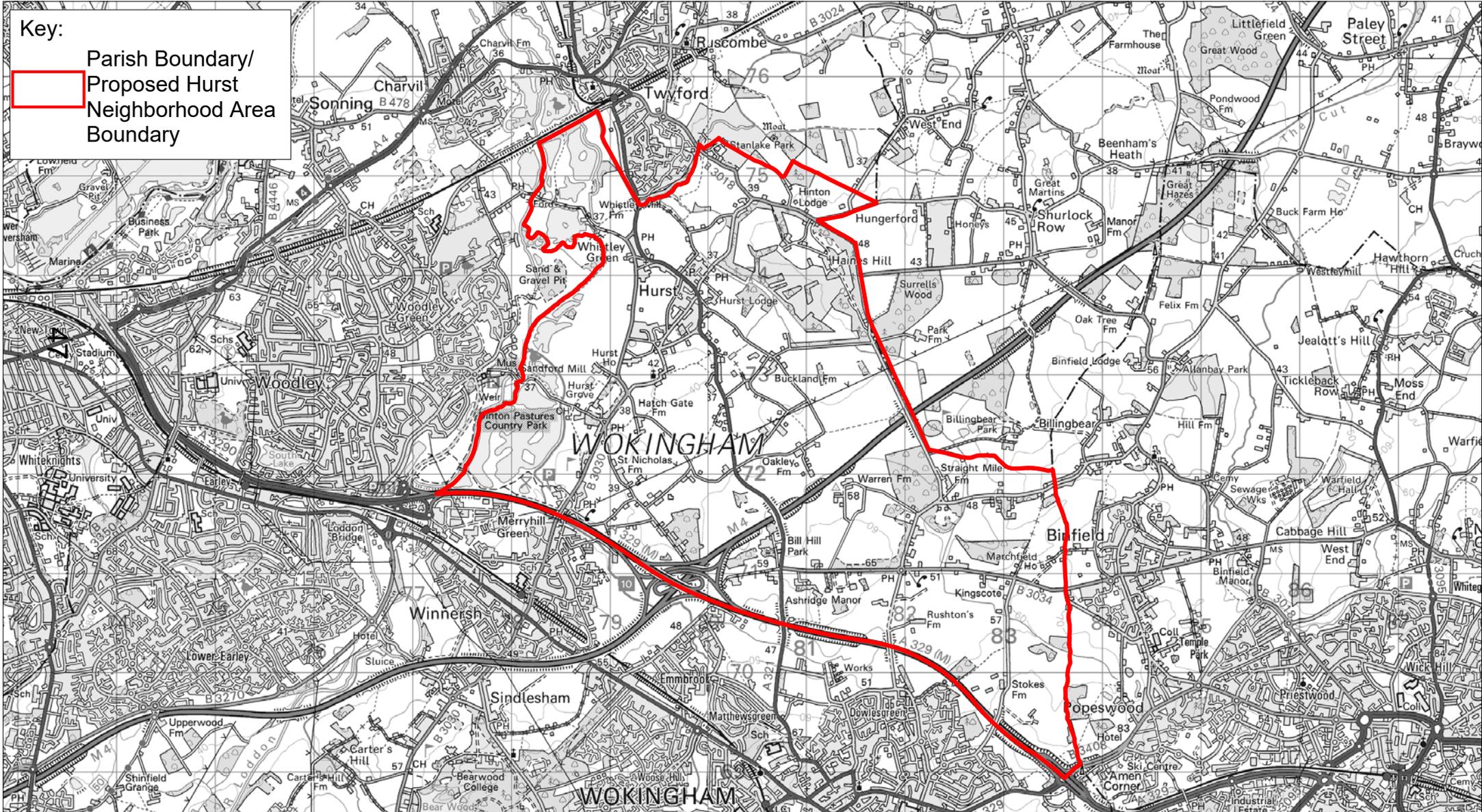
Date: 18<sup>th</sup> December 2017

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# Proposed Hurst Neighbourhood Area Boundary

Key:

Parish Boundary/  
Proposed Hurst  
Neighborhood Area  
Boundary



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## Appendix 1 - Table of consultation responses for St Nicholas Hurst Neighbourhood Area designation

Organisation/individual	Support/not support the designation	Comments
Anonymous	Comment	More houses are needed in Hurst so that people can afford to buy homes and stay in the area and there is a concern that the neighbourhood plan won't recognise this need.
Boyer Planning on behalf of The Luff Group	Support	Welcomes the opportunity to work with Hurst Parish Council and Wokingham Borough Council in relation to the promotion and delivery of sustainable development to meet the needs of local residents.
Environment Agency	No comment	Unable to currently give any detailed input into Neighbourhood plans within Wokingham Borough given the authority is considered by the EA to be 'low risk' in terms of it having a post 2012 Local Plan in place. Link to guidance on neighbourhood planning provided.
Highways England	Comment	HE is concerned with managing the strategic road network (SRN). They will therefore be concerned with proposals that have the potential to impact the safe and efficient operation of the SRN, in this case the M4 motorway. No comments at this stage.
Historic England	Supports	Historic England raises no objection to the designation. Historic England has a statutory role in the development plan process and there is a duty on the Local Planning Authority or the Neighbourhood Planning Forum to consult Historic England on any Neighbourhood Plan where our interests are considered to be affected.
National Grid	Supports	To help ensure the continued safe operation of existing sites and equipment and to facilitate future infrastructure investment, National Grid wishes to be involved in the preparation, alteration and review of plans and strategies which may affect our assets.

		An assessment has been carried out with respect to National Grid's electricity and gas transmission apparatus. National Grid has identified that it has no record of such apparatus within the Neighbourhood Plan area.
Natural England	Supports	Provided various information sources that could be used when developing the Neighbourhood Plan.
Sport England	Supports	Provided various information sources that could be used when developing the Neighbourhood Plan which tie in with Sport England's planning function.
Transport for London	No comment	TfL has no comments to make on the application
Woodley Town Council	No comment	No comments to make on the application

<b>TITLE</b>	<b>Selection of Preferred Registered Provider (RP) Partners</b>
<b>FOR CONSIDERATION BY</b>	The Executive on 29 <sup>th</sup> March 2018
<b>WARD</b>	None specific
<b>DIRECTOR</b>	Director of Corporate Services - Graham Ebers
<b>LEAD MEMBER</b>	Executive Member Adult Services - Richard Dolinski

**OUTCOME / BENEFITS TO THE COMMUNITY**

The delivery of affordable homes is an underpinning principle of the Council's vision. The approval of carefully selected Registered Provider (RP) Partners for the Council will ensure that those RPs delivering affordable housing in the borough are aligned to the Council's strategic vision and aspirations. In doing so, this will positively benefit the community through provision of high quality, well-managed affordable homes.

**RECOMMENDATION**

That Executive approves the following matters:

- 1) That the following Registered Providers (RP) be approved as Partners for the next five year period commencing on 1<sup>st</sup> April 2018, subject to satisfactory performance:
  - Bracknell Forest Homes (to be rebranded as Silva Homes during 2018)
  - Catalyst Housing Limited
  - Housing Solutions
  - Loddon Homes Limited
  - Southern Housing Group
  - Sovereign Housing Association
  - Thames Valley Housing
  - Vivid Housing Limited
  
- 2) That the Council and the eight RPs enter into a Partnership Agreement. The Agreement will detail expectations and responsibilities, and will outline the basis for regular performance monitoring.

**SUMMARY OF REPORT**

Until 2008, in line with the Housing Act 1988, the Council acted as an 'enabler' of new affordable housing rather than a direct provider. New affordable housing was developed in partnership with housing associations to provide a continuing supply of homes to meet local need. We sought to work with a small number of development partners who would offer best value for money, operate consistently high standards of housing management and add value through use of their own resources and expertise.

The Council has had successful partnership arrangements with Registered Providers (RPs) since 2002 with the current partnership due to end in March 2018. In recent years there has been a significant increase in the number of affordable homes secured, particularly on the Strategic Development Locations (SDLs). This programme has been delivered through partnership working with RPs as well as through the establishment of

the Council's own housing companies. As there is now considerable housing delivery being generated from the SDLs, it is pertinent to spread both the cost and risk across a number of RP partners, all of which can bring significant financial strength. Whilst our housing companies are the preferred partners for delivery of affordable housing on the Council's own land, the RP Partnership ensures there is greater financial capacity to deliver the substantial numbers of homes coming forward on Section 106 sites.

A full competitive process has been run to review and renew membership of this partnership arrangement. This report seeks Executive approval for the selection of the eight Registered Providers to partner the Council in the delivery of affordable housing for the next five years commencing on 1<sup>st</sup> April 2018, subject to satisfactory performance. The selection of eight Registered Provider partners is made on the basis there is considerable housing delivery in the Borough providing ample opportunities for all RP partners and each partner bringing different strengths to the partnership.

## **Background**

Until 2008, in line with the Housing Act 1988, the Council acted as an ‘enabler’ of new affordable housing rather than a direct provider. New affordable housing was developed in partnership with housing associations to provide a continuing supply of homes to meet local need. This led over time to a very large number of housing associations operating in the borough, with tenants receiving different levels of service, and some of the associations in question having little interest or buy-in to the borough or their local community. We, along with many local authorities, sought to tackle this through running a competitive process to identify a small number of development partners who would offer best value for money; operate consistently high standards of housing management in accordance with what we would expect for our own tenants and add value through use of their own resources, or particular development specialisms.

Consequently, Wokingham Borough Council has operated a successful Preferred Registered Provider Partnership since 2002 to manage and oversee the quality of affordable housing and ongoing housing management services coming forward. Working with a partnership has helped the Council to rationalise the number of Registered Providers operating in the Borough and ensure they have bought into the Council’s vision and values. The previous partnerships have consisted of between four and six Registered Providers. Whilst the Council is now delivering affordable housing itself through its own companies, there is still a need for a partnership approach to deliver the level of affordable housing coming forward in the coming years.

The partnerships were established through a full competitive process, which required the successful RPs to demonstrate a high level of commitment to excellent service delivery, financial strength, development expertise and an understanding of Wokingham’s strategic approach and need for affordable housing. All selected RPs hold significant stock within Wokingham Borough or within neighbouring boroughs.

The key successes of the previous partnerships include:

- Delivery of 1,310 new affordable homes in the borough since 2008
- Successful delivery of Wokingham specific models of affordable housing, such as the shared ownership model of 35% equity share and 1.5% cap on rent on unsold equity
- Establishment of effective relationships with larger stock holding RPs in tackling anti-social behaviour and other tenancy issues
- Commitment from RP partners in terms of delivery of Council strategic objectives, including supporting local initiative such as the Strive business start-up programme, and, previously funding for a post to develop rural housing on exception sites.

## **Analysis of Issues**

A full competitive selection process was undertaken to select the best RPs to work with the Council to meet local needs. The closing date for applications was 4<sup>th</sup> December 2017. 12 initial Expressions of Interest were received and nine formal application forms were sent in within the deadline, of which eight were invited to interview. Interviews took place on the 10<sup>th</sup> and 17<sup>th</sup> January 2018 with the interview panel consisting of the then Deputy Executive Member for Adult Services (including Housing), Category Manager (Economic Prosperity and Place), Category Manager (Housing Operations)

and the Senior Strategy Officer. All those shortlisted were also asked to do a presentation to the Affordable Housing Implementation Group on the 15<sup>th</sup> January 2018.

Following interviews, the panel agreed that the following RPs should be selected as RP partners in Wokingham Borough:

- Bracknell Forest Homes (to be rebranded as Silva Homes during 2018)
- Catalyst Housing Limited
- Housing Solutions
- Loddon Homes Limited
- Southern Housing Group
- Sovereign Housing Association
- Thames Valley Housing
- Vivid Housing Limited

All eight demonstrated a high level commitment to excellent service delivery, financial strength, development expertise, partnership working and an understanding of Wokingham's strategic approach and need for affordable housing. All eight have considerable stock either within Wokingham or within neighbouring boroughs and are therefore well established landlords within the local area. All are committed to Wokingham's affordable housing policy and specific models of affordable housing, providing a consistent approach to affordable housing delivery. Two RPs (Catalyst and Thames Valley) have been RP partners in Wokingham since April 2002 and a further two (Housing Solutions and Sovereign) since April 2007. They have already demonstrated their commitment to the area as well as an excellent track record for delivery.

The selection of eight RP partners is made on the basis there is considerable housing delivery in the Borough both current and projected, providing ample opportunities for all RP partners. Whilst our housing companies are the preferred partners for delivery of affordable housing on the Council's own land, the RP Partnership ensures there is greater financial capacity to deliver the substantial numbers of homes coming forward on Section 106 sites. By having a cascade arrangement within Section 106 agreements, the Council is able to stipulate that preferred partners must be approached to bid for the affordable units, although we are unable to be prescriptive about which RP they should work with.

The current scale of affordable housing development opportunity is so large that we need to spread the cost and risk of large Section 106 requirements. It would not be possible to meet this with a small number of RPs at the moment, as none would have the capacity to deliver the scale and range of affordable housing on their own. There would be an increased risk of affordable units going outside of the partnership or not being delivered at all with a smaller number of RPs, as developers may exhaust the cascade mechanism options. A partnership approach enables the Council to exercise control and influence over the quality and management of affordable units, as well as the cost of shared ownership, through our own, unique model. The eight RP partners being selected all bring different strengths to the partnership.

It is recommended that the RP Partnership run from 1<sup>st</sup> April 2018 until 31<sup>st</sup> March 2023 subject to satisfactory performance. It is also recommended that the Council and the eight RPs enter into a Partnership Agreement. The agreement will detail the

expectations and responsibilities and will outline the basis for regular performance monitoring.

**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		
Next Financial Year (Year 2)	0		
Following Financial Year (Year 3)	0		

<b>Other financial information relevant to the Recommendation/Decision</b>
N/A

<b>Cross-Council Implications</b>
The delivery of new affordable housing will affect customers of other Council services, including Housing Needs and People’s Services. The Partnership seeks to provide good quality homes and effective ongoing management.

<b>List of Background Papers</b>
None

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<b>TITLE</b>	<b>Foster Carer Benefits and Entitlements: Exemption of Council Tax</b>
<b>FOR CONSIDERATION BY</b>	The Executive on 29 March 2018
<b>WARD</b>	None specific
<b>DIRECTOR</b>	Interim Director of People Services - Paul Senior
<b>LEAD MEMBER</b>	Executive Member for Children's Services – Mark Ashwell

## **OUTCOME / BENEFITS TO THE COMMUNITY**

The use historically of out of Borough placements has resulted from a lack of internal resource, a lack of foster carers and few options for specialist care.

Distance placements and those provided independently are significantly more costly in terms of the purchase of the placement, but also in terms of hidden costs such as staff travel and time. Distance placements are additionally more difficult to manage and support, primarily because social workers and Independent Reviewing officers are not on hand to respond to emergencies and progress care planning quickly. Advocacy for children in care in distance placements is also more difficult to provide and the statutory requirements such as return to care interviews when a child has been missing or absent become more problematic.

The regulator requires Local Authorities to justify the reasons for each child placed at 'Distance' and apart from a few very select cases; Ofsted will not accept the lack of development of local resource by the Local Authority as a justifiable reason for a child to be placed away.

Our aim is to provide locally for Wokingham children, except in exceptional circumstance where specific and complex needs dictate a specialist centre of care. Such examples would be for children with severe and complex disabilities who require specific care packages and those with specialist therapeutic or secure care needs.

In the 2016/17 Children's Social Care have made strides to change the pattern of placements of children by not placing one new child outside of Wokingham (excluding those Unaccompanied Asylum seeking- UASC, whose needs can only be met in specific accommodation). This success went some way to stemming spend on placements for children in care by more effective use of the existing in-house resource. We are however not going to achieve the type of progress and outcomes for children we desire by operating this system without extending further investment into fostering recruitment incentives.

The longer term benefits of an improved service will be a reduction in spend on placements for children in care, a commitment to Wokingham children that they can remain within their community, local schools and family/ friendship networks and more importantly improved outcomes for our children in care.

This delivers a positive public message that foster carers are valued members of the community and that Wokingham Borough Council is supportive of local residents meeting local needs.

It is clear that fostering is a public service to the local community and that the provision of one's household, time and day-to-day care is an exceptional commitment. Fostering is also an essential service that does not fall under the auspices of paid employment in the same way as other Council employees. Foster carers provide a service often 24 hours a day 7 days per week. Fostering households provide recognised optimum quality of care for Wokingham children who cannot live with birth families, whilst at the same time being highly effective value for money, providing they are an in-house resource.

Not all foster carers who foster for Wokingham live directly within the Wokingham boundary, although they are committed to Wokingham and care for Wokingham children. In such cases equity between 'in borough' and 'out borough' carers is required, to underline that all carers are valued and part of the Wokingham community. It is proposed that either an annual fee would be paid in line with Wokingham Borough Council average council tax rates to out borough carers or negotiations are undertaken with neighbouring boroughs who wish to enter into a reciprocal arrangement.

### **RECOMMENDATION**

The Executive is recommended to:

- 1) approve the proposal for Council tax exemption or payment equivalent to council tax for those living outside the borough for Wokingham in-house foster carers as part of a retention and recruitment strategy to obtain sufficient in house foster carers for the children of Wokingham;
- 2) approve that the Council Tax Section 13A Policy will be amended to include this proposal;
- 3) note that the costs of this proposal are planned to be funded from the savings generated from transferring higher cost IFA carers to lower cost in-house carers.

### **SUMMARY OF REPORT**

The purpose of the report is to outline options for specific incentives for foster carers and to attract prospective fostering households based upon the Children Looked After sufficiency strategy around placements for children in care; those supported under Kinship and connected persons and extended family and friends being assessed under Special Guardianship arrangements for children subject to court proceedings.

The financial modelling was commissioned by the Corporate parenting Board in the form of task and finish groups sponsored by the then Lead Member for Children's Services, Cllr Haitham Taylor and members on the Corporate parenting Board.

The priorities for the Corporate Parenting Board and for Children's Services for 2017/18 and beyond is a focus upon a strategy to reduce the numbers of children living outside the Borough (or within a 5 to 10-mile radius of the borough boundary), reduce the numbers of children placed in independent fostering placements or residential care.

## **Background to Fostering Benefits and financial modelling:**

1.1 As Part of the Corporate Parenting Strategy, Wokingham Children's Services department has been reviewing both the sufficiency strategy and marketing strategy to look at the support and incentives provided to existing foster carers and the active campaign of recruitment of new carers through new processes and marketing. This is envisaged to attract up to a further 20 new carers/ fostering households, whilst maintaining our existing cohort of 35 foster carers.

1.2 As part of a review of benefits that we could offer to carers and to new prospective carers, we wanted to be able to offer a clear gesture which is distinct from the fostering allowances, but which would attract members of the public to consider fostering. The fostering allowances in Wokingham are competitive and are benchmarked against national standards of remuneration. They are subject to annual increases in line with Wokingham Council wage increases/ cost of living/ inflation. In offering council tax exemption as opposed to a general increase in allowance we are ensuring a cost effective method of providing a benefit which is tangible and easily understood by carers.

1.3 For instance an increase in allowance would apply to each and every child placed with a carer. For a large sibling group or a number of children placed, so the increase in allowance would apply to each and every child, thereby doubling or tripling any intended benefit. Once allowances are set they cannot be reduced. Whilst council tax charges may vary or rise annually, the offer of council tax exemption as a benefit is something that can be revised by the council in the same way as market supplements can be removed if the need arises. We would of course need to make the exemption arrangements clear to foster carers.

1.4 Analysis of children's needs have meant that we will propose to return some of our most complex children to local family placements and these children and their carers will need comprehensive wrap around care. We will only return children where a plan to do so meets their needs. No child will be disrupted for the sake of returning to a local placement. The change between children placed out of borough and those placed locally will be a slow 'sea change', but performance indicators in this area show that our policy and approach is delivering outcomes.

1.5 Wokingham has to prepare for rising costs of placements for children in care. There is a national trend in the rise of the Children in Care population. In Wokingham in 2017 the children in care population has expanded from approximately **72 children in care to 103 children in care or a rate of 20.9 per 10,000 to 27.6 per 10,000**. We expect this trend to continue and predictive analysis in line with national trends appears to show that Wokingham should prepare itself to plateau around **140 children in care**.

1.6 We have scoped out the costs of providing an increasingly attractive package for our existing carers and a package designed to attract registered carers in the local vicinity who are currently working for Independent fostering agencies (IFA). **It should be noted that the cost of an IFA is usually double or sometimes triple the cost of an in-house placement. The approximate cost for a foster care placement in-house is around £450 per child per week, but the cost to an IFA is a minimum of £850- 900 per child per week, with costs rising on average to £1,850 per week for children with any specialist needs. Given most of children, have specialist needs we are more often paying the higher brackets.**

The higher costs are incurred because we do not have enough in house carers and because we have to pay fees to the IFA organisation. Avoiding this agency fee will mean a substantial saving on every child we place with in-house carers and therefore avoid IFA placements because more than half the cost is paid to an agency and not for the carer.

1.7 In order to compete with IFAs, Wokingham Borough Council has to attract carers to register and foster for Wokingham. We estimate needing between a minimum of an additional 20 fostering households, but preferably closer to 30 new sets of carers. At the same time we have to retain our existing carers, and attract carers to swap from working for their current IFA's to become in-house carers for Wokingham, we have to encouraging members of the public to consider fostering and who will make a choice about with whom they wish to foster.

1.8 We have already developed a comprehensive training package and the proposal around team structural changes through the 21<sup>st</sup> Century Council will provide the required support for additional fostering households. We therefore posed questions and undertook financial modelling on recognised incentives for fostering carers. The exemption of foster carers for council tax has been successfully launched some years past in Cheshire and some Manchester unitary authorities, Southampton Council and the London Borough of Southwark.

1.9 Some Borough's report a mixture of views and reception by the community to this initiative. Greater Manchester / Cheshire East authorities report it positively; and in Southampton, there was a view that the fostering network was 'saturated' but that it assisted with retention of carers.

## **2. Initial Desktop - Financial Analysis**

2.1 This is an 'invest to save' model. For every in-house placement we use instead of an IFA placement, we save on average a minimum of **£430 per week per child**. Most Carers have two children in placement so **£860 saving per week**. Council tax exemption for a fostering household would be on average £1,741 (Band D equivalent). It would take **less than one month** for Wokingham Borough Council to recoup the initial outlay for the exemption per household.

2.2 The following options are reviewed to assess the potential financial costs for each option. The aim to reduce the number of Independent Foster Agency placements has a financial benefit through cheaper weekly rates. The potential savings could be used to help fund the potential options in the tables below. The data is based upon the current numbers of carers for February 2018. This will of course change over time dependent upon the number of carers, however any increase in carers and therefore increase in exemptions will continue to be offset by increased saving on placements.

2.3 Additionally whilst calculations have been modelled on average band D, of course there will be carers who live in housing of greater or lesser band levies. Due to the smaller number of carers, we would be in a position to calculate annually the cost of exemption for each and every carer.

2.4 As at February 2018, Wokingham Council had **35** in-house foster carers.

**Table 1 – Cost differential Independent Fostering Agencies vs In-house carers**

Current average IFA cost per child per week	£892
Current average in-house cost per child per week	£462
Difference per child per week	£430
<b>Annualised cost difference per child</b>	<b>£22,360</b>
<b>Payback in weeks of annual Council Tax of £1,741</b>	<b>4.05</b>

2.5 As part of the financial modelling we have explored the implications for tax and self-assessment for foster carers. If the exemption of council tax is applied to fostering households then there is no taxation difficulty. If however foster carers are required to pay council tax and then the Council provides a rebate, this would have tax implications. It therefore is more beneficial to foster carers to be exempted in the first place.

2.6 The question of precepts for local services (such as Parish Council, Fire & Rescue and Police services) has been explored and the arrangements which apply to all council tax exempted groups such as those in receipt of benefit, could be extended to apply to foster carers. In any event as a commitment to the foster carers by the Council, the deficit in council tax revenue would be absorbed by the Council. The savings made within children’s services placements spending will more than cover the loss of income.

**3. Cost Options**

3.1 The use of council tax exemptions to households who foster for the Council is becoming a well-established benefit for foster carers.

3.2 Many foster carers maintain a much larger house than their family requirements, providing the additional bedrooms for foster children that they would otherwise not require. Committed foster carers have reported through their forums and to Corporate Parenting that they would welcome this gesture from the Council and would see this as a signal of feeling valued.

3.3 The prospective loss in council tax to the Council is surpassed by the cost savings generated by a relatively small increase in the number of placements provided in-Borough and / or avoidance of any potential reduction in the current volume of carers who would have to be replaced – at least in the short term – with agency providers. It is also a clear message from the Council that our foster carers are valued members of the community and that we support local families and children staying locally.

**1. How much would it cost to give a council tax rebate/refund to all in-house foster carers?**

Based on the current number of households with in-house foster placements and a council tax rebate equivalent to Wokingham Borough Councils average band D cost for 2018/2019:

**Table 2 – Cost of proposed exemption to current carers**

Current cohort of in-house foster carers	35
Wokingham Band D Average Council Tax *	£1,741
Current cohort annualised cost	£60,935
Additional costs re: out of borough carers and related tax: c10 carers * £1,741 *40%	£6,964
<b>Estimated total cost current cohort</b>	<b>£67,899</b>
<b>Payback – number of children transferring from IFA to In House required to break-even**</b>	<b>3.04 therefore 3</b>

**Table 3 – Cost of proposed exemption including current & additional carers**

Estimated total cost current cohort (Table 2 refers)	£67,899
Average cost current cohort £67.9k / 35 carers	£1,940
Additional 10 carers at £1,940	£19,400
<b>Total cost to support 45 carers</b>	<b>£87,299</b>
<b>Payback – number of children transferring from IFA to In House required to break-even**</b>	<b>3.90 therefore 4</b>

\* Based on 2018/19 rates and includes Police, Fire and Parish precepts.

\*\* costs divided by cost differential referred to in Table 1

#### **4. Wokingham Fostering Household on the Borough Boundary or just outside:**

4.1 A proposal for a council tax exemption for Wokingham foster carers will be an attractive incentive. Not all Wokingham foster carers live within the borough boundary and therefore in order to equitably receive the incentive, an agreement for an annual allowance paid to those carers at the same rate as the net council tax exemption for in borough households will need to be considered. This would have the effect on increasing the amount paid by the Council so that the benefit net of tax would equate to the £1,741 benefit received by those carers living in borough. Further work is required to identify the volume, the above table assumes 10 of the current cohort are out of borough with an additional cost of c£7k. The estimated total cost of £67.9k (Table 2 refers) breaks-even if this initiative enables three children to move from IFA to in-house care.

4.2 If the proposal was applied to existing and new carers the overall cost would be c£87.3k (Table 3 refers), this would be paid for if 4 children moved from IFA to in-house provision. It is anticipated that in-house provision will care for a minimum of 10 additional children.

4.3 In communicating this proposed benefit to existing and new carers it would be clear that this was an additional supplement and could be withdrawn with notice, should there be grounds to do so.

#### **5. Recommendation:**

5.1 The cost benefit analysis of council tax exemption/ rebate/ allowance is a positive one for the Council. Early consultation about whether foster carers would welcome this type of incentive indicated that carers would find this type of incentive supportive and attractive.

5.2 This proposal is a key part of our marketing strategy to attract the number of in house carers required to meet the needs of Wokingham children. We will pay substantially more per child if we rely upon the private sector in terms of IFA placements.

5.3 The task and finish group recommended taking this proposal forward at Corporate Parenting Board and therefore through the process of agreement by committee. The revenue loss to the Council will be offset by reducing the number of independent foster placements which are more costly than our in house provision.

## 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	N/A	Revenue
Next Financial Year (Year 2)	- Cost approximately £77.6k per year - Potential Savings are estimated at c£112k (see note below)	Yes	Revenue
Following Financial Year (Year 3)	- Cost c£87.3k - Potential Savings c£224k	Yes	Revenue

### Other financial information relevant to the Recommendation/Decision

The financial implications are based on the following assumptions;

Exemption of Council Tax would apply for 2018/2019 onwards and number of additional carers would be;

- 2018/2019 – 10 Carers (5 In House and 5 IFA)
- 2019/2020 – 20 Carers (10 In House and 10 IFA)

Due to the profiling of the number of new carers (5 new in house carers), the costs and potential savings in 2018/2019 would be lower whereas 2019/2020 represents the full number of additional carers (10 new in house carers) which is reflected in the financial tables earlier in the report.

**Potential savings** have been included to reflect the aim from WBC with regards to using in house carers rather than IFA carers in future where possible. These are calculated based on the number of additional IFA carers multiplied by the annualised cost difference in Table 1.

- 2018/2019 – 5 Carers transferring from IFA to In-house x £22,360 - 2019/2020 – 10 Carers transferring from IFA to In-house x £22,360
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<b>Cross-Council Implications</b>
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None
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<b>List of Background Papers</b>
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None
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<b>TITLE</b>	<b>Care Leavers Living Support: Exemption of Council Tax</b>
<b>FOR CONSIDERATION BY</b>	The Executive on 29 March 2018
<b>WARD</b>	None specific
<b>DIRECTOR</b>	Interim Director of People Services - Paul Senior
<b>LEAD MEMBER</b>	Executive Member for Children's Services – Mark Ashwell

## **OUTCOME / BENEFITS TO THE COMMUNITY**

Our aim is to provide locally for Wokingham children, except in exceptional circumstance where specific and complex needs dictate a specialist centre of care. Such examples would be for children with severe and complex disabilities who require specific care packages and those with specialist therapeutic or secure care needs.

In the 2016/17 Children's Social Care have made strides to change the pattern of placements of children by not placing one new child outside of Wokingham (excluding those Unaccompanied Asylum seeking- UASC, whose needs can only be met in specific accommodation). This success went some way to stemming spend on placements for children in care by more effective use of the existing in-house resource.

Following on from this placement strategy, we want to extend our approach to the successfully housing and support of Wokingham children who become Care Leavers. We wish to do this by ensuring we give Care Leavers the best start in life as young adults.

The Corporate Parenting Board has been successful in achieving this through the Young Peoples Housing Strategy, which ensures a comprehensive housing offer to Care Leavers and provides wrap around support and additional tenancy entitlements.

The Children and Social Work Act 2017 required Councils to go further in their range and extent of support. Wokingham strives for excellence in the service it provides and our proposal for council tax exemption for care leavers up to the age of 21 years is within the gift of the Council and would mark a benchmark in best practice. A further review would consider the benefits of extending the policy to 25 years old

The Children's Society have recently published a report on the support of Care Leavers by Councils and they have cited the proposal by Corporate Parenting has an innovative example. [https://www.childrenssociety.org.uk/sites/default/files/guidance-for-care-leaver-offer\\_1.pdf](https://www.childrenssociety.org.uk/sites/default/files/guidance-for-care-leaver-offer_1.pdf)

This proposal also delivers a positive public message that care leavers are valued members of the community and that Wokingham Borough Council is supportive of local residents meeting local needs.

## **RECOMMENDATION**

That Executive approve:

- 1) Council tax exemption or payment equivalent to council tax for those living outside the Borough be provided to Wokingham Borough Council care leavers up to the age of 21 years;
- 2) additional budget of £66,160 is approved for 2018/2019 onwards for the cost of this proposal;
- 3) that the Council Tax Section 13A Policy will be amended to include this proposal.

## **SUMMARY OF REPORT**

The report proposes in recognition of our Corporate parenting responsibilities to Care Leavers, that council tax exemption be made up to the age of 21 years old as part of our support package to give them the most positive start in life.

A future review may also consider if there are any benefits of an extension of the exemption to 25 years old, but this will be pending future Council approval.

The financial modelling was commissioned by the Corporate Parenting Board in the form of task and finish groups sponsored by the previous and current Lead Member for Children's Services, Cllr Haitham-Taylor and Cllr Mark Ashwell with the support members of the Corporate Parenting Board.

The priorities for the Corporate Parenting Board and for Children's Services for 2017/18 and beyond is a focus upon developing outstanding services to our Care Leavers and meeting our duties as Corporate Parents under the new legislation.

## 1. Background to Fostering Benefits and financial modelling:

1.1 As Part of the Corporate Parenting Strategy, Wokingham Children's Services department has been reviewing both the Children in Care and Care Leavers strategies, which has included a comprehensive review of Staying Put policies, University and Higher education funding, increased benefits for foster carers and improved Housing/ placement options.

1.2 The analysis of children's and care leavers needs have meant that we need to support our most vulnerable young people with a comprehensive wrap around package. We know that targeted support to vulnerable young people can avert a number of issues, which prove costly and negative to the individual and to the community in the form of debt, Housing and homelessness issues, poor emotional health and wellbeing, crime and anti-social behaviour and worklessness.

1.3 The Children and Social Work bill came into force in April 2017, which requires Local Authorities to extend its Care Leaving services and support for young people up to the age of 25 years. It requires the Local Authority to exercise its duties, financially where required to support care leavers and one approach to doing this would be for Wokingham Borough Council to provide for council tax exemption for Care Leavers. Government approved and nationally recognised research by the Children's Society on the impact of lack of early adulthood support can be found at

<https://www.childrensociety.org.uk/what-we-do/resources-and-publications/a-national-offer-for-care-leavers>

1.4 There are additional costs to Wokingham Borough council in managing housing and tenancy options for young care leavers who are in their first few years of independence.

1.5 The view from the Revenue and Benefits outlines that young people on benefit are also likely to receive Council Tax (CT) Reduction and so Council Tax arrears are not so significant or costly to address. However, for those young people who are working, Council Tax arrears can mount up and are rarely sole debts – where there are Council Tax arrears there are also likely to be rent arrears.

1.6 Council Tax recovery is not as time-consuming as most stages are automated and the debt is recovered by pre-set stages.

The view via Housing and the Rents teams is that a person rarely has only Council Tax arrears. Rent recovery for young people who are social housing tenants is costly and time-intensive to resolve. It is also agreed that when a person goes in to some arrears – all areas of their financial life are likely to be similarly affected.

1.7 There has been a review of the financial and social cost of a young person failing in their tenancy due to debt and have concluded the following:

- Losing a social housing tenancy is generally traumatic and can have a lasting impact on a person's ability to thrive. Although Wokingham Borough Council have a "more than one chance" policy for Care Leavers, this is, of course, dependant on the person asking for another chance. Some people, once having lost a home, may not want to ask for help again. It is likely that the Council will have accrued costs through property clear up, void works and former-tenant arrears.

- Where we do enact “More than One Chance”, the young person would then be allocated another social housing home. The additional costs that this would incur are likely to be intensive involvement of a Housing Officer, Tenancy Sustainment Officer, PA and Rents Officer.

1.8 Looking at the cost of a rent recovery intervention all the way to possession, it is estimated that the cost per average person where possession action is straightforward could be:

- 40 hours (minimum) of action by a Rent Officer (estimate at **£560 - £1000**)
- 30 hours of a Tenant Support Officer (estimate at **£420**)
- Extensive but unqualifiable Personal Advisor hours due to a case by case basis impacting upon staff and time resource.

1.9 The hidden costs as outlined above of trying to support and manage a Care leaver with debt and arrears can be considerable. The exemption from Council tax will assist with increasing the financial security for our young people and reduce the volume of young people who require intervention.

## **2. Care Leavers living Outside Borough**

2.1 In order to support all Care Leavers for whom we have responsibility, but who chose to live outside the borough boundary, It is proposed that Wokingham Borough Council enters into a financial agreement and negotiation through a Memorandum of Understanding (MOU). The proposed MOU undertakes for Wokingham Council to meet the cost of the Council tax in another authority up to the age of 21 years. This allows the care leaver living outside of the borough to remain exempt. In authorities that have already instigated an exemption policy, including our neighbours Bracknell and the Royal Borough of Windsor and Maidenhead, there are clear platforms on negotiating reciprocal agreements.

2.2 Early adopters of this policy have established agreements with other authorities and so this is a well-established process/ protocol.

2.3 The numbers of care leavers under the age of 21 years in property whereby they are in employment and not subject to a current level of exemption in any event ( through being in higher or further education, having disabilities and needing ‘social care’/ institutional care or being reliant upon benefits) is low.

## **3. Initial Desktop - Financial Analysis**

3.1 The following options (as a snap shot in January 2018) have been reviewed to assess the potential financial costs for each option.

### **Cost Options**

#### **Cost Analysis for Council Tax exemption for Wokingham Care Leavers:**

##### **Number of care leavers this will apply to:**

Using the average formula of Wokingham band D of **£1,741** per annum the cost for the total of 38 care leavers below the age of 21 is **£66,158**. Table 1 refers. This is financial scoping/ modelling and therefore we know that many carer leavers will not be in properties

that fall into band D or will be exempt from Council Tax for other reasons and therefore the costs will be lower. It also assumes that the reciprocal agreements with other authorities will negate any potential tax aspects i.e. the recipient being eligible for tax on a benefit received, this need to be explored further.

**Table 1 - Cost to Wokingham Borough Council of exemption of all Care leavers inside and outside Borough including those in their own accommodation:**

Figures based on all care leavers open to the service

	Age Range	
	18-21	21+
Care leavers living outside the borough	25	16
Care leavers living inside the borough	13	10
<b>Total</b>	<b>38</b>	<b>26</b>
Wokingham Band D - Average Council Tax*	£1,741	£1,741
<b>Estimated Costs per annum**</b>	<b>£66,158</b>	<b>£45,266</b>

\* Based on 18/19 rates and includes Police, Fire and Parish Precepts.

\*\* Subject to annual % increases in Council Tax.

#### 4. Recommendation:

4.1 The cost benefit analysis of council tax exemption is a positive one for the Council. Early consultation about whether this would be beneficial for care leavers demonstrates that it would be very helpful and supportive to young people who are in work and generally on low incomes. Such a support package would be in line with the recommendations of the 2017 legislation and is supported by recent research and policy review by The Children's Society in 2017.

4.2 The dedicated task and finish group recommended taking this proposal forward at Corporate Parenting Board and therefore through the committee process. The revenue loss to the Council will be partly offset by reducing the costs to the Council of debt, and arrears recovery and costs associated with tenancy instability and homelessness and rehousing.

4.3 This exemption to Care Leavers is a positive and supportive approach to the most vulnerable young people in our community and for whom we have legal responsibilities as their parents. The benefits to our care leavers will be significant as they transition into young adulthood. In addition, it makes a very clear statement about the core values of the Council, placing the needs of children, carers and young people at the heart of our thinking.

## 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	N/A	Revenue
Next Financial Year (Year 2)	£66,160 max	No	Revenue
Following Financial Year (Year 3)	£66,160 max	No	Revenue

### Other financial information relevant to the Recommendation/Decision

This proposal has a legal framework behind in terms of the Children and Social Work Bill 2017 in which Local Authorities are required to demonstrate an increased level of support for Care Leavers and the development of services under a 'Local Offer'.

There is an ability to avoid additional costs in terms of managing rent and council tax arrears and staff time and resources to deal with this. It is an 'invest to save' proposal with soft benefits being realised in other parts of the Local Authority and Public sector.

We are not able to be definitive about total costs although based upon the total number of Care Leavers (up to 21 years) for whom Wokingham are responsible, if they were all given exemption the maximum it would cost would be £66,158, but this is based upon Wokingham Council tax band D and our care leavers don't all live in such high properties. The majority in any event receive exemption or move between being required to pay because they are in work and then unemployed or exempt for other reasons.

The costs will change throughout the year but if all care leavers were eligible to pay council tax and were exempt and all lived in reasonably valuable property, the maximum cost would be £66,158.

### Cross-Council Implications

None

### List of Background Papers

Children and Social Work Bill 2017  
The Children's Society : A Fairer Start for Care Leavers 2017

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<b>TITLE</b>	<b>The Wokingham Borough Council (Arborfield Cross Relief Road) Compulsory Purchase Order</b>
<b>FOR CONSIDERATION BY</b>	The Executive on 29 <sup>th</sup> March 2018
<b>WARD</b>	Arborfield;
<b>DIRECTOR</b>	Director of Environment - Josie Wragg
<b>LEAD MEMBER</b>	Executive Member for Strategic Highways and Planning- David Lee

**OUTCOME / BENEFITS TO THE COMMUNITY**

Enable the compulsory acquisition of all necessary land and interests to deliver a new relief road, the Arborfield Cross Relief Road (“**ACRR**”) which is a highways project supported by the planning and corporate policies of the Council, necessary to tackle traffic and congestion in the borough and a key part of the Council’s aspirations for sustainable growth in the borough.

Secure the delivery of the ACRR and the consequential benefits to the local community

**RECOMMENDATION**

That the Executive:

- 1) Agrees to resolve that the Council makes a compulsory purchase order ("CPO") for the acquisition of land and interests which are not already owned by the Council and new rights within the area as shown indicatively edged red on the draft plan at Appendix 1 of this report ("the Site") pursuant to sections 239, 240, 246, 250 and 260 of the Highways Act 1980 and section 13 of the Local Government (Miscellaneous Provisions) Act 1976 and the Acquisition of Land Act 1981.
  
- 2) Agrees to authorise the Interim Director of Environment, in consultation with the Leader and Executive Member for Strategic Highways and Planning to:
  - (a) continue to take all necessary steps to secure the making, the confirmation and, in accordance with a programme approved by the Executive, the implementation of the CPO including land referencing, serving any requisitions for information, preparing all necessary documentation (including the CPO, the Order Plan and the Statement of Reasons), publication and service of all relative notices, submission of the CPO to the Secretary of State for confirmation, 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 and acquire all interests in the Site either compulsorily or by agreement;

- (c) deal with objections to the CPO including agreeing terms for the withdrawal of objections and where possible or necessary enter into compromise agreements;
- (d) remove from the CPO any plot or interest no longer required to be acquired compulsorily and to amend the interests scheduled in the CPO (if so advised);
- (e) make amendments to the boundaries of the interests to be acquired if necessary;
- (f) make any amendments to the Statement of Reasons annexed at Appendix 2 to the report as are considered necessary prior to its submission to the Secretary of State;
- (g) confirm the CPO if granted the power to do so by the Secretary of State; and
- (h) exercise the compulsory purchase powers authorised by the CPO by way of General Vesting Declaration[s] and/or notice to treat.

## **SUMMARY OF REPORT**

The purpose of this report is to consider the making of a CPO to enable the construction of the ACRR.

The construction of the ACRR is in line with national, regional and local policy and is considered necessary by the Council to address issues of traffic congestion and to support essential emerging developments in the borough.

Planning permission for the construction of the ACRR has now been secured and as such the only impediment to the construction 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 in principle use of compulsory purchase powers to support the development of Strategic Development Locations and it has subsequently demonstrated its intent to deliver the ACRR by engaging and negotiating with landowners.

Whilst the Council has had success in negotiating for the necessary land interests 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 two documents are attached to this report:

Draft plan showing the extent of the land proposed to be included in the CPO edged red plan ref no C1922 -100 –planning/RLP/001B.

Draft Statement of Reasons.

## **Background**

The Executive, at its meeting on 30 June 2016, considered the recommendations of the Executive Member for Planning and Regeneration and approved the in-principle use of compulsory purchase powers to acquire land which could not be purchased through agreement to deliver the comprehensive planning development of Strategic Development Locations (“SDLs”).

The recommendation authorised the Service Manager Strategic Property to discuss the acquisition of land for the implementation of the infrastructure necessarily to facilitate the development of the SDLs. However the authorisation was subject to referral back to the Executive for detailed authority setting out inter alia:

- a) details of the appropriate enabling statutory powers of compulsory acquisition;
- b) areas and value of land to be acquired compulsorily;
- c) areas of land over which interests are to be acquired; and
- d) where appropriate indemnity agreements with developers to indemnify the Council against all costs relating to the CPO processes, including inter alia public inquiry costs and acquisition/compensation costs.

Following the Executive decision in June 2016, planning permission (reference 172209) has been granted for the construction on the Site of a 2.3km Arborfield Cross Relief Road (including shared use pathway) linking A327 Reading Road in the north and A327 Eversley Road in the south east and two new roundabout junctions linking the existing road network along the A327, a new staggered priority junction at Swallowfield Road and a new shared-use (non-motorised user) bridge where Arborfield Footpath 17 intersects the proposed relief road.

The Council has carried out a detailed land referencing exercise which has identified the land interests that need to be included in the CPO. A draft CPO map (Appendix 1) is 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, including the Statement of Reasons, attached at Appendix 2.

The Council has worked hard and effectively with existing landowners and with owners and occupiers adjacent to the Site who benefit from rights across the Site. 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.

## **The Scheme**

On 19 July 2017 a fully detailed planning application was submitted to the Council (allocated planning permission reference number 172209). The planning application was considered and approved by members at a Committee meeting on 10 January 2018.

The ACRR is a new section of highway approximately 2.3km in length and comprises a single carriageway, approximately 7.3m wide, with a 50mph speed limit. The ACRR extends between the A327 Reading Road in the north and the A327 Eversley Road in

the south. At the northern end of the Scheme the ACRR will connect into the existing road network by way of a new four-arm roundabout, just west of Bridge Farm and approximately 250m to the west of A327 Reading Road/Greensward Lane Priority Junction. From Reading Road the proposed alignment extends south and the ACRR will intersect with Swallowfield Road by way of a staggered priority controlled junction, with priority given to traffic passing along the ACRR. The proposed route continues in a south easterly direction and rises up to pass over the existing ridgeline via a cutting. The ACRR will travel under electricity pylons and then is proposed to connect into Eversley Road by way of a new three-arm roundabout, approximately 180m southwest of the existing A327 Eversley Road/Langley Common Road Roundabout (“the Scheme”).

The Council is satisfied that the Scheme is in accordance with the planning policy context for the Scheme which consists of policy at local, regional and national level and throughout the planning process the Scheme was subject to robust testing. A full analysis of how the Scheme complies with and fulfils the relevant planning policies is set out in the report submitted to the Planning Committee in support of the application and in the Statement of Reasons (Appendix 2).

### Scheme Benefits

The ACRR aims to support and enable the Council’s aspirations for sustainable growth in the borough whilst simultaneously tackling the issues caused by traffic and congestion through the Arborfield area including at key junctions such as Arborfield Cross. The key aims for the Scheme as identified in the planning application documents are as follows:

- to provide an alternate route for traffic that is currently routing along the A327 through the village of Arborfield;
- to provide traffic relief for local residents and improve existing traffic capacity on a key route in the Borough;
- to facilitate the improvement of provisions available for non-motorised users such as pedestrians, cyclists and equestrians in the area of Arborfield Cross;
- to facilitate the delivery of local town plans, such as that for Arborfield Garrison, as envisaged by the Core Strategy; and
- to ensure appropriate mitigation of traffic impacts from the development of Arborfield Garrison and elsewhere in the borough.

In summary, it is considered that the Scheme will deliver the following public benefits:

### Housing delivery

In total, the Council is required to provide at least 13,487 houses with associated mixed use development during the period 2006 to 2026. The Council acknowledges that such development will need to be delivered alongside improvements to infrastructure, including to transport capacity along the A327 and elsewhere. The delivery of much-needed housing as identified in the Council’s Core Strategy would not be deliverable without corresponding improvements to surrounding transport infrastructure. As such

the Scheme will assist in improving both the social and economic well-being of the area by allowing the developments to be implemented as intended.

### Alleviating congestion

Arborfield Cross provides an example of some of the traffic problems in the Arborfield area. On a weekday, around 2,250 vehicles per hour pass through Arborfield Cross roundabout in the morning rush hour and around 2,350 vehicles per hour in the evening. By 2026 it is forecast that rush hour traffic volumes at Arborfield Cross will increase to around 3,200 vehicles per hour during the weekday and, without any mitigation in the transport network, this will result in an increase in overall journey times by 22%. The growth in traffic volumes at rush hour in this area would have a significant impact in terms of congestion, queues and delays and would lead to the use of alternative local routes, such as Greensward Lane, and other rural lanes which are unsuitable for such through traffic.

The Scheme will have a positive effect on improving traffic and congestion in the borough in the Arborfield Cross area and elsewhere. The Scheme can be seen to improve the social and environmental well-being of the area by reducing journey times for motorists, potentially reducing frustration experienced by motorists and any associated high-risk decision-taking.

### Connectivity

The Scheme will help the Council to maintain the Borough's economic competitiveness by improving connectivity in the network and improving access to regional hubs. This will promote and improve the economic well-being of the area.

### Benefits for non-motorised users

The Scheme will provide a key new route for non-motorised users through the provision of the shared path which will run the full length of the ACRR. This has been designed to maintain and improve connectivity for all non-motorised users, provide choice for those individuals and ensure improved amenity on non-motorised users' routes. The pedestrian and cyclist amenity on the ACRR is likely to be rated Good or Excellent with the provision of a high quality off-road shared path, lighting at junctions and crossing facilities (including a Green Bridge). This is likely to improve the connectivity from the west to the south-east and vice versa and give non-motorised users a real choice in routes. For these reasons it can be seen that the Scheme will have a beneficial effect on non-motorised users in terms of their social and environmental well-being.

### Environmental benefits

The Scheme will also contribute to the environmental well-being of the area and wider borough in terms of air quality and noise pollution. As is the case with any road improvement scheme there will be some negative effects on the environment as a result of the construction and operation of the Scheme. However the air quality assessment undertaken as part of the planning application noted reductions in the annual mean nitrogen dioxide concentrations associated with exhaust emissions for some receptors. Further, the Environmental Statement submitted concluded that the Scheme has no

long lasting major negative effects on the environment as a result of mitigation measures (such as landscaping) and design measures.

### Job creation

During the construction phase of the Scheme it is anticipated that an estimated 1,040 jobs per annum will be provided. There are also likely to be indirect jobs associated with the construction works as a result of an increase in spending on goods and services. As a result the Scheme can be seen to have a positive impact on the social and economic well-being of the area.

### **The CPO**

The Council has sought for some time to assemble land ownership of the Site from the current landowners.

The Council has entered into negotiations with all relevant parties in respect of the acquisition of the necessary land and rights and has reached agreement with two landowners, out of the three land interests required. Both these transactions are now in solicitor's hands for legal formalities to be concluded, although one of these transactions may potentially be further complicated by the potential involvement of an additional party.

The Council is committed to deal with any issues which arise so that both these voluntary agreements lead to the successful acquisition of the land and will continue to negotiate to acquire the land with the remaining landowner, in tandem with the compulsory purchase process but considers that the inability to acquire all necessary land interests by agreement is likely to delay construction of the Scheme. As such, the compulsory purchase process must also be pursued in order to minimise delays to the Scheme as a result of protracted and ultimately unsuccessful negotiations with the remaining landowner.

Having regard to the advice of the Department for Communities and Local Government published in October 2015 and entitled "*Guidance on Compulsory purchase process and The Crichel Down Rules for the disposal of surplus land acquired by, or under the threat of, compulsion*" (the "DCLG Guidance") the Council considers it appropriate to make a CPO to acquire any outstanding land interests.

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.
- In parallel, continue to seek to acquire all necessary land interests by agreement.

## Analysis of Issues

### Use of Compulsory Purchase Powers

The Council has the power pursuant to the Highways Act 1980 (the “1980 Act”), as highway authority for the area within which the ACRR and Order Land is situated, to compulsorily acquire land which is required to construct and improve the highway.

The 1980 Act contains various provisions which empower the Council as highway authority to acquire land:

- Section 239 permits the Council as highway authority to “*acquire land required for the construction of a highway which is to be a highway maintainable at the public expense, other than a trunk road*”;
- Section 240 permits the Council as highway authority to acquire land which is required for, or for use by them in connection with, construction or improvement of the highway;
- Section 245 allows the Council to acquire land, whether situated within or without their area, which in their opinion is required for the provision of any buildings or facilities needed for the purposes of their functions as a highway authority;
- Section 246 allows a highway authority to acquire land “*for the purpose of mitigating any adverse effect which the existence or use of a highway constructed or improved by them, or proposed to be constructed or improved by them, has or will have on the surroundings of the highway*”;
- Section 250 permits the acquisition of rights which already exist over land, as well as the creation of new rights;
- Section 260 allows the highway authority to override restrictive covenants and third party rights where land acquired by agreement is included in a compulsory purchase order; and
- Section 14 enables the highway to make a stopping up order.

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

*“Compulsory purchase powers are an important tool to use as a means of assembling the land needed to help deliver social, environmental and economic change. Used properly, they can contribute towards effective and efficient urban and rural regeneration, essential infrastructure, the revitalisation of communities, and the promotion of business – leading to improvements in quality of life.”*

Importantly the DCLG Guidance requires that a CPO should only be made where there is a compelling case in the public interest which justifies the overriding of any private rights in the land sought to be acquired. Further, the acquiring authority should have a clear idea of how it intends to use the land which it is proposing to acquire, and show that all of the necessary resources are likely to be available to achieve that end within a reasonable timescale.

The DCLG Guidance requires acquiring authorities to consider the sources of funding available for acquiring the land and implementing the scheme for which the land is required, including the degree to which other bodies (including the private sector) have agreed to make financial contributions or underwrite the scheme. Physical and legal impediments to implementation also need to be considered including the programming of any infrastructure accommodation or remedial works and the need for planning permission.

The DCLG Guidance looks to acquiring authorities to seek to acquire land by agreement wherever practicable. However, it recognises that it may be sensible for acquiring authorities to start formal CPO procedures in parallel with their efforts to acquire by agreement. The DCLG Guidance 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. Such negotiations can also help to build good working relationships with those affected and can help to save time at the formal objection stage. The DCLG Guidance requires acquiring authorities to provide evidence that meaningful attempts at negotiation have been pursued or at least genuinely attempted where land ownership is known.

In preparing this report the Council has also had regard to the guidance issued by the Department for Transport in Circular 2/97 entitled "*Notes on the Preparation, Drafting and Submission of Compulsory Purchase Orders for Highway Schemes and Car Parks for which the Secretary of State is the Confirming Authority*" (the "**DFT Guidance**"). Paragraph A.i.2 of the DFT Guidance states that, while there is no statutory requirement for planning permission to precede the confirmation of a CPO, the Secretary of State for Transport would always want to be sure that a scheme for which is was authorising the compulsory acquisition of land would go forward as proposed and consequently the practice is not to confirm a CPO unless the Secretary of State is satisfied that the planning permission aspect of the Scheme has been granted.

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 the construction of the ACRR on 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 on the plan which collectively are in the ownership of three parties:

- Land at Rounds Copse and land on the west site of Bridge Farm, Reading Road, Arborfield
- Bridge Farm, Reading Road, Arborfield, Reading (RG2 9HT)
- Land adjoining White Farm, Swallowfield Road, Arborfield (RG2 9JY)
- Land on the south side of Reading Road, Arborfield, Reading
- Bartlett's Farm, Swallowfield Road, Arborfield, Wokingham (RG2 9JX); and
- Land adjoining Ducks Nest Farm, Arborfield

## 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 2 of this report.

As set out above, the ACRR is an essential piece of infrastructure that is required to deal with congestion and mitigate the impact and effect of planned housing growth on the A327, thereby supporting that development. The purpose of seeking to acquire the Order Land compulsorily is to facilitate and enable the delivery of the Scheme. Compulsorily acquiring the Order Land and bringing it within single ownership would, in the opinion of the Council, ensure that the Council meets its transport, planning and policy objectives and does so within a realistic timescale. The exercise of the compulsory acquisition powers is necessary to mitigate the risk that the Scheme could be delayed.

In line with the DCLG Guidance, the Council has since October 2016 been seeking to assemble land ownership of the Site through negotiation with the various landowners. The Council has taken all reasonable steps to negotiate the purchase of the Order Land and has entered into negotiations with all relevant parties in respect of the acquisition of the necessary land and rights. Those negotiations have been undertaken with some success and the Council is committed to continuing to negotiate to acquire the Order Land in tandem with the compulsory purchase process. These negotiations will continue with a view to minimising delays to the Scheme that may otherwise arise from procedural and statutory timescales to be complied with and resulting from acquisition by compulsory purchase.

However, the Council considers that the compulsory purchase process must also be pursued in order to minimise delays to the Scheme as a result of protracted and ultimately unsuccessful negotiations with landowners. Whilst the Council would prefer to acquire all of the Order Land by way of agreement, the public interest demands confirmation of the Order so that the Council can ensure that the Scheme can take place and that it can achieve its policy objectives. Without invoking compulsory purchase powers there is no certainty that the Council will be able to acquire the necessary interests in time, or at all, in order to allow the Scheme to progress.

As such the Council is satisfied that there is a compelling reason in the public interest for acquiring the necessary interests in the Order Land which outweighs the effect of acquisition on individual rights. 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. Further consideration of these issues can be found in the Statement of Reasons.

## 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 April/May 2018. 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 November 2018, with a decision being reached by the Secretary of State in February 2019.

It is currently planned that works will commence in Spring 2019 and that the Scheme will be completed towards the end of 2020.

## 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) for the CPO.	Is there sufficient funding – if not quantify the Shortfall	Revenue or Capital?
Current Financial Year (Year 1)	£15,000	Yes	Capital
Next Financial Year (Year 2)	£25,000 - £90,000	Yes	Capital
Following Financial Year (Year 3)	Nil	N/A	N/A

### Other financial information relevant to the Recommendation/Decision

Funding for the land purchase and associated costs is included within the Capital Budget. Costs indicated above are additional costs for a CPO process for additional legal costs involved. The level of costs will be at the low end of the range if no Public Inquiry is required and the high end of the range if a Public Inquiry is required. The difference being the costs of legal Counsel which would be required for a Public Inquiry. Given the small no of parties involved we would hope that a Public Inquiry will not be necessary.

### Cross-Council Implications

Delivery of the Arborfield Cross Relief Road will help to mitigate traffic impacts and congestion associated with the planned housing provision at Arborfield Garrison and South of M4 SDL.

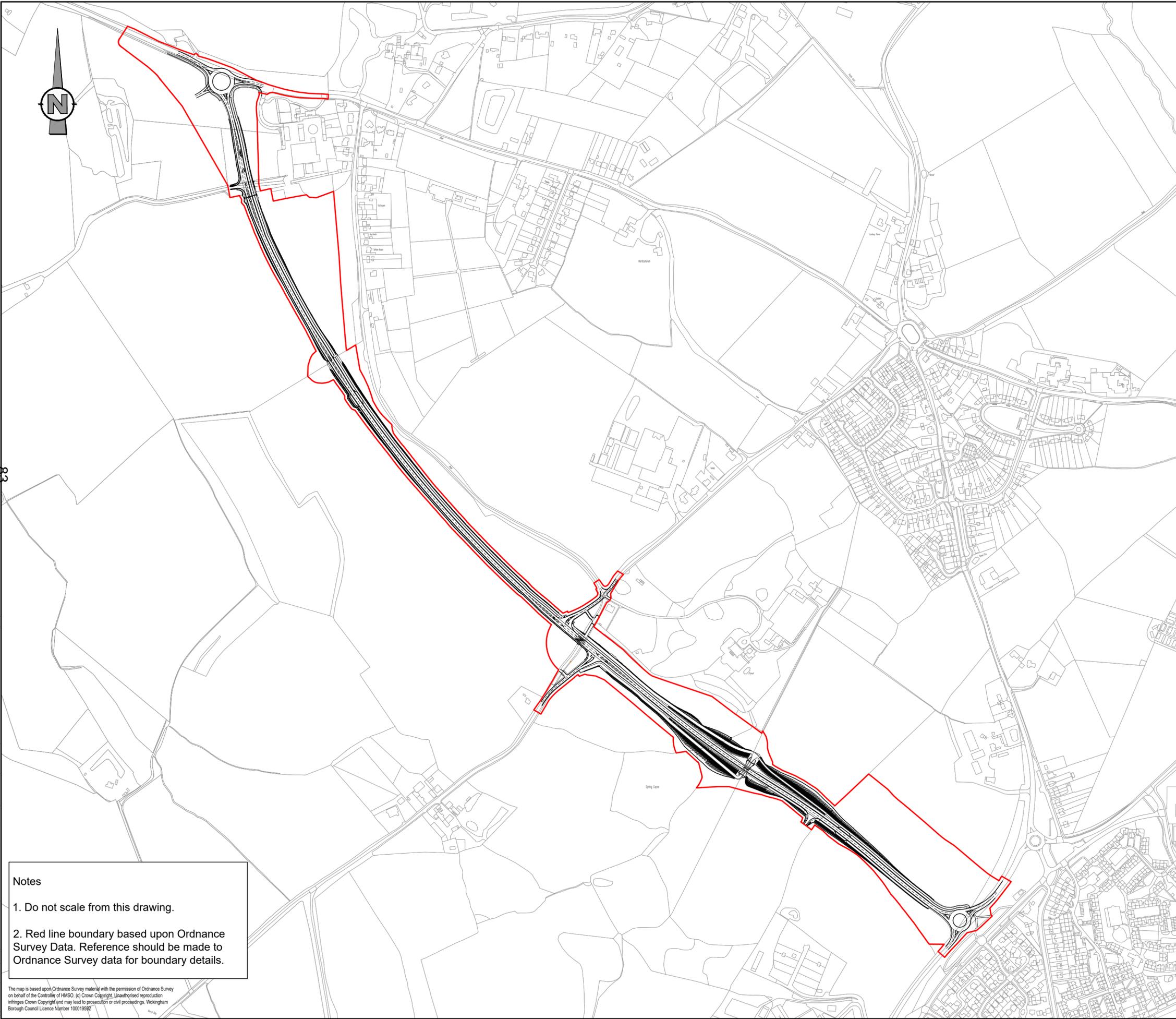
### List of Background Papers

- In Principle Use of Compulsory Purchase Powers report considered by the Executive on 30<sup>th</sup> June 2016

- Report for Application 172209 considered by the Planning Committee on 10 January 2018
- Planning Permission for Application 172209

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DO NOT SCALE

REV	DATE	BY	DESCRIPTION	CHK	APD
B	31/08/2017	AR	Minor amendment to red line.	SJG	SJG
A	27/07/2017	SJG	Scheme detail added, title changed, red line updated	SJG	SJG

DRAWING STATUS: FOR INFORMATION ONLY



Shute End, Wokingham, Berkshire RG40 1BN  
Tel: (0118) 974 6000 Web: www.wokingham.gov.uk

CLIENT:

ARCHITECT:

PROJECT:  
**ARBORFIELD CROSS RELIEF ROAD**

TITLE:  
**SITE PLAN**

SCALE @ A2: 1:5000	CHECKED: SJG	APPROVED: SJG
CAD FILE: C1922-100-PLANNING-RLP-001B	DESIGN-DRAWN: AR	DATE: August 2017
PROJECT No: C1922-100	DRAWING No: PLANNING/RLP/001	REV: B

**Notes**

1. Do not scale from this drawing.
2. Red line boundary based upon Ordnance Survey Data. Reference should be made to Ordnance Survey data for boundary details.

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**WOKINGHAM BOROUGH COUNCIL**

**THE WOKINGHAM BOROUGH COUNCIL (ARBORFIELD CROSS RELIEF ROAD) COMPULSORY  
PURCHASE ORDER 2018**

**DRAFT STATEMENT OF REASONS**

## 1. Introduction

- 1.1. On [ ] 2018 Wokingham Borough Council (the “**Council**” and the “**Acquiring Authority**”) resolved to make the Wokingham Borough Council (Arborfield Cross Relief Road) Compulsory Purchase Order 2018 (the “**Order**”) to acquire land and interests over land within the Arborfield area and to enable the delivery of a new relief road known as the Arborfield Cross Relief Road (the “**ACRR**”).
- 1.2. The Order is made pursuant to sections 239, 240, 246, 250 and 260 of the Highways Act 1980 (the “**1980 Act**”) for the acquisition of all interests (except mining interests and others specifically excluded) in the land shown coloured pink (the “**Order Land**”) on the plan attached to the Order (the “**Order Plan**”), and as described in the Schedule to the Order. The land proposed to be acquired pursuant to the Order is also described in greater detail in section 2 below. Further detail as to the powers under which the Order is made are found in section 3 below.
- 1.3. The Order Land is split into fields, supporting both arable and pasture farming, interspersed with a number of small woodland blocks. The Order Land is described further in section 2 of this Statement of Reasons.
- 1.4. The Order is being sought so that the Council can assemble in its ownership the Order Land to facilitate and enable the construction, on schedule, of a new section of highway linking the A327 Reading Road in the north and the A327 Eversley Road in the south east, along with associated necessary works (the “**Scheme**”). The highway will be single carriageway (two lane) and approximately 2.3 kilometres in length and 7.3m wide. A planning application was submitted to the local planning authority on 19 July 2017 (the “**Planning Application**”) and was approved by members at a Committee meeting on 10 January 2018. It is currently planned that works will commence in spring 2019 and that the Scheme will be completed towards the end of 2020.
- 1.5. The Council is also the highway authority for the area within which the ACRR and the Order Land are situated.
- 1.6. The Council will be responsible for delivering the Scheme with work to be undertaken by Balfour Beatty (the “**Contractor**”) under the Scape Framework Contract. More information about the Contractor is set out at section [ ] of this Statement of Reasons.
- 1.7. The ACRR is needed to improve traffic capacity to support both planned and approved new mixed use developments within the area, and to alleviate existing congestion in the area, most particularly along the A327 Reading Road. It is also necessary to support ongoing development within the area, and future development, that has been identified by the Council’s local planning policy. More detail regarding the reasons why the Scheme is considered necessary and the justifications for the Scheme are considered in section 5 of this Statement of Reasons.
- 1.8. The most recent government guidance on the compulsory purchase process is the Department for Communities and Local Government’s Guidance published in October 2015

and entitled “*Guidance on Compulsory purchase process and The Crichton Down Rules for the disposal of surplus land acquired by, or under the threat of, compulsion*” (the “**DCLG Guidance**”). The Council has considered the DCLG Guidance carefully and recognises that a compulsory purchase order can only be made if there is a compelling case in the public interest which justifies the overriding of any private rights in the land sought to be acquired (paragraph 2 of the DCLG Guidance). It is considered that a compelling case exists here and this is explored further below in section 6 below. The Council has also given careful consideration to the guidance issued by the Department for Transport in Circular 2/97 entitled “*Notes on the Preparation, Drafting and Submission of Compulsory Purchase Orders for Highway Schemes and Car Parks for which the Secretary of State is the Confirming Authority*” (the “**DFT Guidance**”).

- 1.9. Much of the land on which the Scheme is proposed to be situated is land which is currently in the private ownership of three separate landowners. The Council is therefore seeking to assemble in its ownership the necessary land to facilitate and enable the Scheme by way of negotiation and has done so with some success. Whilst negotiations are ongoing with all three landowners so that the required land can be acquired by way of agreement wherever possible, the Council has resolved to pursue the Order at the same time to enable the acquisition of the interests in the Order Land and for the purposes of carrying out the Scheme. Information regarding the negotiations which have taken place with landowners is set out at section 6.4 below.
- 1.10. In line with its own local policies and general principles, the Council has consulted carefully and widely on the Scheme with local people, key stakeholders, statutory consultees and land owners throughout the process. The overall response from the consultation undertaken demonstrated strong support for the ACRR in its current proposed alignment (Option B). Further detail regarding the consultation undertaken and the responses received is set out in paragraphs 4.25 to 4.51 of this Statement of Reasons as part of the description of how the Scheme developed.
- 1.11. The Scheme is supported by policy and national, regional and local level. Key policies which have been considered by the Council in the development of the Scheme and the ACRR include
  - 1.11.1. the National Planning Policy Framework (the “**NPPF 2012**”);
  - 1.11.2. the Wokingham Borough Council Local Transport Plan (2011 – 2026) (the “**LTP**”); and
  - 1.11.3. the Wokingham Borough Council Local Development Framework (the “**LDF**”).

More information about the planning policy and position is set out in section 8 below.

- 1.12. The purpose of this Statement of Reasons is to explain the Council’s proposals for the Scheme and to provide sufficient detail about the extent and nature of the land required for the proposals as well as the effects of the works.

## **2. Description of the Order Land, topographical features and present use**

- 2.1. The Order Land comprises approximately 23.3 hectares currently in the ownership of three separate landowners. Approximately 21 hectares will need to be permanently acquired for both the construction and then sitting of the ACRR, whilst 2.3 hectares will be needed for temporary occupation for construction purposes and will be returned on completion of the Scheme.
- 2.2. The Order Land comprises of undulating, predominantly arable land, extending between the A327 Reading Road in the north and the A327 Eversley Road in the south. The northern section of the land (north of Swallowfield Road) is largely flat and rises from around 45m AOD to around 60m AOD. It is mostly comprised of large to medium-sized fields under intensive farming, with some small woodland blocks and there is an unnamed tributary of the River Lodden. The southern part of the land (south of Swallowfield Road) rises more steeply reaching 80m AOD and then declining some 430msouth east of the Swallowfield Road junction to around 62m AOD. This land is made up of mostly smaller fields with a number of smaller woodland blocks. There are level pasture areas, an electricity pylon and electricity lines.
- 2.3. The Order Land is consistent with the surrounding area which is also predominantly arable land.
- 2.4. Full details of the Order Land appear in the Schedule to the Order and known interests and new rights to be acquired are recorded in the Schedule. The Schedule has been prepared based upon information gathered through inspection of Land Registry title documents and information provided by owners and occupiers following the service of section 5A of the Acquisition of Land Act 1981 notices.
- 2.5. The Order Land comprises a mixture of Grade 2, Subgrade 3a, Subgrade 3b, Grade 4 and non-agricultural land.
- 2.6. The Order Land is not situated within any landscape designations such as National Parks or Areas of Outstanding Natural Beauty (“**AONB**”), however it does sit entirely within the Thames Basin Heath National Character Area.
- 2.7. There are no areas of ancient woodland within the Order Land though part of the Spring Copse woodland (a non-statutory site) falls within the Order Land. There are some hedgerows which are listed as a Habitat of Principal Importance (“**HPI**”) under section 41 of the Natural Environment and Rural Communities Act 2006.
- 2.8. There is one badger sett within the Order Land and part of the Order Land near Swallowfield Road is considered to be a key foraging and commuting route for bats passing through the wider area. The assemblage of bats in the area is considered to be up to local nature conservation value.

- 2.9. There are no known finds or features dating from the prehistoric or Roman periods within the Order Land and no evidence for early or later medieval activity. Further there are no statutorily designated heritage assets.
- 2.10. The Order Land is classified as greenfield and is located in Flood Zone 1 meaning it has a less than 0.1% annual probability of river or sea flooding and no risk from tidal or fluvial flooding.
- 2.11. The proposed route bisects two existing footpaths; Footpath 17 (“**ARBO 17**”) and Footpath 22 (“**ARBO 22**”).

### **3. Explanation of use of the particular enabling power**

- 3.1. The Highways Act 1980 empowers the Council, as highway authority for the area within which the ACRR and the Order Land are situated, to compulsorily acquire land which it requires to construct and improve the highway. The various provisions identified at paragraphs 3.2 to 3.9 below empower the Council as the highway authority.
- 3.2. Section 239 of the 1980 Act permits any highway authority to “*acquire land required for the construction of a highway which is to be a highway maintainable at the public expense, other than a trunk road*”. Under the same provision a highway authority may acquire land required for improvement of a highway.
- 3.3. Under section 240 of the 1980 Act, a highway authority may acquire land which is required for, or for use by them in connection with, construction or improvement of the highway.
- 3.4. Pursuant to section 245 of the 1980 Act, a highway authority may acquire land, whether situated within or without their area, which in their opinion is required for the provision of any buildings or facilities needed for the purposes of their functions as a highway authority.
- 3.5. Section 246 of the 1980 Act allows a highway authority to acquire land “*for the purpose of mitigating any adverse effect which the existence or use of a highway constructed or improved by them, or proposed to be constructed or improved by them, has or will have on the surroundings of the highway*”.
- 3.6. Under section 250 of the 1980 Act a compulsory purchase order made in the exercise of highway land acquisition powers may provide both for the acquisition of rights which already exist over land, and the creation of new rights.
- 3.7. Section 260 of the 1980 Act allows highway authorities to override restrictive covenants and third party rights where land acquired by agreement is included in a compulsory purchase order.
- 3.8. Section 14 of the 1980 Act enables the highway authority to make an order to stop up, divert, improve, raise, lower or otherwise alter a highway that crosses or enters the route of a classified road or is affected, or will be affected, by the construction or improvement of the classified road and, to construct a new highway for the purposes concerned with any alteration and for any other purpose connected with the classified road or its construction.

- 3.9. Section 125 of the 1980 Act enables the highways authority to stop up any private means of access to premises adjoining or adjacent to land comprised in the route of a road, or forming the site of any works authorised by the Order, and to provide a new means of access to any such premises.
- 3.10. As set out at paragraph 1.8 above, the Council has also had regard to the DFT Guidance in the process of making the Order. In particular the Council has had regard to paragraph A.i.2 (obtaining planning permission) and B.i.18 (extent of land justified).

#### **4. General description of the Scheme**

- 4.1. The line of the proposed ACRR is shown on the map at Appendix A.
- 4.2. As set out in the Design and Access Statement submitted in support of the Planning Application (the “**DAS**”) the design of the ACRR and the alignment being progressed through the Planning Application have arisen from thorough consideration of the existing environment and a focus on the site context. The need for the proposed alignment to tie into the existing transport network has also been a key consideration during the development of the design.
- 4.3. The proposed Scheme was screened in accordance with Environmental Impact Assessment (“**EIA**”) regulations to understand the potential environmental effects that the ACRR may have on the surrounding local environment and residents during construction and operation. The Scheme was identified as EIA development and the formulation and design of the ACRR was informed by an EIA Scoping Opinion. The findings of the EIA were reported in an Environmental Statement (“**ES**”) submitted to the local planning authority in support of the Planning Application.
- 4.4. A number of site visits and desk top studies have been undertaken assessing impacts on transport, ecology, landscape, air quality, geology, heritage, hydrology, noise and arboriculture. The final proposed alignment has been designed to respond to and respect the character, constraints and opportunities of the local area and to ensure that the Scheme achieves physical, social and economic integration with the surrounding area. The focus has not just been on the need to reduce congestion but also to avoid designated areas of ecological value and minimise ecological impacts; to minimise land take and maximise the extent of viable farm land retained; and to minimise the visual impact of the Scheme and the impact on visual amenity particularly in the longer term. For example, a key design move has been to refine the vertical alignment of the carriageway such that it sits as close to the existing ground level as possible and thereby better visually integrates into the site.
- 4.5. The design has also been informed by the planning policy context within which the Scheme sits and which underpins its need. An assessment of the Scheme against the planning policy is set out at section 8 of this Statement of Reasons.
- 4.6. The ACRR is a new section of highway approximately 2.3km in length and comprises a single carriageway, approximately 7.3m wide, with a 50mph speed limit. The ACRR extends

between the A327 Reading Road in the north and the A327 Eversley Road in the south. As stated by the Design and Access Statement, a single carriageway is consistent with the character of the surrounding road network and the suggested speed limit integrates with the characteristics of the surrounding rural road environment.

- 4.7. At the northern end of the Scheme the ACRR will connect into the existing road network by way of a new roundabout, just west of Bridge Farm and approximately 250m to the west of A327 Reading Road/Greensward Lane Priority Junction. While priority junction arrangements were considered here it was considered that a roundabout was more appropriate in the context of the immediately adjacent road network as roundabouts are predominantly used.
- 4.8. Considering the Scheme in isolation, assessments showed that a three-arm roundabout would be appropriate at this northern junction. However a separate planning application was submitted to the Council by CEMEX in January 2017 (the “**CEMEX Application**”) for mineral extraction and restoration on the land immediately south west of Bridge Farm. As part of a robust planning process, the effect of the CEMEX Application was considered in conjunction with those of the Scheme and, in circumstances where the local planning authority was minded to grant planning permission for the CEMEX Application, those assessments found that a four-arm roundabout would be more appropriate to cater for and integrate with that development. As such the Planning Application includes application for permission of a four-arm roundabout.
- 4.9. As at the date that the Order was made the CEMEX Application had not yet been determined and permission had not been granted.
- 4.10. The Council has also been in discussions with the landowner of the part of the Order Land on which the roundabout will be constructed. The landowner has asked for a commitment from the Council that the roundabout will have four spurs, regardless of whether the CEMEX Application is granted planning permission. The Council has agreed to that request during the process of negotiations and as such the Scheme will include a four-arm roundabout whether or not the CEMEX Application is granted planning permission.
- 4.11. From Reading Road the proposed alignment extends south. As it travels south the ACRR will cross an unnamed tributary of the River Lodden, Milking Barn Lane (and adjacent ditches) and a hedgerow. The ACRR will then intersect with Swallowfield Road by way of a staggered priority controlled junction, with priority given to traffic passing along the ACRR. Traffic along Swallowfield Road will make a left turn onto the ACRR, followed by a right turn back onto Swallowfield Road. Several types of junction were considered as an option here, including a roundabout which would be more consistent with junction treatments in the surrounding area. However a comprehensive design process indicated that a staggered junction would be more appropriate. A roundabout would lead to increased traffic flows along Swallowfield Road making it a more attractive route for east-west traffic and undermining the relief benefits for Arborfield village. Further, from an ecological viewpoint, this type of junction needs less lighting (which avoids disturbing bats in the local area) and less land take (which avoids disturbing) neighbouring properties and existing mature trees.

- 4.12. An uncontrolled pedestrian crossing is proposed to be put in place across one of the minor arms at the Swallowfield junction.
- 4.13. The proposed route continues in a south easterly direction and rises up to pass over the existing ridgeline via a cutting. The ACRR will travel under electricity pylons and then is proposed to connect into Eversley Road. The horizontal alignment of the ACRR has been positioned to minimise property impacts and to maximise the amount of retained viable farmland. The connection for the ACRR at Eversley Road will be via a new three-arm roundabout, approximately 180m southwest of the existing A327 Eversley Road/Langley Common Road Roundabout. The design for this junction includes the provision of a designated uncontrolled pedestrian crossing on A327 Eversley Road (North). As with the northern junction of the ACRR a roundabout was considered more appropriate than a priority controlled junction due to its consistency with existing junctions in the surrounding area.
- 4.14. The ACRR is proposed to be built with a low-noise road surface along the full extent and without street lighting, other than sensitive lighting at the roundabouts at either end if this is deemed to be necessary at the technical design stage. This is in order to maintain the rural night time character of the area and also to avoid attracting non-motorised users to use the shared path at night when natural surveillance would be minimal. In particular, no street lighting is proposed at the junction with Swallowfield Road. Road markings, road studs, illuminated signs and bollards are proposed along the route as appropriate.
- 4.15. Along the length of the route on its eastern edge a shared use pathway with a total width of 3m is proposed, separated from the main carriageway by a swale or drainage ditch. This pathway will be for use by non-motorised users including pedestrians, cyclists and equestrians and will link settlements at Arborfield Cross, Arborfield Garrison and Baird Road. The shared path has a gradient of generally between 1:200 to 1:50 with small sections leading to the proposed green bridge (see paragraph 4.17 below) not exceeding 1:20, within the accessibility guidelines for users with reduced mobility such as wheelchair users or people with pushchairs. The design aims to maintain connectivity for non-motorised users along Swallowfield Road.
- 4.16. Swales are proposed along the eastern side of the proposed carriageway, approximately 3m wide and 0.5m deep to collect runoff from the road. Runoff will be directed to two proposed attenuation ponds, situated adjacent to the proposed junctions with Reading Road in the north and Eversley Road in the south.
- 4.17. As set out in the DAS, the ACRR took into consideration the need to maintain operational access along the existing public rights of way following completion of the Scheme, namely along public footpaths ARBO 22 and ARBO 17. As such, two pedestrian crossings are proposed along the ACRR where it bisects these footpaths. The first is a crossing by way of a refuge island and dropped kerbs where the ACRR meets the ARBO 22, approximately 600m to the southeast from the proposed northern junction at Reading Road. The second crossing is by way of a new green bridge where the ACRR intersects the ARBO 17 approximately 350m to the east from the proposed central junction at Swallowfield Road. The green bridge will be for pedestrians, cyclists and equestrians and will also provide an ecology corridor for badgers and bats.

- 4.18. No lighting is required for the green bridge and footpaths to avoid attracting night time activity where natural surveillance would be at a minimum.
- 4.19. The Scheme also includes appropriate interim measures to provide for continued use of the public rights of way during the construction of the Scheme although there is likely to be a temporary diversion of ARBO 17. There will be no permanent diversion or stopping up of either ARBO 17 or ARBO 22 and it should be noted that the Ramblers' Association and Private Rights of Way officer raise no objection to the Planning Application.
- 4.20. The ES concluded that there would be minor negative effects during the construction phase on these public rights of way (and other bridleways and routes within the local area) as a result of construction activities. During the operational phase, the ES found that the improved accessibility outweighs negative effects in terms of increases in acoustic and visual intrusion. Overall the ES found that the ACRR would be of minor positive significance following the implementation of mitigation measures.
- 4.21. Three badger tunnels are proposed as part of the Scheme. These will be 600mm diameter concrete pipes beneath the road, located near existing badger setts. These could also be used by other species.
- 4.22. The ES estimated that 25 individual trees, five tree groups and two hedges will need to be removed in their entirety to construct the ACRR. As such, landscaping forms a large part of the Scheme and includes the reinstatement and strengthening of existing hedgerows; planting of new hedgerows; planting of native deciduous woodland; and the seeding of highway verges and embankments with species rich grassland. For example, native hedgerow vegetation will be planted at the northern end of the ACRR to integrate with existing hedgerow on Reading Road at the proposed new roundabout. This will also be planted along the route to help screen views of the Scheme and integrate with the surrounding landscape character. The two swales will both have a varied bank profile to increase the range of habitat types. Significant landscape effects during the operation of the Scheme are predicted, however these are anticipated to be short to medium-term in duration and no significant residual landscape effects are expected in the long term.
- 4.23. The ES found that there would be a number of significant landscape and visual effects during the construction phase including major to moderate adverse effects on some areas due to the presence of construction plant and machinery. Those affected would include residential properties and users of the public rights of way. However the ES also found that intervening vegetation and the topography of the surrounding land would mean that from some viewpoints the effects would be minor to negligible, adverse or neutral.
- 4.24. Two construction compounds are proposed as part of the Scheme, one at each end of the ACRR. These locations have been chosen to ensure minimal impact on local residents, especially in terms of the movement of construction vehicles which will be avoiding the centre of Arborfield Cross. Those vehicles will be expected to use the M4 motorway, B3270 and A327 southbound on approach from the north, and the M3 motorway, A331, A30 westbound and A327 northbound on approach from the south.

### Development of the Scheme and consultation process

- 4.25. The following section details how the Scheme has been developed by the Council following the identification of need to reduce traffic congestion in the area and deliver the Council's Adopted Core Strategy as set out in the Wokingham Borough Local Development Framework Adopted Core Strategy Development Plan Document, dated January 2010 (the "**Core Strategy**"). It also sets out the consultation process that the Council undertook and which led to the Scheme developing as it has done.
- 4.26. A "do nothing" alternative was considered but was eliminated from further consideration on the grounds that it would not support the planned residential growth and development set out in the Council's Core Strategy and possible future residential and industrial development in the area and would result in unacceptable congestion on the existing local transport network.
- 4.27. Another potential way forward for the Council was an improvement scheme at Arborfield Cross roundabout. However the Council concluded that such improvements would not provide for the predicted growth in traffic volumes in the longer term and a relief road would still be required in the future. As such, this proposal was not further considered.
- 4.28. The DAS states that "*the evolution of the scheme design had had particular regard to a number of key design principles*". These are as follows:
- 4.28.1. *"Providing a holistic solution that improves accessibility and connectivity for a range of users..;*
  - 4.28.2. *Integrating the design of the alignment into the existing road network;*
  - 4.28.3. *Minimising the extent of land take required to facilitate the proposed scheme as far as possible;*
  - 4.28.4. *Positioning the horizontal alignment to maximise the extent of retained viable farm land;*
  - 4.28.5. *Positioning the alignment to minimise impacts on designated ecological sites in the area; and*
  - 4.28.6. *Minimising the visual impact of the proposed scheme and providing landscaping that both softens the impact of the scheme in its existing landscape contexts and contributes to biodiversity"*
- 4.29. In light of the above a number of alternatives were considered in terms of both the alignment route and the design of the preferred route.
- 4.30. The Council commissioned a study in 2012 by professional services consultancy WSP (the "**2012 Study**") to determine the most appropriate road scheme to meet the identified needs

and in particular to relieve Arborfield Cross of through traffic. Four main route options were evaluated during the study and more than 25 option variations were considered as follows:

- 4.30.1. Option A commenced from the A327 Eversley Road, just south of Harts Close. Passing to the south-west of dwellings in Melrose Gardens, the route ran north-west to join Swallowfield Road, approximately 60m west of Chamberlain's Farm. From there the route ran in a north-west direction, partly along the route of the Pudding Lane track, to join the A327 Reading Road approximately 240m east of Walden Avenue. Roundabouts would have been used where the road started and ended and at the junction with Swallowfield Road.
- 4.30.2. Option A1 was the same as Option A but approximately 200m north of Swallowfield Road the relief road swung in a more northerly direction to join the A327 Reading Road some 200m east of the termination point of Option A.
- 4.30.3. Route Option B commenced from the A327 Eversley Road/Langley Common Road roundabout. The route ran north-west to the south of Arborfield Court to join Swallowfield Road approximately 50m south of Greensward Lane. The north-west direction was maintained, converging with Greensward Lane, before turning northwards on the existing road alignment to join the A327 Reading Road at the position of the existing junction, 100 m west of Church Lane. Roundabouts would have been used where the road started and ended at the junction with Swallowfield Road.
- 4.30.4. Option B1 was the same as Option B but approximately 500m north-west of Swallowfield Road, the route avoided converging on Greensward Lane and instead continued on a more north-westerly line before turning north, passing to the west of Bridge Farm, to join the A327 Reading Road some 300m west of the termination point of Option B.
- 4.30.5. Route Option C commenced from the A327 Eversley Road some 400m north of the Church Road junction. The route ran in a north-westerly direction past Parson's Farm and through a small band of trees (part of the Great Copse), passing over Castle Hill to join Swallowfield Road, approximately 460m east of Nutler's Lane. The route continued north, passing Kenneys Farm and crossing the River Loddon to join the A327 Arborfield Road, just south of Shinfield. Roundabouts were to be used where the road started and ended at the junction with Swallowfield Road.
- 4.30.6. Route Option D extended from the A327 Reading Road (approximately 300m east of the Pudding Lane junction) north east to the B3030 Sindlesham Road, approximately 250m north of Arborfield Cross. The route then progressed south east for approximately 1000m to Wood Lane/School Road junction. From there the route had two alternative endings: Alternative D1 which extended south-south west approximately 630m to join the A327 Everlsey Road, approximately 100m south of the Royal British Legion office, and Alterative D2 which extended south from the Wood Lane/School Road junction and skirted the north western extent of Oaklands

Residential Park, ending by joining Langley Common Road approximately 50m east of the A327 Eversley Road/Langley Common Road roundabout.

- 4.31. Through the 2012 Study the four main route options were tested for traffic and environmental impacts, property and land take requirements, engineering design and overall deliverability. The technical recommendation which came out of the 2012 Study was to take Option A forward using parts of route A1 and B plus an extension of the route between A327 Reading Road and B3030 Mole Road. The report produced states that *“overall, options and sensitivity tests around the route A/A1 alignments performed best in terms of success criteria, albeit they did not divert the most traffic”*. The report went on to state: *“The option A/A1 alignments and variations...provide the greatest flexibility for the Council to improve the strategic highway network and to provide alternative traffic paths for a number of routes that currently cross through Arborfield Village.”*
- 4.32. In 2013, Council officers met with a number of identified local stakeholders prior to consulting the general public. These meetings considered the Scheme options and were used to refine information that would be presented to the public. The stakeholders who were consulted at this stage included Arborfield Community Forum, Highways Forum, the Environment Agency, landowners along the proposed route A and English Heritage (now known as Historic England).
- 4.33. At this stage the Council also created a page on their website to provide introductory and background information on the Scheme and issued a press release in both ‘Get Reading’ and the ‘Wokingham Times’.
- 4.34. A Route Options Consultation was undertaken between September and November 2013 presenting the four main route options to consultees (the **“2013 Consultation”**). The 2013 Consultation was publicised on the Council’s Twitter feed and Facebook account and information was uploaded on a regular basis. Further, the Council distributed an information postcard to over 9,500 households in various wards surrounding Arborfield Cross which provided the time and location details of the public exhibitions. An information leaflet was produced to provide information and offer the opportunity for feedback on the Scheme. Around 3,000 copies of the leaflet were made available at the public exhibitions and approximately 1,800 were taken away by attendees. The leaflet was also available online.
- 4.35. The 2013 Consultation itself was a series of sixteen one-day exhibitions with display panels on display and members of the Scheme and technical team on hand to answer any questions. The display materials were also left unstaffed at Council offices and other locations for a four week period along with information as to how to raise queries.
- 4.36. A report was produced in January 2014 following the 2013 Consultation which received 1,302 feedback forms (online and in paper format) and over 60 written responses from local people, key stakeholders and statutory consultees. Around a third of the questionnaire responses received were from residents of the Arborfield ward.
- 4.37. The outcome of the 2013 Consultation was strong support for Option B – overall 71% of those who completed a feedback form expressed support for Option B; 18% supported Option A,

8% supported Option C and 3% for Option D. The report found that around half of all respondents to the 2013 Consultation considered the impact of the proposed scheme on Arborfield Cross (49%) with other factors being traffic congestion, individuals' homes, journeys and the environment.

- 4.38. The report following the 2013 Consultation also found that support for Option B was particularly high amongst those from Wokingham, Barkham, Sindlesham, Woodley, Earley, Winnersh, Spencers Wood and Shinfield. The majority of Arborfield residents also supported Option B. As a result of the 2013 Consultation the Council agree to take forward option B.
- 4.39. In addition, English Heritage indicated a preference for the "least harmful route" which they considered to be Option B or D. Three Parish Councils were responded to the consultation (Arborfield and Newland Parish Council, Barham Parish Council and Winnersh Parish Council) and all indicated broad support for Option B.
- 4.40. The main reasons for preferring Option B over the alternative route options were identified in the DAS as:
- 4.40.1. considerable traffic relief to the Arborfield Cross village centre, alleviating congestion in the area, amenity and potentially safety for other road users;
  - 4.40.2. adequately provides for increased demand as a result of development in the Arborfield Garrison SDL and would support the delivery of this development;
  - 4.40.3. horizontal alignment would avoid designated sites/areas of ecological, heritage and landscape value; and
  - 4.40.4. had the greatest support in response to the consultation including as the preferred option for the general public, English Heritage and other stakeholder groups.
- 4.41. The main concern with Option A was its potential impact on Lockey Farm (a local and popular business) and an Area of Special Character. Several local campaigns were run to encourage preference for Option B over Option A. One of the main campaigns was the 'Save Lockey Farm' campaign. Option C was eliminated from further consideration because it would have crossed open countryside and as such would have significant environmental impacts including the need for substantial engineering measures to mitigate impacts to the River Loddon floodplain. It would also only have moderate traffic relief and was only supported by 8% of consultation respondents. Option D was not taken forward as it only removed a small proportion of traffic from Arborfield Cross village and centre and would not have mitigated any traffic impacts associated with the Arborfield Garrison SDL development. It also received the least public support in the 2013 Consultation.
- 4.42. However, the 2013 Consultation also revealed that the public and stakeholders still held a number of concerns with Option B. Main concerns included the impact of the relief road on congestion, wildlife, noise, landscaping, pollution and journey times. There was also concern regarding the impact on local businesses. As a result of the 2013 Consultation the Council

recognised the need for further refinement of the Option B route design and alignment with particular reference to land ownership, safety and design and environmental issues.

- 4.43. On 27 March 2014 the Executive of the Council approved the allocation of funds to progress with the refinement of the ACRR Option B to gain greater confidence in scheme delivery.
- 4.44. In 2014 the Council commenced work on refining Option B to minimise the amount of land needed to be acquired, retain as much of the field areas as possible and take account of noise, visual and landscaping mitigation. The Statement of Community Engagement, dated July 2017 (the “**July 2017 Statement of Community Engagement**”) and submitted with the Planning Application, contains further detail as to the consultation that was undertaken at this stage but as part of the refinement study the Council undertook meetings with landowners, residents of Arborfield Court, Arborfield Community Steering Group, Southern and Scottish Energy, Arborfield & Newland Parish Council and Local Access Forum and Arborfield SDL Community Forum.
- 4.45. As a result, a number of changes were made to the alignment of Option B as presented to the 2013 Consultation. These changes are detailed in the March 2014 report produced by the Council entitled the “ACRR Refinement Report” (the “**2014 Report**”). These include the following changes:
  - 4.45.1. the design of the Scheme was refined to minimise land take in accordance with design principles. The horizontal alignment was refined slightly to reduce the extent of agricultural land required, minimising the impact on the use of field areas and agricultural land generally. The most significant change, as noted by the 2014 Report, was at the southern end of the ACRR where the initial proposal was a fifth arm to the existing Eversley Road/Reading Road roundabout but following discussions with the landowner a new junction was proposed. This was considered to provide safer access, simplify junction arrangements and maximise the extent of retained farm land to the landowner;
  - 4.45.2. the design speed proposed during the 2013 Consultation was 40mph, however a design speed of 50mph is now considered to be more appropriate. This better integrates with characteristics of the surrounding rural road environment and is easier to enforce;
  - 4.45.3. during the 2013 Consultation, Option B proposed a roundabout at the junction with Swallowfield Road. This has now evolved such that a staggered junction is now proposed on the basis that this reduces the land area required and as such the visual impact to nearby properties; reduces delays to through traffic which would otherwise need to slow for a roundabout; reduces the attraction of Swallowfield Road for road traffic; and limits the amount of lighting that would be required;
  - 4.45.4. as set out in the ES, amendments were also made during the design process to the proposals for the point where the ACRR and ARBO 17 would cross. As part of the original proposals the existing ridgeline along which ARBO 17 runs was to be reduced to a maximum of 6.5m, creating a cutting to provide a vertical alignment of the road.

This would have involved a permanent diversion of the footpath through a cutting. During the design process it was found that this diversion presented numerous engineering challenges to provide a safe and inclusive route for non-motorised users. Concerns were raised by local stakeholders regarding the use of the ARBO 17 and 22 by walkers and equestrians and the crossing designs.

- 4.46. The final alignment and junction details as detailed in the 2014 Report were approved by the Council's Executive on 26 March 2015 in order to be developed to a full planning application.
- 4.47. Following this resolution, work commenced on the Planning Application for the ACRR in late 2015.
- 4.48. During 2016, and following stakeholder liaison meeting, the Council decided to provide a bridge on the ARBO 17. This was originally intended to accommodate ramblers only but local stakeholders and walkers, cyclists and equestrians agreed that a multi-use footbridge would be the most effective form of crossing to meet their needs, and baseline ecology survey supported this. As such the green bridge was included in plans, in place of the originally proposed crossing.
- 4.49. Prior to submitting the Planning Application, further public consultation was undertaken. Around 2,500 local residents, key local stakeholder groups and landowners were invited to attend public exhibitions in May 2017. Further a presentation was made by the project team to Arborfield ward member councillor Gary Cowan and to Arborfield & Newland Parish Council. Various stakeholders were invited to a preview of the exhibition including local landowners and business owners and various Parish Councils. Public exhibitions took place throughout June 2017 (both staffed and unstaffed) and were attended by around 150 residents and landowners. A further leaflet and FAQ handout were made available at this stage both at the event and online. A digital version of the exhibition boards was uploaded to the Council's website and an online survey was used for feedback.
- 4.50. As a result of the 2017 Consultation 21 feedback questionnaires were completed online and in writing. At this stage some concerns were raised regarding routes for non-motorised users (for example because there is no bridge proposed at the AR22 crossing); traffic and road safety (as a result of the proposed speed limit); project deliverability (over the scheduled delivery of the project and the need to acquire land); and noise and air pollution during the construction phase and when operational.
- 4.51. The Planning Application was submitted in July 2017 for the construction of a 2.3km Arborfield Cross Relief Road (including shared use pathway) linking A327 Reading Road in the north and A327 Eversley Road in the south east and two new roundabout junctions linking the existing road network along the A327, a new staggered priority junction at Swallowfield Road and a new shared-use (non-motorised user) bridge where Arborfield Footpath 17 intersects the proposed relief road.

**The Contractor**

- 4.52. [ ]

## 5. The need for the Scheme

- 5.1. The ACRR aims to support and enable the Council's aspirations for sustainable growth in the borough whilst simultaneously tackling the issues caused by traffic and congestion through the Arborfield area including at key junctions such as Arborfield Cross.
- 5.2. The Council's Local Transport Plan (2011-2026) (the "**LTP**") sets out the Council's transport vision "*to provide a cost-effective, inclusive transport network that enhances the economic, social and environmental prospects of the Borough whilst promoting the safety, health and well-being of those that use it.*" The Council considers that the Scheme will achieve the improvement of the economic, social and environmental well-being of its area as envisaged by the LTP.
- 5.3. The key aims of the Scheme are identified in the Planning Application documents as follows:
  - 5.3.1. to provide an alternate route for traffic that is currently routing along the A327 through the village of Arborfield;
  - 5.3.2. to provide traffic relief for local residents and improve existing traffic capacity on a key route in the Borough;
  - 5.3.3. to facilitate the improvement of provisions available for non-motorised users such as pedestrians, cyclists and equestrians in the area of Arborfield Cross;
  - 5.3.4. to facilitate the delivery of local town plans, such as that for Arborfield Garrison, as envisaged by the Core Strategy; and
  - 5.3.5. to ensure appropriate mitigation of traffic impacts from the development of Arborfield Garrison and elsewhere in the borough.

### **Housing delivery**

- 5.4. Through CP17 (Housing Delivery) of the Council's Core Strategy, the Council is committed to the development of around 9,900 homes across four strategic development locations ("**SDL**") by 2026: 3,400 new homes at Arborfield Garrison SDL (CP18); 2,500 at South of the M4 SDL (CP19); 1,500 at North Wokingham SDL (CP20); and 2,500 at South Wokingham SDL (CP21). There is also development planned around Shinfield, Spencers Wood and Three Mile Cross which will result in further housing. CP17 establishes a requirement to provide at least 13,487 houses with associated mixed use development during the period 2006 to 2026.
- 5.5. Policies CP18 (Arborfield Garrison SDL) and CP19 (South of the M4 SDL) explain that mixed use development will be delivered including "*improvements to transport capacity along the A327*" and "*measures to improve accessibility by non-car transport modes along the A327...*" The Core Strategy specifically indicated that a relief road could be considered as a mechanism to improve transport capacity in the area.

- 5.6. The need for a relief road has also been identified through detailed work in respect of recent planning permissions, including for example the permission granted for development at Arborfield Garrison.
- 5.7. The delivery of much-needed housing as identified in the Council's Core Strategy would not be deliverable without corresponding improvements to surrounding transport infrastructure. As such the Scheme will assist in improving both the social and economic well-being of the area by allowing the developments to be implemented as intended.

### **Congestion**

- 5.8. Arborfield Cross provides an example of some of the traffic problems in the Arborfield area. This is a crossroads of three main traffic routes:
  - 5.8.1. the A327 between Reading, Shinfield, Arborfield Garrison, Eversley and Hampshire;
  - 5.8.2. the A327 and B3030 between Reading, Shinfield, Barkham and Wokingham; and
  - 5.8.3. between Winnersh, Arborfield Garrison, Eversley and Hampshire via Sindlesham Road/Mole Road and A327 Eversley Road.
- 5.9. On a weekday, around 2,250 vehicles per hour pass through Arborfield Cross roundabout in the morning rush hour and around 2,350 vehicles per hour in the evening. As a result of the volume of traffic, queues can extend through the village.
- 5.10. By 2026 it is forecast that rush hour traffic volumes at Arborfield Cross will increase to around 3,200 vehicles per hour during the weekday and, without any mitigation in the transport network, this will result in an increase in overall journey times by 22%. The growth in traffic volumes at rush hour in this area would have a significant impact in terms of congestion, queues and delays and would lead to the use of alternative local routes, such as Greensward Lane, and other rural lanes which are unsuitable for such through traffic.
- 5.11. Traffic modelling carried out by the Council indicated that housing growth will severely impact the existing A327 much sooner than 2026 (planned delivery of the four SDLs) as a result of other background growth.
- 5.12. The LTP highlights that during the consultation period of its creation, traffic congestion was considered to be a major problem with 49% of consultation respondents identifying it as one of their top three transport priorities.
- 5.13. Policy HW1 of the LTP addresses congestion and states that the Council will work with partners to tackle congestion where possible. One area that is identified is town centres and the need to minimise congestion and direct traffic away from town centres.
- 5.14. The Planning Application was supported by a Transport Assessment dated 23 June 2017 (the "**Transport Assessment**") which assessed the nature and extent of transport impacts of the delivery of the ACRR together with the cumulative impact associated with known future

development. The Transport Assessment drew upon modelling data derived from the Wokingham Strategic Transport Model 3 and took into account the four SDLs together with on-site infrastructure provision and known off-side transport interventions. 2015 was used as the base year in the Transport Assessment, and 2019 (opening year) and 2026 used as the forecast years. The model was developed to represent average weekday AM peak hour (8.00 to 9.00), inter-peak hour (10.00 to 16.00) and PM peak hour (17.00 to 18.00).

5.15. The following existing junctions were assessed in the Transport Assessment:

5.15.1. A327 Arborfield Road/B3349 School Green/A327 Hollow Lane roundabout;

5.15.2. A327 Reading Road/Greensward Lane priority junction;

5.15.3. A327 Reading Road/Church Lane priority junction;

5.15.4. Arborfield Cross Roundabout – B3349 School Road/A327 Eversley Road/Swallowfield Road/A327 Reading Road/Sindlesham Road;

5.15.5. Sindlesham Road/Church Lane/Mole Road Priority junction;

5.15.6. A327 Eversley Road/Langley Common Road/Baird Road/A327 Eversley Road roundabout; and

5.15.7. Swallowfield Road/Greensward Lane priority junction

5.16. The Transport Assessment found that

5.16.1. in the base year the Arborfield Cross Roundabout (referred to at 5.12.4 above) operated over capacity during both AM and PM peaks;

5.16.2. in 2019 (the opening year of the ACRR) the Arborfield Cross Roundabout would operate over capacity if no action was taken but, if the Scheme were implemented, the junction would operate considerably more efficiently and the re-routing of traffic to the proposed Scheme would have an extremely positive effect on the junction. The Scheme was also found to be of benefit for the other junctions at this stage;

5.16.3. in 2026 (the future year of operation) the junctions set out at paragraphs 5.12.2, 5.12.3 and 5.12.4 would be operating over capacity in either the AM or PM peak if no action were taken, but within capacity if the Scheme were implemented. It was also found that the other junctions would also benefit from the introduction of the ACRR or that it would not have a negative effect. In particular the operation of the Arborfield Cross Roundabout would improve significantly as flows through the village would fall from around 2,500 vehicles (two way peak hour) to around 800 vehicles (two way peak hour) by 2026.

5.17. As such the effect of the Scheme was found to be positive in terms of the effect that it had on improving traffic and congestion in the borough, especially in the Arborfield Cross area.

The Scheme can be seen to improve the social and environmental well-being of the area by reducing journey times for motorists, potentially reducing frustration experienced by motorists and any associated high-risk decision-taking.

### **Connectivity**

- 5.18. Policy HW3 of the Council's LTP recognises the need to improve access to key corridors to create a connected network through the Borough and preserve links into regional hubs such as Reading, Heathrow and London. Policy HW3 also notes that *"transport links have a critical facilitating role in promoting economic growth..."* and that *"to maintain the Borough's economic competitiveness we need to maintain and improve access to these key hubs"*.
- 5.19. The Scheme will help the Council to achieve its aim as set out under Policy HW3 by improving connectivity in the network and improving access to regional hubs. This, as recognised by the LTP, will promote and improve the economic well-being of the area.

### **Non-motorised users**

- 5.20. The LTP also recognises that economic growth in the Borough needs to be balanced with the need to conserve natural resources and protect the environment.
- 5.21. It states that *"for transport this means engaging with local communities to raise awareness of active travel, such as walking and cycling"* and that transport will *"contribute towards the 20% reduction of 2005 domestic housing and transport carbon emission levels which the Council aims to achieve by 2020"*. One of the five LTP goals is to *"work with partners to promote walking and cycling as a health-enhancing physical activity for all of our residents through providing: connected, convenient, safe and signed pedestrian networks across the Borough to enhance existing networks; new cycleways integrated with the existing cycle network; and improve cycle parking..."*.
- 5.22. The Scheme will provide a key new route for non-motorised users through the provision of the shared path which will run the full length of the ACRR. This has been designed to maintain and improve connectivity for all non-motorised users, provide choice for those individuals and ensure improved amenity on non-motorised users routes.
- 5.23. The ES submitted in support of the Planning Application concluded that the pedestrian and cyclist amenity on the ACRR is likely to be rated Good or Excellent with the provision of a high quality off-road shared path, lighting at junctions and crossing facilities (including the Green Bridge). This is likely to improve the connectivity from the west to the south-east and vice versa and give non-motorised users a real choice in routes. On the majority of existing routes there were not found to be any significant changes although the pedestrian and cycle amenity to the south of the Eversley Road roundabout is likely to improve due to the proposed southern junction having crossing facilities which is likely to reduce the level of intimidation for non-motorised users.

- 5.24. The LTP also recognises the need to use the opportunity to further integrate existing walking and cycling network with new housing development planned in the Borough to ensure that active forms of travel become more commonplace and are actively promoted within new communities. As a result, policy AT1 of the LTP states that the Council will actively encourage integrating walking and cycling routes and facilities into key destinations.
- 5.25. The ACRR is being delivered commensurately, or in advance of, the developments planned at the SDLs in the Borough and as such will be inextricably linked with those developments and communities.
- 5.26. For these reasons it can be seen that the Scheme will have a beneficial effect on non-motorised users in terms of their social and environmental well-being.

### **The environment**

- 5.27. The Scheme will also contribute to the environmental well-being of the area and wider borough in terms of air quality and noise pollution.
- 5.28. Policy HW10 of the LTP commits the Council to continue to develop and implement its Air Quality Action Plan in response to pollution caused by vehicle emissions. One element of this is to reduce background concentrations of nitrogen dioxide in the Borough by reducing levels of congestion and encouraging alternative means of transport including active travel. As part of the Planning Application an air quality assessment was undertaken which noted reductions in the annual mean nitrogen dioxide concentrations associated with exhaust emissions for some receptors.
- 5.29. As is the case with any road improvement scheme there will be some negative effects on the environment as a result of the construction and operation of the Scheme. However, through the EIA undertaken to support the Planning Application and the resulting ES it can be seen that the Scheme has no long lasting major negative effects on the environment as a result of mitigation measures (such as landscaping) and design measures. A further analysis of the environmental impact of the Scheme and measures taken to reduce that impact is set out at section 8 of this Statement of Reasons.

### **Job creation**

- 5.30. During the construction phase of the Scheme it is anticipated that the Scheme will provide an estimated 1,040 jobs per annum. There are also likely to be indirect jobs associated with the construction works as a result of an increase in spending on goods and services. As a result the Scheme can be seen to have a positive impact on the social and economic well-being of the area.

## **6. The justification and need for the CPO**

- 6.1. The powers under which the Council will make the Order are set out in section 2 above but it has been established that the Council is authorised by statute to make the Order.

- 6.2. As can be seen from the Order Map, the Order Land comprises land in the ownership of three landowners which is needed for construction and implementation of the Scheme.
- 6.3. The purpose of seeking to acquire the Order Land compulsorily is to facilitate and enable to delivery of the Scheme. Compulsorily acquiring the Order Land and bringing it within single ownership would, in the opinion of the Council, ensure that the Council meets its transport, planning and policy objectives and does so within a realistic timescale. The exercise of the compulsory acquisition powers is necessary to mitigate the risk that the Scheme could be delayed.
- 6.4. As set out at paragraph 1.8 above, the Council understands and acknowledges that the compulsory purchase of land should be a measure of last resort where negotiations have been unsuccessful and that there should also be a compelling case in the public interest that sufficiently justifies interfering with the rights of those with an interest in the land. This is in line with the decision by the Council's Executive on 30 June 2016 to grant permission for the *"In Principle Use of Compulsory Purchase Powers"* subject to referral back to the Executive at the appropriate time for detailed authority on the enabling statutory powers, areas and value of land to be acquired compulsorily, and potentially indemnity agreements.
- 6.5. The Report to the Executive acknowledged that the in principle authority to use statutory compulsory purchase powers to acquire land could be used as part of the Council's strategy to meet the housing need identified in the Core Strategy and to enable new infrastructure to be brought forward to enable development. The Report stated that *"to enable effective delivery of our strategic sites there is a need for there to be clarity about the Council's appetite to pursue all options available to secure the infrastructure necessary...this would assist with negotiation...We will initially establish contact with affected land owners and as these are established we will seek to ensure acquisition through negotiation..."*
- 6.6. To that effect the Council has taken all reasonable steps to negotiate the purchase of the Order Land and has entered into negotiations with all relevant parties in respect of the acquisition of the necessary land and rights. The owners and occupiers with an interest in the Order Land have been approached to ask if they would be prepared to negotiate the acquisition by agreement of their interest in the Order Land. Details of the negotiations are as follows:
- 6.7. As can be seen from the above, the negotiations with landowners have been undertaken with some success. Further, in line with the DCLG Guidance, the Council is committed to continuing to negotiate to acquire the Order Land in tandem with the compulsory purchase process. These negotiations will continue with a view to minimising delays to the Scheme that may otherwise arise from procedural and statutory timescales to be complied with and resulting from acquisition by compulsory purchase.
- 6.8. However, the Council considers that the compulsory purchase process must also be pursued in order to minimise delays to the Scheme as a result of protracted and ultimately unsuccessful negotiations with landowners. The Report referred to at paragraph 6.5 states that *"...it is considered that as a precautionary measure and to assist with discussion a resolution to show a willingness to follow all available options is appropriate."*

- 6.9. The Council considers that those landowners who have not reached an agreement with the Council for the purchase of their land have had considerable time to consider those offers and there is now need for significant progress to be made. Whilst the Council would prefer to acquire all of the Order Land by way of agreement, the public interest demands confirmation of the Order so that the Council can ensure that the Scheme can take place and that it can achieve its policy objectives. Without invoking compulsory purchase powers there is no certainty that the Council will be able to acquire the necessary interests in time, or at all, in order to allow the Scheme to progress.
- 6.10. As such the Council is satisfied that there is a compelling reason in the public interest for acquiring the necessary interests in the Order Land which outweighs the effect of acquisition on individual rights. It is considered that the case meets the requirements of Paragraph 2 of the DCLG Guidance, domestic legal requirements and the requirements of the European Convention on Human Rights (the “**Convention**”). Further detail as to how the Council has considered its duties under the Convention are set out at paragraph 7 below.

## 7. Human Rights Considerations

### **The Human Rights Act 1998 and the European Convention on Human Rights**

- 7.1. The Human Rights Act 1998 (the “**HRA**”) incorporated into domestic law the European Convention on Human Rights (the “**Convention**”).
- 7.2. Section 6 of the HRA prohibits public authorities from acting in a way which is incompatible with the Convention. Articles 6 and 8 of the Convention and Article 1 of the First Protocol of the Convention are considered to be relevant by the Council.
- 7.3. The Council has duly considered the rights of property owners under Article 1 of the First Protocol of the Convention, which provides for the peaceful enjoying of possessions. Article 1 further provides that no one shall be deprived of possessions except as provided for by law or where it is in the public interest. It is considered that the Order will strike a fair balance between the private loss of property and the public interest in securing the implementation of the Scheme, the need for which is set out at section 5 above.
- 7.4. Article 6 of the Convention provides that everyone is entitled to a fair and public hearing in the determination of their civil rights and obligations. It is considered that the statutory procedures, which give the right to object and provide for judicial review, are sufficient to satisfy the requirements of this Article.
- 7.5. The Council has also considered the rights contained in Article 8 of the Convention. This provides that everyone has the right to respect for their private and family life and that there shall be no interference by a public authority with the exercise of this right except in accordance with the law, where there is a legitimate aim and where it is fair and proportionate in the public interest. It is considered that any interference caused by the Order will fall within these exceptions having regard to the public benefit which will accrue from the Scheme.

- 7.6. The Council has been conscious of the need to strike a balance between the rights of the individual and the interests of the public. It has considered the effect of the Articles and decided that on balance, and in light of the significant public benefit that would arise from the Scheme and the nature of the Order Land, it is in the interest of the wider community to make the Order over and above the interests of any individuals affected. Any interference with the Convention rights is considered to be justified in order to secure the transport benefits and the economic regeneration that the Scheme will bring. Appropriate compensation will be available to those entitled to claim it under the relevant statutory provisions.

### **Public Sector Equality Duty**

- 7.7. The public sector Equality Duty (the “**PSED**”) was introduced by the Equality Act 2010 (the “**EA 2010**”) as part of the government’s aim to protect people from discrimination in the workplace and in wider society. The PSED came into force on 5 April 2011 and means that public bodies have to consider all individuals when carrying out their day-to-day work including when shaping policy and delivering services.
- 7.8. Section 149 of the EA 2010 established the general equality duty which is that all public authorities are required in the exercise of their functions to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out their activities. Advancing equality of opportunity means, in particular, having due regard to the need to remove or minimise disadvantages suffered by people due to their protected characteristics; take steps to meet the needs of people with certain protected characteristics where these are different from the needs of others; and encourage people with certain protected characteristics to participate in public life where their participation is disproportionately low.
- 7.9. The legislation is not prescriptive about the approach that a public authority should take in order to comply with the PSED. However principles from case law suggest that each public authority should keep in mind, amongst other things, that the duty must be complied with before and at the time a particular policy is under consideration, as well as when a decision is taken; and that a public authority must consciously think about the need to do the things set out in the PSED as an integral part of the decision-making process, exercising the duty in substance, with rigour and with an open mind.
- 7.10. Throughout the process of developing the Scheme, as it makes and shapes its policy, the Council, as a public body, has had to have due regard to the PSED. The main way in which the Council has done this has been through the consultation process. The July 2017 Statement of Community Engagement submitted as part of the Planning Application referred to the Council’s adopted Statement of Community Involvement (“**SCI**”) which sets out guidance for applicants relating to pre-application consultation on planning application proposals. The SCI states that developers are required to consult local communities and that involvement should be open to all regardless of gender, faith, race, disability, sexuality, age and social deprivation.

- 7.11. The July 2017 Statement of Community Engagement recognised that certain parts of the community are more difficult to engage than others including “*young people, old people, ‘time poor’ people, gypsies and travellers, people with disabilities, people from deprived areas and people for whom English is not their first language*”. The SCI suggests certain methods of engagement that are appropriate to engage with such groups. For example, for young people it suggests using websites, young peoples’ forums, online forums and social media to engage; for older people it suggests engagement is better sought through letters and forums/meetings at church halls, community centres and GP surgeries; for people with disabilities it suggests using newsletters in different formats (e.g. large print) and ensuring appropriate access to meetings; and for people for whom English is not their first language it suggests making documents available in different languages and targeting displays at faith centres.
- 7.12. Throughout the consultation process the Council has had due regard to these suggestions and the need to ensure that those who are traditionally less able to reach, who often have a protected characteristic, are not disadvantaged as a result of that characteristic. As such, as set out in the July 2017 Statement of Community Engagement, consultation was undertaken in a number of different forums and methods such as at meetings, online and by way of newsletters.
- 7.13. As such the Council considers that it has complied with the PSED in the process of developing the Scheme.

## **8. Planning position**

- 8.1. In July 2017 the Planning Application was submitted to the local planning authority. The Planning Application was considered by the Council’s Planning Committee on 10 January 2018 where the recommendation was to authorise the grant of planning permission subject to conditions. The decision of the Planning Committee on 10 January 2018 was to grant planning permission.
- 8.2. The planning policy context for the Scheme consists of policy at local, regional and national levels and the Planning Application was considered against the relevant policies which were as follows:
- 8.2.1. the National Planning Policy Framework (2012 ) (“**NPPF 2012**”);
  - 8.2.2. Wokingham Borough Council Local Transport Plan (2011 – 2026)
  - 8.2.3. Wokingham Borough Council Local Development Framework which includes
    - 8.2.3.1. the Core Strategy Development Plan Document (2010);
    - 8.2.3.2. Managing Development Delivery Local Plan (2014);
    - 8.2.3.3. Sustainable Design and Construction SPD (2010);
    - 8.2.3.4. Borough Design Guide SPD (2012); and
    - 8.2.3.5. Arborfield and Newland Village Design Statement SPD (2015)

- 8.3. The Scheme was assessed against the main planning policy considerations and any other material considerations that were relevant to the consideration of the planning application.

#### **NPPF 2012**

- 8.4. The NPPF 2012 is an overarching document which seeks to establish the national planning policy agenda focused specifically upon the delivery of sustainable development. As a national planning policy it was a material consideration in the consideration of the planning application relating to the Scheme.

- 8.5. The relevant parts of the NPPF 2012 are as follows:

8.5.1. **Paragraph 7:** three key roles of the planning system to achieve sustainable development: economic, social and environmental;

8.5.2. **Paragraph 14:** sets out the presumption in favour of sustainable development and indicates that applications which accord with the development plan should be approved without delay;

8.5.3. **Paragraph 30:** *“Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. In preparing Local Plans, local planning authorities should therefore support a pattern of development which, where reasonable to do so, facilitates the use of sustainable modes of transport”;*

8.5.4. **Paragraph 32:** *“All developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Plans and decisions should take account of whether; the opportunities for sustainable transport modes have been taken up depending on the nature and local of the site, to reduce the need for major transport infrastructure; safe and suitable access to the site can be achieved for all people; and improvements can be undertaken within the transport network that cost effectively limit the significant impact of development. Developments should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.”;*

8.5.5. **Paragraph 65:** *“Local planning authorities should not refuse planning permission for buildings or infrastructure which promote high levels of sustainability because of concerns about incompatibility with an existing townscape, if those concerns have been mitigated by good design...”*

- 8.6. The Scheme was considered to comply with the NPPF and its specific provisions on the basis that it would address existing congestion and anticipated congestion and would in turn contribute to social well-being through reduced journey times and provision for walking and cycling. There were also found to be environmental benefits resulting from reduced vehicle carbon emissions and landscaping which contributes to biodiversity in the area.

- 8.7. In accordance with paragraph 32 of the NPPF the Transport Assessment was prepared and carefully considered as part of the planning process.

### **Wokingham Borough Council Local Transport Plan (2011 – 2016)**

- 8.8. The LTP3 sets out the long term strategy for the provision of transport facilities and infrastructure in the Borough to 2026. The overarching vision is to *“provide a cost-effective, inclusive transport network that enhances the economic, social and environmental prospects of the Borough whilst promoting the safety, health and well-being of those that use it”*. The LTP3 also seeks to provide a *“resilient, safe highway network that balances capacity for all users, enhances the economic prospects of the Borough and promotes sustainable travel”*.
- 8.9. Policy HW1 and HW3 are both relevant to the Scheme. Policy HW1 provides for delivery of engineering and highway measures to help address areas of congestion and envisages that measures to be explored to minimise bottleneck congestion include developing new highways, re-directing car travel and junction improvements (among others). Policy HW3 promotes improved public access to key corridors to improve connections from the Borough to regional hubs.
- 8.10. For the reasons described throughout this Statement of Reasons, in particular in paragraph [ ] above, the Scheme will contribute to the enhanced economic, social and environmental well-being of the area by reducing congestion which could have both social and environmental benefits. The Scheme aligns with the measures identified in Policy HW1 and is in accordance with Policy HW3.

### **Wokingham Borough Council Local Development Framework**

#### **Core Strategy Development Plan Document (2010)**

- 8.11. The Council’s Core Strategy is a material consideration for planning applications. The Core Strategy expressly recognises that a key component of the Borough strategy is the provision of a good transport system. Paragraph 3.7 recognises that the vision for the Borough is based on *“locating the majority of new housing in high quality Strategic Development Location with excellent infrastructure provision and protecting the character of the Borough”*.
- 8.12. The following policies were considered to be particularly relevant for the Scheme:
- 8.12.1. **CP1 (overarching policy)** sets out that planning permission should be granted for development proposals that (inter alia) maintain or enhance the quality of the environment; minimise the emission of pollutants into the environment; avoid areas of versatile agricultural land; and provide attractive, functional, accessible, safe, secure and adaptable schemes.
- 8.12.2. With regard to this, the Scheme will enhance the quality of environment for motorists and non-motorised users and this will be maintained through mitigation and management measures following implementation. Further the alignment has been developed and refined to minimise land take and maximise the retained,

workable field areas of adjacent arable land. Landscaping is also proposed as part of the Scheme which will appropriately mitigate adverse impacts and will contribute to the attractiveness of the Scheme.

- 8.12.3. **CP3 (general principles for development)** sets out that planning permission will be granted for proposals that are of a high quality design without detriment to amenities of adjoining land users and quality of life and those that have no detrimental impact upon important ecological, heritage, landscape, or geological features or water courses (among others).
- 8.12.4. With this in mind a Landscape and Visual Impact Assessment (“**LVIA**”) forms part of the Planning Application submission and assessed the visual impact of the development from key visual receptors and from a variety of different representative viewpoints. The impact was assessed both in terms of the initial construction and operation of the ACRR.
- 8.12.5. It was found that the Scheme will result in some significant visual effects during the construction phase, including for residential properties (of which there are 5 within the vicinity of the ACRR) and users of the ARBO 17 and ARBO 22. However, mitigation proposals are in place to reduce the predicted noise impact of construction to a minimum.
- 8.12.6. In the long term the effect will be greatly reduced as a result of proposed mitigation. This includes extensive planting and limited lighting, which will soften the visual impact and integrate the ACRR within the landscape, and a proposed alignment that is located as close to and below the existing ground level where possible and which avoids impacts upon important ecological and heritage features within the vicinity of the ACRR and which has been designed to minimise potential impacts on amenity and the quality of life of adjoining landowners.
- 8.12.7. The inclusion of the green bridge is a clear example of how the Scheme has been designed to minimise the impact of the Scheme on the environment and on quality of life. The location of the bridge has been chosen to integrate with the alignment of the ARBO 17 and the existing ridgeline. The bridge features a curved, horizontal profile which widens at either end. When combined with extensive tree planting across the structure on either side of the footpath the visual impact of the road cutting from the north and south is greatly reduced.
- 8.12.8. The Scheme has also had regard to heritage assets within its vicinity. Although there are no heritage assets within the Order Land itself there is a Scheduled Monument and nine Listed Buildings (one Grade II\* and eight Grade II) within 500m of the Order Land. There are three other Scheduled Monuments within 1km of the Order Land.
- 8.12.9. The ES considered the effect of the Scheme on the various heritage assets in the vicinity of the ACRR. The ES found that there would be an operational effect of minor negative significance on the setting of two Grade II Listed buildings (Bartlett’s Farmhouse and White’s Farmhouse) which are located approximately 400m to the

south-west of the Scheme and front on to Swallowfield Road. Although the ACRR and lights from passing cars would be visible from the properties, the presence of intervening buildings and mature trees would reduce the visibility of the ACRR. Further, in terms of noise pollution, the reduction in noise along Swallowfield Road (onto which the properties directly affront) would be a benefit greater than the harm caused by traffic noise on the ACRR (around 400m to the north). As such although the mitigation proposed would not entirely offset the residual impact on the setting of both heritage assets, this was assessed as being “less than substantial” and therefore acceptable in heritage terms given the wider public benefit of the ACRR.

- 8.12.10. Two other heritage assets which were considered to a great extent were Arborfield Court and Ducks Nest Farm, both Grade II Listed buildings. In respect of Arborfield Court it was found that the development would result in some minor negative impact to the setting of the building but the inclusion of a noise barrier proposed along the relevant stretch of road would mitigate the impact to some degree. As such the harm caused was found to be “less than substantial”. In respect of Ducks Nest Farm it was found that increased light and movement would affect the property but the presence of new screening and sensitive lighting would reduce this affect. As such the harm would be “less than substantial”.
- 8.12.11. It should be noted that Historic England have assessed the Planning Application and are satisfied that the harm to designated heritage assets as a result of the development would be “less than substantial” in NPPF terms. The wider public benefits of a new road are a clear and convincing justification for the Scheme to be taken forward despite this harm.
- 8.12.12. Although none of the Order Land is within a Conservation Area the Arborfield Cross Conservation Area lies approximately 700m to the north-east and includes Arborfield Cross village. There would also be a benefit to the setting of the conservation area as the ACRR would reduce the amount of vehicle traffic travelling through Arborfield Cross.
- 8.12.13. **CP6 (management of travel demand)** states that planning permission will be granted for schemes that provide for sustainable forms of transport; improve the existing infrastructure network and enhance facilities for pedestrians and cyclists; mitigate adverse effects upon the network that arise from development; and do not cause highway problems or lead to traffic related environmental problems.
- 8.12.14. The Scheme is compliant with this policy and a key objective is to manage demand on the existing infrastructure network. The inclusion of the shared path along the eastern edge of the carriageway and the green bridge will improve the position greatly for non-motorised users. The Scheme also has the potential to enhance road safety by alleviating congestion and reducing potential frustration experienced by motorists which can lead to high-risk decision-taking. The project also has the potential to reduce annual mean vehicle emissions.

- 8.12.15. **CP7 (protect biodiversity)** provides for the avoidance or mitigation of potential effects on the Thames Basin Heaths Special Protection Area (“SPA”), an area statutorily designated for its European conservation value. The policy also establishes that where non-residential schemes include avoidance and mitigation measures, the likely effects on the SPA will have been addressed though monitoring of their effectiveness will be needed. Further, the policy requires appropriate protection of species and habitats of conservation value.
- 8.12.16. Although no part of the Order Land is located within the Thames Basin Heath SPA, the closest component part (the Bramshill Site of Special Scientific Interest) is approximately 3km to the south of the Order Land. The ES sets out that designated sites of importance within the Order Land or near to it, including the Thames Basin Heaths SPA, will be conserved during construction and operation of the Scheme. Avoidance and mitigation measures are included where necessary as part of the Scheme and as such no significant long term effects are expected on the SPA and the Scheme is considered to comply with policy CP7.
- 8.12.17. With respect to ecology, a range of sites, habitats and species were considered in the ES and an Ecological Impact Assessment evaluated ecological features within 250m of the road alignment in terms of potential effects during construction and operation. The assessment found that although there was likely to be some moderate adverse effects to habitats during construction, there would be residual positive ecological benefits in the longer term as a result of habitat creation through the green bridge and badger tunnels as well as through new hedgerow planted.
- 8.12.18. **CP18 and 19** both relate to development to be delivered as part of two of the SDLs, the Arborfield Garrison and South of the M4 SDLs. The policies include improvements to transport capacity along the A327. The Scheme constitutes a direct improvement to the transport capacity along the A327 and will also provide connectivity for non-motorised users.
- 8.13. As such, the Scheme is considered to be wholly compliant with the Council’s Core Strategy.

#### **Managing Development Delivery Local Plan (2014) (“MDDLDP”)**

- 8.14. A key objective of the MDDLDP is to promote a transport system that enables access to services by a variety of modes and increases the use of non-car based transport where appropriate.
- 8.15. Policy CC03 of the MDDLDP requires development proposals to demonstrate how they have enhanced the Borough’s Green Infrastructure networks, promoted accessibility and permeability between and within existing green corridors, protected and retained trees, hedges and landscaped features and incorporated high quality, native planting and landscaping as part of the scheme. Policy CC06 seeks to mitigate noise impacts whilst CC10 requires that all proposals must ensure that surface water runoff is managed sustainably. Policy TB23 requires proposals to demonstrate how they provide opportunities to incorporate new biodiversity features and how they provide buffer zones between the proposal and designated sites.

- 8.16. It is considered that the Scheme overwhelmingly aligns with the overarching objective of the MDDL. The A327 at both ends of the ACRR proposed alignment is a green route enhancement area and the Scheme will create a linkage between these two areas with considerable landscaping to assist the ACRR to integrate into the setting. Existing trees and hedgerows are proposed to be retained as far as practicable and, where removed, mitigation measures are implemented.
- 8.17. With regard to policy CC06, mitigation measures are put in place as part of the Scheme to help to reduce noise impacts. For example, a 3m high acoustic barrier is proposed along the footpath north of the road between the Swallowfield Road junction and the proposed green bridge. Although this will achieve only a modest reduction, it may reduce the impact on some receptors at Arborfield Court from “high” to “medium”. Further, setting the speed limit at 50mph ensures that the benefits of the low noise surface are realised as this only happens at higher speeds.
- 8.18. With regard to CC10 a drainage strategy has been prepared for the Scheme which demonstrates that a sustainable drainage system can be delivered. Considering policy TB23 the Scheme involves landscaping which has the potential to improve biodiversity in the area and, in particular, will result in positive effects on the reptile population. The ES demonstrates that there is an appropriate buffer between the proposed alignment and nearby designated sites.

#### **Sustainable Design and Construction SPD (2010) (SDC SPD)**

- 8.19. The SDC SPD seeks to direct sustainable choices in the design and construction of buildings and structures; development proposals should incorporate the conservation and enhancement of existing habitats and landscape design as key considerations and should consider provision of footpaths and road crossings for pedestrians and provision for cycling. The SDC SPD also requires direct consideration to be given to issues such as air, noise and light pollution.
- 8.20. The Scheme is considered to be compliant with the SDC SPD. The Scheme involves a comprehensive landscaping proposal involving the reinstatement and strengthening of lost or declining hedgerows along the route. This will help to reinforce the rural character of the landscape and screen or soften views of the ACRR. Strips and blocks of native deciduous trees will also be planted along the route and highway verges and embankments will be seeded with species rich grass, helping to increase habitats and biodiversity. As a result of these measures the ES concluded that at year 15 the long-term effects on visual receptors would reduce to between moderate adverse to minor adverse and there would be no significant residual effects in the long term.
- 8.21. Dust emissions (and resulting air pollution) will be controlled during construction through the use of best practice methods and measures; a Construction Environmental Management Plan is proposed to ensure that the impact of dust and fumes is negligible. The Air Quality assessment undertaken as part of the Planning Application concluded that there would be both increases and decreases in concentrations of nitrogen and particulates associated with the new road. As such there is not considered to be a significant impact on air quality overall.

- 8.22. Noise and light pollution will also be limited: most work will be undertaken in working hours and mitigation measures will be used following implementation, and street-lighting is not proposed along the route.

### **Borough Design Guide SPD (2012)**

- 8.23. The BDG SPD seeks to enhance the quality of development and ensure that proposals are of the highest quality of design with particular focus on design in the context of residential and non-residential development. Although the relevance of the BDG SPD is considered to be limited careful consideration has been given to the design of the proposed alignment in the context of the existing environment.

### **Arborfield and Newland Village Design Statement SPD (22015)**

- 8.24. Appendix 3 of the document provides context regarding the existing transport network in the Arborfield and Newland Parish. It identifies the problem arising at Arborfield Cross roundabout, especially the significant proportion of heavy goods vehicles which travel through the village. Although the document notes that it is inappropriate to provide a policy direction in relation to Highway Authority matters it recognises the “inevitable need” for a bypass to ensure that sustainability of the adjacent SDL. It states that any such bypass should sit sympathetically in the countryside, follow natural contours and respect established woodland.
- 8.25. In line with this the ACRR has been developed and refined to ensure it sits sympathetically within the context of the surrounding countryside environment. The Scheme avoids areas of ancient woodland and landscaping is proposed.
- 8.26. As such the Scheme is considered to be compliant with the planning policy for the area. As full planning permission has now been granted for the Scheme the Council does not consider that there will be any impediment to the Scheme being taken forward on planning grounds.

## **9. Funding**

- 9.1. The total estimated cost of the Scheme will be £[ ] million.
- 9.2. The Arborfield Garrison SDL and South of M4 SDL planning applications were approved subject to planning obligations that will contribute towards the overall cost of the ACRR.
- 9.3. The Council’s Infrastructure Delivery and Contributions SPD (adopted October 2011) (the “**IDC SPD**”) again recognises that improvements to transport capacity on the A327 are necessary “*including measures to relieve Arborfield Cross which may include provision of a new route avoiding existing settlements or junction capacity improvements such as at Arborfield Cross*”. Under the IDC SPD off-site works for the ACRR are to be funded by developers of the Arborfield Garrison and South of M4 SDLs and indicative developer contributions are set at £5 million from Arborfield Garrison SDL and £4 million from South of M4 SDL.

**10. Land required for Mitigation of the effects of the use and existence of the ACRR**

**11. Special considerations affecting the Order land**

- 12.1. There are no special considerations applying to the Order Land.
- 12.2. The Order Land is not located within a conservation area and there is no consecrated land, renewal area land, allotment land or open space included within it. None of the Order Land is held inalienably by the National Trust.

**13. Other information that might be of interest to those affected by CPO**

- 13.1. Anyone who considers that they are affected by the Order can contact [ ] by telephone on [ ] during normal office hours or can make an appointment to visit the Council Offices at [ ].
- 13.2. A copy of the Order, Order Map and this Statement of Reasons and the documents referred to in the attached list can be inspected at the Council's Offices at [ ] between [ ].
- 13.3. The Statement of Reasons for making the Order is not intended to discharge the Council's statutory obligations under the Compulsory Purchase (Inquiries Procedures) Rules 2007 in the event of a public local inquiry being held.

<b>TITLE</b>	<b>Intelligent Traffic Systems Maintenance - Business Case Approval</b>
<b>FOR CONSIDERATION BY</b>	The Executive on 29 March 2018
<b>WARD</b>	None Specific;
<b>DIRECTOR</b>	Interim Director of Environment - Josie Wragg
<b>LEAD MEMBER</b>	Executive Member Highways and Transport - Keith Baker

## **OUTCOME / BENEFITS TO THE COMMUNITY**

Maintenance of the Council's on street monitoring control and information technology, including traffic signals for both junction control and pedestrian crossings.

## **RECOMMENDATION**

That the Executive approves the attached Business Case, for the pan-Berkshire procurement of a new Intelligent Traffic Systems (ITS) Maintenance contract.

## **SUMMARY OF REPORT**

It is proposed that this statutory service is jointly procured in partnership with the other six Unitary Authorities in Berkshire.

## Background

Intelligent Traffic Systems (ITS) Maintenance is a statutory service to maintain the efficacy of our traffic signals assets, including on-street monitoring, control and information technology. Work has been ongoing with the other Berkshire Authorities to look at the best options for procuring this service.

In looking at the best method for procurement, three options were considered:

- 1) Do Nothing: The proper maintenance of ITS equipment is a statutory requirement of WBC.
- 2) Run an independent WBC tender: This would be a compliant approach but it would be likely to attract higher service rates, due to the loss of the economies of scale offered by the joint approach, and increase WBC's direct costs, in Officer time.
- 3) Joint tender with other Berkshire Authorities: This would be a compliant approach and is expected to deliver the most cost effective solution due to economies of scale driving pricing benefits and a sharing of resources reducing the burden on Officer time. There is potential for further, intangible, benefits due to the harmonisation of standards across Borough boundaries within Berkshire.

The third option was considered the best option in terms of resource and harmonisation cross boundary.

Following soft market testing, the technical teams from all six Authorities have jointly developed a new specification. The new contract has been fully updated, with modern maintenance methods, more stringent financial performance incentives, future proofing through specific options to include new/other ITS assets and places responsibility for the "whole of life" of any fault with the contractor, which should improve response times in more complex tasks.

The contract is flexibly structured with a set of core requirements and a series of modules that may be added by each individual Council, so that it remains fit for purpose throughout its term.

The current ITS Maintenance contract has been extended to fit in with the benefits available through cross Berkshire procurement but must now be re-procured. It is proposed to let a new contract jointly with the other Berkshire Unitary Authorities. The new contract will have an industry standard NEC3 core.

The maximum possible contract term (before a retender) is 10-years, which under PCR2015 regulations means the total ascertainable value of the WBC portion of the new contract is approximately £1.2M.

## Analysis of Issues

Whilst Reading Borough Council is the lead Authority and signatory, all Authorities are jointly responsible for the overall governance of the contract and each has control over the services in its own administrative area through a direct relationship with the supplier.

The joint procurement will:

- save costs – RBC will lead at no cost to the other Authorities
- increase competition – the joint offer is more attractive to the market
- reduce prices, due to economies of scale and increased competition

- ensure a harmonised approach – so that traffic controls will be more consistent across Borough boundaries
- allow flexibility for future developments in traffic management

The new contract has an initial term of 5 years, with an automatic annual renewal based on successful performance against key performance indicators for a further 5 years (a 5+1+1+1+1+1 contract). Performance measured in Year 4, will determine the renewal in year 6; year 5 determines renewal in year 7, etc.

The contract now needs to be re-tendered and the joint procurement with the other Berkshire Authorities is likely to deliver the most economically advantageous tenders. The technical teams have been focused on creating a specification that provides a broad, integrated service with the necessary flexibility to meet future needs in an area of technology that is developing rapidly.

## 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)	Cost Neutral No additional costs	Yes	Revenue
Next Financial Year (Year 2)	Cost Neutral No additional costs		
Following Financial Year (Year 3)	Cost Neutral No additional costs		

### **Other financial information relevant to the Recommendation/Decision**

The new contract is expected to be cost comparable to the current contract, despite its wider remit. Reading BC Legal team will conduct the necessary legal review with costs split evenly across the six Boroughs (expected cost is a maximum of £3,000).

### **Cross-Council Implications**

This decision is not directly linked to any other service, though this service underpins elements of the Council Transport Vision.

### **List of Background Papers**

Procurement Business Case

<b>Contact</b> Richard Turner	<b>Service Place</b>
<b>Telephone</b> Tel: 0118 974 6849	<b>Email</b> richard.turner2@wokingham.gov.uk

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In accordance with the Procurement and Contracts Rules and Procedures (PCRP) (see section 3.1.1): a formal business case is required for any procurement with a total value above £50,000. The level of approval required for the Business Case depends on the type of procurement and total ascertainable value of the contract, as indicated in the table below: -

**1. Level of Approval**

State “YES” in the applicable box at either Level 1 or Level 2:

Type of Procurement	Level 1 –		Level 2 –	
	Head of Service & Director Approval	“Yes”	Executive Approval	“Yes”
Goods and Services	£50k – £500k		> £500k	Yes
Schedule 3 Services	£50k – £589k		> £589k	
Works	£50k – £4,104k		> £4,104k	

**2. Project Information**

<b>Project / Contract Title</b>	ITS Maintenance Contract
<b>Project / Contract Description</b>	Service required to maintain the Council’s on street monitoring, control and information technology (Intelligent Transport Systems) including the council traffic signal asset, for both junction control and pedestrian crossings.
<b>Expected Start Date &amp; Duration (months)</b>	October 2018 (60 months)
<b>Any Extension/s Allowed (months)</b> (E.g.: 1 x 24m / 1 x 12m + 1 x 12m)	5 x 12m (automatic extensions subject to satisfactory KPI based on previous year)
<b>Total Ascertainable Value</b>	Around £1,200,000 (Value for WBC, projected over 10 years)
<b>Type of Procurement</b> (Goods [ <i>supplies</i> ], Services, Sch3 or Works)	Services
<b>Procurement Procedure</b>	OJEU
<b>If not an Open or Restricted procedure, has it been approved by Procurement?</b> (state “Yes”, “No” or “Not Applicable”)	Joint procurement with the other Berks LAs Open – lead by Reading BC YES – approved by Procurement
<b>Budget Available</b>	Yes
<b>Source of Funding</b> (revenue or capital or mixed)	Revenue
<b>Any specific comments or notes associated with the budget</b>	Core service expected to be the same level of cost as the existing contract. Joint procurement with other LAs expected to create a more attractive offering to the market to achieve the best possible pricing.

### 3. Project Justification

#### Link to Service or Corporate Objectives:

Wokingham Borough Council (WBC), along with the other Berkshire Authorities, currently has a contract with Siemens PLC for the maintenance of their traffic signal assets, which is a statutory requirement. The existing ten year contract period has expired and has been extended in the short term however, a new arrangement must be put in place. The existing contract is no longer fit for purpose as maintenance methods and technologies have changed significantly in the past ten years.

A new contract specification has been prepared jointly between the Berkshire Authorities, a Soft Market Testing exercise was undertaken and meetings held to discuss the arrangement. The new specification includes more stringent financial performance incentives, the option to incorporate other ITS assets (such as Intelligent Transport Systems) and responsibility for the 'whole life' of any fault, including contracting 3<sup>rd</sup> parties on the Council's behalf (such as power suppliers in the event of a power outage).

The specification will accompany an NEC3 form of contract and has been structured such that other ITS assets can be included in the maintenance agreement should the council wish it, the benefits of doing so include value for money, time saving for the council and utilisation of one central Fault Management System (FMS).

The specification is required to be advertised through OJEU. A memo of understanding will need to be signed, indicating the Council's commitment to the contract and authorising RBC as the lead authority in the procurement, before the contract is advertised. The other Authorities which will be included in the agreement are:

- |   |                                    |
|---|------------------------------------|
| ▪ Slough Borough Council                    | ▪ Wokingham Borough Council        |
| ▪ The Royal Borough of Windsor & Maidenhead | ▪ Bracknell Forest Borough Council |
| ▪ Reading Borough Council                   | ▪ West Berkshire Borough Council   |

The specification has been set up in a modular fashion to allow equipment, over and above the core requirements, to be added on an 'ad hoc' basis and at the full discretion of each individual council. The types of ITS equipment that may be added, includes, but is not limited to:

- |                                       |                                       |   |
|---------------------------------------|---------------------------------------|---|
| ▪ Automatic Rising Bollards           | ▪ Automatic Traffic Counters          | ▪ Air Quality Monitoring units                    |
| ▪ Wireless communication networks;    | ▪ Over Height Vehicle Warning systems | ▪ Remote Monitoring Cameras including ANPR & CCTV |
| ▪ Journey Time monitoring units       | ▪ Vehicle Actuated Signs              | ▪ Variable Message Signs                          |
| ▪ Hostile Vehicle Protection systems. | ▪ Real Time Information Displays      |   |

## **Project Specific Objectives, Appraisal of Options and Project Timetable:**

The contract is being procured on behalf of all the Berkshire Unitary authorities through Reading's procurement team, via an OJEU compliant process.

The current version of the maintenance specification has been developed in conjunction with the other Berkshire Authorities. The contracts operated by many other authorities have been reviewed and the 'respond and fix' style arrangement was agreed to be the most appropriate; as opposed to the alternative 'availability' style contract.

The headline themes of the new contract specification are:

- A 5 year minimum contract with automatic extensions based on satisfactory KPI performance on a yearly basis up to maximum of 10 years; year 6 will automatically be given subject to KPIs in year 4 and so on.
- Proactive maintenance of equipment (a statutory requirement) including:
  - Optical Maintenance (OM)
  - Period Electrical Testing (PET)
  - Yearly Periodic Inspections (PIs)
- Addition of critical fault category, which is an urgent fault at a site flagged as critical.
- A revised pricing structure which affords the maximum flexibility and Value for Money
- The option to include ITS assets in addition to the core traffic signal maintenance;
- Whole life management of a fault and liaison with 3rd party suppliers (such as electricity providers) the Councils behalf
- Revised KPIs, which include a multiplier so that if a target time is exceeded twice, this will count as 2 failures, up to a maximum of ten.
- Fault rectification to timescales:
  - Critical 2 hours attend, 4 hours fix (currently category does not exist);
  - Urgent 4 hours attend, 6 hours fix (currently 4 hours respond and fix);
  - Non Urgent, 56 hours attend and fix, (currently 48 hours);

The timings have been carefully chosen to provide an appropriate level of service whilst providing reasonable flexibility to the contractor and subsequently reasonable costs to the councils.

The proposed setup takes as much of the burden away from the Council's Engineers, but it should be noted, the council is still responsible for the management of the systems, reporting faults, operating and utilising ITS assets, timing changes/ datasets, installation of new equipment, Council Inspections, specification and approval of minor improvements and fault rectification outside the maintenance scope.

Table 1 below indicates the approximate timeline for letting the new contract. A detailed project plan is currently being produced along with a 'memo of understanding', which will confirm the council's intention to proceed with the re-letting of the contract with the other authorities.

**Table 1 - Key Actions**

<b>Target Date</b>	<b>Action</b>	<b>WBC Approval</b>
29 March 18	Business Case approval	Executive
March 2018	Project plan and memorandum of understanding signed by all authorities	WBC Director Signature required
	Legal review undertaken by Reading Borough Council Legal Services to be undertaken (cost to be split equally between authorities).	
March 2018	Reading Council (as existing lead authority) submit notice period to Siemens to Cancel existing contract	
April 2018	Final Specification and contractual Ts & Cs approval	AD for H&T SLS
	Contract Notice published on OJEU	
	The tender will be reviewed by a board of Technical representatives from each authority and limited number of Legal/procurement representatives. For Wokingham this will be the authority's ITS Engineer.	
	Approval of selected supplier prior to contract award	Director via Material Decision
	Contract signed with successful tender	Sealed as a Deed by SLS
	'Call off' and mobilisation period	
October 2018	Contract commencement	

### **Cost Benefit Analysis:**

An initial soft market engagement has been undertaken to ensure that the scope of the contract fulfilled the ambitions of the authorities involved and that cost risks were mitigated. The contract structure has been designed to balance the service needs with best value.

The contract is being tendered through the OJEU Open process to ensure competitive returns.

Financial banding of equipment types and quantities will be sought through the tendering process to ensure that economies of scale can be met and to determine contract impacts.

WBC's share of the current contract value is **£57,188** per annum plus 'Minor Chargeables', which vary from month to month.

'Minor Chargeables' refers to work not expressly covered by the maintenance contract, such as damage repair or minor upgrades. In 2017 'Minor Chargeables' totalled an additional **£62,242**.

Soft market testing indicated that the new contract is likely to be approximately the same cost.

The contract tenders will be evaluated on the basis of **Quality 60%, Cost 40%**

Assurance of quality at tender stage and during contract is essential. A sub-standard maintenance contract would result in unnecessary delays and potential safety considerations on the network. It may also result in additional costs, if issues are not identified early enough. The impact on the Council, local businesses and road users, if the system is unreliable, would be far more significant than the cost of the investment. Within Wokingham, risks are further compounded by the network demands created by development growth.

#### 4. Approval

Please fill in the applicable fields according to the level of approval required.

Note: If level-2 approval is required, the document should be signed by Head of Service and Director at Level-1 first and then presented to relevant Executive Member for final approval.

##### Level 1

<i>Position</i>	<i>Department / Directorate</i>	<i>Name</i>	<i>Signature</i>
<b>Head of Service</b>	Place Based Services	Clare Lawrence	
<b>Director</b>	Environment	Josie Wragg	

##### Level 2

<i>Position</i>	<i>Name</i>	<i>Signature</i>
<b>Executive Member</b> (or approved delegated authority)	<b>Cllr Keith Baker</b>	

<b>TITLE</b>	<b>Unauthorised Encampment Protocol and Policy Update for Wokingham Borough Council</b>
<b>FOR CONSIDERATION BY</b>	The Executive on 29 <sup>th</sup> March 2018
<b>WARD</b>	None specific
<b>LEAD OFFICER</b>	Graham Ebers Director Corporate Services
<b>LEAD MEMBER</b>	Simon Weeks Executive Member Planning and Enforcement

<b>OUTCOME/BENEFITS TO THE COMMUNITY</b>
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To improve the operational delivery of the removal of unauthorised encampments in the Borough of Wokingham by closer working with the Thames Valley Police and to extend the options available to Wokingham Borough Council to legally remove unauthorised encampments.

By signing up to the Thames Valley Police protocol Wokingham Borough Council will collectively and consistently deal with unauthorised encampments using all legal remedies available.

<b>RECOMMENDATIONS</b>
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That the Executive agree:

- 1) to delegate signing of the joint protocol with the Thames Valley Police for dealing with unauthorised encampments across the Thames Valley Police operating area to the Director of Corporate Services;
- 2) to authorise the use of additional legal options available to Wokingham Borough Council for dealing with unauthorised encampments.

<b>SUMMARY OF REPORT</b>
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An unauthorised encampment is where any person camps (in vans, trailers, tents or any other moveable accommodation) on land that they do not own, and where they do not have permission to reside. Unauthorised encampments are currently managed by the Housing Service at Wokingham Borough Council.

Wokingham Borough Council and the Thames Valley Police have an excellent working relationship in the management and removal of unauthorised encampments. As part of this partnership working Wokingham Borough Council operational and strategic officers are working with the Thames Valley Police and 15 other local authorities to draft a new protocol for unauthorised encampments.

It is proposed that the 16 local authorities within the Thames Valley Police operating area sign up to the protocol.

Within the draft protocol local authorities are encouraged to use all legal powers available to them including the use of common law powers, these powers are not detailed in the guidance and have not historically been utilised by Wokingham Borough Council. However common law powers are used as a matter of course by Bracknell Forest Council, developers and landowners.

The additional options for removal being proposed are outlined below and are contained in the draft Thames Valley Police protocol.

It is difficult to understand financial implications on introducing additional powers due to a lack of data available, it is proposed that the service operates within its current budget.

## **Detailed Consideration**

When dealing with unauthorised encampments Wokingham Borough Council must comply with, and ensure that we act in a fair, objective and transparent way. Each encampment is considered on an individual basis. Any action must comply with Human Rights Act 1998, the Equality Act 2010, and the Public Sector Equality Duty.

Wokingham Borough Council has the duty for managing unauthorised encampments within its borough boundaries, like many other authorities, is subjected to unauthorised encampments and they usually occur in the spring/summer months.

Appendix 1 details unauthorised encampment activity in the borough for last three years. In financial year 17/18 it currently takes an average of 4.5 days to remove each encampment.

### **Wokingham Borough Council Current Practice**

Wokingham Borough Council currently uses powers under Sections 77 – 78 of the Criminal Justice and Public Order Act (CJPO Act) 1994 to remove unauthorised encampments. These provisions are discretionary and can be used by the council on any land where anyone is present without consent. We currently only exercise this power on council owned land and with recourse to the County Court.

Sections 77 – 78 of the Criminal Justice and Public Order Act (CJPO Act) 1994,

- Can only be used by Local Authority
- Can be used on any land irrespective of ownership
- Used to remove identified individuals from land
- Only require involvement of Courts when unauthorised campers do not leave when directed
- Enforced by Local Authority Officers or private bailiffs employed by them
- Return to location within three months carries criminal sanctions

Wokingham Borough Council liaises with landowners and they are provided with advice and assistance on how they can deal with unauthorised encampment. It does not fall to the local authority to take action on private land, doing so would lead to additional costs and resource allocation.

### **Thames Valley Police Powers**

Thames Valley Police can exercise the use of Section 61 of the Criminal Justice and Public Order Act 1994 (CJPO Act) and where applied can lead to eviction in a much shorter timescale.

*The Thames Valley Police draft protocol involves Wokingham Borough Council, and 15 other local authorities, to produce a protocol to detail how we will all deal with unauthorised encampments using all the legal tools available.*

Often the expectation of the local community and land owners is that the Police will perform the eviction using Section 61 powers. The mere presence of an encampment

without any aggravating factors should not normally create an expectation that Police will use these eviction powers.

The council has an injunction in place at Cantley Park, this was given by the court due to the unique circumstances at Cantley Park, it is designated as additional mortuary space in the event of a major incident in Berkshire. Injunctions are generally used to protect vulnerable sites and where disruption may be caused in a defined area, it is a pre-emptive power.

### **Going Forward**

The Thames Valley Police Draft protocol outlines the powers available to Local Authorities and it is recommended that Wokingham Borough Council signs up to use the additional powers. This will give the council the ability to use these additional criminal and common law powers when dealing with unauthorised encampments.

The decision on which power to use to remove an unauthorised encampment will be an operational decision. It will be made in consultation with the Thames Valley Police, ensuring compliance with legislation and Wokingham Borough Councils updated operational policy and procedure.

The Thames Valley Police are working with the 16 local authorities in their operating area to produce a uniform protocol. In discussions with partners they acknowledge and understand that some authorities will have local nuances to meet operational and political requirements. Appendix 3 details 2015 guidance from the Department of Communities and Local Government, now known as the Ministry of Housing, Communities & Local Government.

### **Section 77 - 78 Criminal Justice and Public Order Act**

This act orders the removal of persons their vehicles unlawfully on land. An Authority can make a complaint to a Magistrates Court that persons and vehicles in which they are residing are present on land within the Borough, in contravention of a direction given under section 77. Where a complaint is made under this section a summons will be issued by the court requiring the persons to whom it is directed to appear before the court to answer to the complaint. The summons may be directed to the occupant of a particular vehicle on the land in question or to all occupants of vehicles on the land in question, without naming them.

The court if then satisfied can make an order requiring the removal of any persons, vehicles or other property on the land. The order may authorise the local authority to enter upon the land specified in the order and to take steps to enable the removal of any vehicle or property in pursuance of the order.

The current Wokingham Borough Council practice is to take action using the County Court in all cases. The use of this power more fully, by having recourse to the magistrates court as an alternative may speed up the removal of unauthorised encampments.

### **Common Law Powers**

When an unauthorised encampment cannot be tolerated and police have no grounds to use their powers, other bodies including some local authorities use the common law route.

In practice common law powers can only be used by the landowner and they do not require the involvement of the courts. They are enforced by the landowner, generally using private bailiffs, however there is no sanction if the trespasser returns. This is unlike the current process whereby the council can apply for an order at the county court to remove if they return within three months.

In operation the trespasser should be asked to leave and given the opportunity to leave prior to reasonable force being used. As with any power chosen by the council, the police should be consulted/informed. The police can be present to prevent a breach of the peace and can advise on the timing and the appropriateness of the action.

Neighbouring authorities have used this power successfully over the last few years, there is also an option to seize property and where necessary dispose of goods to cover the costs of dealing with unauthorised encampments.

Again the ability to use this power may speed up the removal of unauthorised encampments.

### **Part 55 Civil Procedure Rules**

This remedy allows the landowner to apply to the county court to regain possession of land. It is enforced by County Court bailiffs. This is very similar to our current practice under Sections 77 – 78 of the Criminal Justice and Public Order Act (CJPO Act) 1994, but with no sanction if trespassers return.

### **Timescales**

The Thames Valley Police protocol for dealing with encampments is due for completion by Spring 2018. Once this is agreed, Wokingham Borough Councils operational procedures will be updated to reflect the changes and improvements within the protocol.

The target date for this work is the start of financial year 2018/19.

## **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	0	Revenue
Next Financial Year (Year 2)	0	0	Revenue
Following Financial Year (Year 3)	0	0	

**Other financial information relevant to the Recommendation/Decision**

Wokingham Borough is not expected to see an increase in costs in dealing with unauthorised encampments with the implementation of the Thames Valley Police Unauthorised Encampment protocol and Wokingham Borough Councils updated policy and procedure. The impact of the use of additional powers will need to be regularly reviewed.

**Cross-Council Implications**

Corporate Property and Assets, Shared Legal Solutions, Community Safety and Cleaner and Greener services will be consulted on the implementation of the new Unauthorised Encampment policy and procedure.

**List of Background Papers**

Appendix 1 Summary of Unauthorised Encampments  
Appendix 2 Equality Impact Assessment

<b>Contact:</b> Simon Price	<b>Title:</b> Category Manager – Housing Operations
<b>Telephone No:</b> 0118 974 3775	<b>Email:</b> simon.price@wokingham.gov.uk

	Total for the year
<b>2015/16 - Totals (July onwards)</b>	
Number of unlawful encampments reported	13
Number of unlawful encampments on WBC land	8
Number of unlawful encampments on private land	5
Average number of days unlawful encampments on sites	2
<b>Section B</b>	
Number of encampments cleared with Section 61	5
Number of encampments cleared without Section 61	5
<b>Section C</b>	
Number of welfare issues reported on unlawful encampments	0

	Total for the year
<b>2016/17 - Totals</b>	
Number of unlawful encampments reported	29
Number of unlawful encampments on WBC land	13
Number of unlawful encampments on private land	16
Average number of days unlawful encampments on sites	4
<b>Section B</b>	
Number of encampments cleared with Section 61	6
Number of encampments cleared without Section 61	22
<b>Section C</b>	
Number of welfare issues reported on unlawful encampments	0

	Total for the year
<b>2017/18 - Totals (Up until October)</b>	
Number of unlawful encampments reported	13
Number of unlawful encampments on WBC land	7
Number of unlawful encampments on private land	6
Average number of days unlawful encampments on sites	4.5
<b>Section B</b>	
Number of encampments cleared with Section 61	4
Number of encampments cleared without Section 61	9
<b>Section C</b>	
Number of welfare issues reported on unlawful encampments	0

Totals	Total of all recorded
<b>Section A</b>	
Number of unlawful encampments reported	55
Number of unlawful encampments on WBC land	28
Number of unlawful encampments on private land	27
Total/Average number of days unlawful encampments on sites	3.5
<b>Section B</b>	
Number of encampments cleared with Section 61	15
Number of encampments cleared without Section 61	36
<b>Section C</b>	
Number of welfare issues reported on unlawful encampments	0

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## Equality Impact Assessment (EqIA) for Click or tap here to enter title.

Date: 19/02/2018	Scheduled refresh date: <small>Click or tap to enter a date.</small>	Version: 1
Service: Housing Service	Completed by: Simon Price/Baljinder Reyatt	Signed-off by: <small>Click or tap here to enter text.</small>
<b>What key decision activity are you completing this EqIA for?</b>		
Policy/Strategy <input checked="" type="checkbox"/>	Decision <input type="checkbox"/>	Service <input type="checkbox"/>

### STAGE 1: INITIAL SCREENING

<b>1.1: Did you answer yes to any question in the EqIA Criteria Checklist?</b> <i>(Source: EqIA Criteria Checklist, Appendix B, EqIA Guidance)</i>	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
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Click or tap here to enter text.

### 1.2: What are the aims and objectives of the policy/strategy, decision or service?

The main objective of the policy is to improve the delivery of removal of unauthorised encampments in the Borough by improving working ties with Thames Valley Police and extend the options available to Wokingham Borough Council to legally remove unauthorised encampments with a new protocol for all partners involved in the removal of unauthorised encampments, including the use of Common Law powers, which have previously not been adopted by Wokingham Borough Council.

### STAGE 2: SCOPE AND DEFINE

#### 2.1: Who are the main beneficiaries of the policy, decision or service?

Residents in the Borough will benefit from less disruption from any unauthorised encampments. More efficient removal of unauthorised encampments from areas such as parks and nature reserves will reduce the environmental impact any sites may have.

#### 2.2: Who has been involved in the creation of the policy, decision or service? Who will it impact?

The proposal has been drafted by the Wokingham Borough Council Housing Service in conjunction with Thames Valley Police. The work will impact on Officers in the Council who are responsible for removing any unauthorised encampments and partners in Thames Valley Police. The proposed new protocols should enable a unified approach to removing encampments more efficiently and quickly.

### STAGE 3: INFORMATION GATHERING/EVIDENCE

#### 3.1: What Secondary Data did you use in the creation of this EqIA?

Data has been provided that provides the frequency of unauthorised encampments in the Borough, data on welfare checks that were prevalent on any sites and the average number of days unauthorised encampments were on sites. Qualitative research included draft procedures and process on managing unauthorised encampments from West Midlands Police and Sandwell Metropolitan Borough Council. Civil, Criminal and Common Law powers being considered in the Wokingham Borough Council and Thames Valley Police draft are the same in the West Midlands Police and Sandwell Council draft.

#### 3.2: What Primary data did you use in the creation of this EqIA?

Consultations, questionnaires and focus groups were not required when researching this proposal.

### STAGE 4: ASSESSING THE IMPACT

*Please complete the impact assessment table below by identifying any function or service that is likely to touch on any of the 3 main duties of the Equality Act 2010, then select the protected characteristic that maybe effected by the decision.*

### STAGE 5: ADDRESSING THE ISSUES

*Once you have identified the impacts, please consider ways to tackle each of the negative impacts identified in order to mitigate them by completing the mitigation section of the table.*

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## 4 & 5: IMPACT ASSESSMENT AND ACTION PLAN

Consider the 3 main duties set out in the Equality Act 2010

1. Eliminate discrimination, harassment, victimisation and other conduct that is prohibited under the Act

2. Advance equality of opportunity between persons who share relevant protected characteristics and persons who do not share it

3. Foster good relations between persons who share a relevant protected characteristic and persons who do not share it

Protected Characteristics	IMPACT ASSESSMENT			MITIGATION			
	(+ve / 0 / -ve)	Nature/Explanation	Main Duty (1-3)	Action required	Who is responsible?	By when?	Expected outcome
Race	-	GRT Communities be stigmatised by local communities due to the nature of the way they live	1	Ensure any members of the GRT Community are not subject to any discrimination if they set up an authorised encampment in the Borough	Housing Service Officers/Thames Valley Police		Eliminate/reduce any discrimination against the GRT Community and foster good relations
Disability	+	Members of the GRT Community have traditionally low literacy rates	3	Ensure any documents families receive are in a format that can be digested and understood by travellers	Housing Service/Thames Valley Police		Enable GRT communities who have set up unauthorised encampments to understand their rights and the procedures the Council/Police use to have them removed and foster good relations
Gender	0	The policy does not have a specific effect on gender issues					
Age	0	The policy does not have a specific effect on age					
Sexual orientation	0	The policy does not have a specific effect on sexual orientation					
Religion/ belief	0	The policy does not have a specific effect on religion/beliefs					
Gender Reassignment	0	The policy does not have a specific effect on gender reassignment					
Pregnancy and maternity	+	As part of welfare checks pregnant occupiers are recorded	3	Ensure that any expecting mothers on unauthorised encampments are aware of local services such as health clinics and hospitals should they be required	Housing Service Officers	Ongoing, recorded for each encampment	Improve relations with travellers on unauthorised encampments

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**STAGE 6: REVIEW & SCRUTINY**

**6.1: Has your EqlA been considered at your service's Management Team for discussion?**

Yes

No

If yes, date of meeting: [Click or tap to enter a date.](#)

**6.2: After discussion with Management Teams, list comments, criticisms or alternative approaches suggested regarding the impacts and actions of the policy/strategy, decision or service.**

**What changes, if any, have been taken following discussion with your service Management Team?**

Discussions on the new approach have been positive as it enables better working procedures and partnerships for Wokingham Borough Council.

**STAGE 7: PUBLICATION AND COMMUNICATION OF RESULTS**

**7.1: How will the assessment, consultation and outcomes be published and communicated?**

Outcomes will be published on the Wokingham Borough Council website.

**STAGE 8: EMBEDDING ACTIONS INTO DELIVERY PLANS**

**8.1: Has your delivery plan been updated to incorporate the activities identified in the EqlA to mitigate any negative impacts that you have discovered?**

The Unauthorised Encampments Policy and Procedure will need to be updated to reflect the new powers available and the procedures used.

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