

TITLE	Compulsory Purchase Order
FOR CONSIDERATION BY	The Executive on Thursday, 25 th July 2019
WARD	Wescott;
LEAD OFFICER	Deputy Chief Executive - Graham Ebers
LEAD MEMBER	Executive Member for Regeneration - Charlotte Haitham Taylor

PURPOSE OF REPORT (INC STRATEGIC OUTCOMES)

To confirm in detail the previous in principle Executive decision (March 2017) to use CPO powers to acquire the remaining areas of land at the Carnival Pool site to enable delivery of the final phase of town centre regeneration in accordance with detailed planning consent (ref. 170212) granted February 2018.

RECOMMENDATION

That the Executive:

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

(b) approve terms for the acquisition of legal interests (including rights) by agreement including for the purposes of resolving any objections to the CPO;

4) Authorises, if the CPO is confirmed, to the extent that it is not already held for such purposes, that that part of the Site already within the Council's ownership as shown coloured blue on the plan at Appendix 2 of this report be appropriated for planning purposes as described in section 226 of the Town and Country Planning Act 1990 (as amended) on the date immediately before the Council implements the confirmed CPO by the making of a vesting declaration or service of notice to treat, such land being then no longer required for the purpose for which it is currently held.

EXECUTIVE SUMMARY

The purpose of this report is to consider:

- the final extent of the land to be acquired pursuant to the CPO
- the continuing efforts made by the Council to acquire the land by private treaty negotiations
- the process to be followed to achieve the making and confirmation of the CPO
- the subsequent acquisition of the necessary land pursuant to the CPO (if a private treaty negotiated acquisition does not succeed) and
- the benefits to the Council of then being able to complete the final phase of the regeneration of the Site and of the town centre as a whole.

The regeneration of the Site has been a corporate and planning objective of the Council for many years. The Council has previously referred to the potential use of compulsory purchase powers to assemble the land interests in the Site in the Wokingham Core Strategy 2010. The Council has subsequently demonstrated its intent to deliver regeneration of the Site by acquiring various land holdings by private treaty. While much of the Site is now in the Council's ownership, it has not, however, been possible to acquire all necessary land interests by negotiation.

Planning permission for the regeneration of the Site was secured on 2 February 2018. The only impediment to regeneration of the Site is the need to assemble all necessary land interests. It is therefore appropriate for the Council to now move forward with making the CPO to acquire the outstanding land interests. The Council considers that the use of such powers is in accordance with all legal requirements, with national and local policy and that there is a compelling case in the public interest for the CPO and thereafter for the regeneration of the Site to proceed.

The following documents are appended to this report:

- 1 Plan showing the land proposed to be included in the CPO edged red coloured pink
- 2 Plan showing land to be Appropriated coloured blue
- 3 Draft Statement of Reasons

BACKGROUND

This report is submitted as required by Decision 136 (3) of the Executive dated 30th March 2017.

The Executive decided at the meeting on 30th March 2017 to authorise the in principle making of this Compulsory Purchase Order ("CPO") to acquire the necessary interests in the relevant land.

The decision was made because the Executive considered that the acquisition will facilitate the carrying out of the development, redevelopment or improvement of land which will contribute to the achievement of any one or more of the promotion or improvement of the economic, social and environmental well-being of Wokingham.

The Executive required that a further report be presented to approve the final extent of the land to be acquired following the finalisation of the necessary preparatory work.

The preparatory work has now been concluded and the Council now needs to press ahead with finalising the CPO.

Negotiations to acquire the land by private treaty began in 2014 and have continued ever since supported by a number of relocation offers. It is largely due to the inability to acquire by agreement that the Council now requires the CPO to overcome the impasse in negotiations. However, whilst pursuing the CPO, negotiations will also continue in the hope of a breakthrough but the Council cannot rely on a successful outcome to negotiations.

The Site is being developed in two phases. Phase I was completed in July 2017 and comprises a new 500+ space multi-storey car park and replacement Superbowl and Laserquest leisure attraction accessed off the Carnival roundabout on Wellington Road. The layout of Phase I anticipates the approved design of Phase II and depends upon its delivery to make full and best use of the Site. The two Phases of this Site and indeed the layout of the Elms Field regeneration scheme immediately to the north are interdependent.

The Phase II of the Site currently includes the Council's swimming pool with ancillary leisure facility, the site of the previous and now demolished superbowl ten pin bowling facility, an office building (constructed 2001) with ancillary parking and a public right of way on the western edge of the Site. The office building is currently owned and occupied by BJP Insurance Brokers Ltd.

The buildings on the Site have a poor relationship with the surrounding area; being inward facing from the highway and pedestrian routes; and having a negative impact on the public realm and environmental quality of the area. The buildings are poor quality and disparate in their design, having been constructed at different times and they do not relate to each other or the surrounding environment. Securing the regeneration of the Site has been a long held aspiration for the Council.

As early as 2010, the Core Strategy for Wokingham identified one of the aspirations and spatial issues that needed to be addressed by the Council as the "*renaissance of Wokingham and other town centres*" (paragraph 2.68). More particularly at paragraph 2.84 it stated "*[Wokingham] town centre is the largest retail centre in the borough and*

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

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

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

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

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

Paragraph 4.69 of the Core Strategy explains that *“Improving the centre means that it can better meet the needs of residents and prevent decline associated with loss of expenditure following expansion in nearby larger centres. The Retail Study indicates proposals within the town centre should contribute towards lengthening the time visitors stay (including into the evenings), as this will contribute towards the vitality and viability of the centre. The Retail Study (see table 4.1 earlier) indicates that there is scope for additional comparison floorspace in the centre to help reduce the current leakage....”.*

Also, in 2010, the Wokingham Town Centre Masterplan was adopted by the Council. It describes the Council's key objective for the Site as *“The town centre leisure offer and evening economy will be enhanced through the redevelopment of the Carnival Pool area to provide a mixed leisure quarter, with sports and cinema uses integrated to improve and extend the existing swimming pool at Carnival Pool”.*

In addition the Masterplan identified the area adjacent to the Site for *“Enhanced provision of at least 300 car parking spaces, supplementing provision around the*

leisure quarter, contributing to capturing principal routes into the town centre." This enhanced car parking provision was completed in July 2017.

In February 2014, the Managing Development Delivery Local Plan was adopted by the Council which sets out how the vision in the Core Strategy will be delivered. Policy SAL08 allocates the Site and the area adjacent to the Site as suitable for mixed use redevelopment: *"Land at Carnival Pool, Wokingham, for the delivery of D1 (community uses), D2 (leisure uses) flexibility for A3 (restaurants & cafes), A4 (drinking establishments) and C3 (residential) development"*.

The regeneration of the Site is further in accordance with national planning policy. The National Planning Policy Framework ("NPPF") confirms that the development plan continues to be the starting point for determining the acceptability of development. There is a presumption in favour of sustainable development which the NPPF identifies as having three "dimensions", namely an economic, social and environmental role. It is clear that the regeneration of the Site will contribute to sustainable development in accordance with the NPPF. The regeneration will contribute towards planning for prosperity (an economic role), planning for people through job creation (a social role) and planning for the environment by remediating the land (an environmental role).

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

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

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

THE SCHEME

In July 2017 a full planning application (reference 172012) was submitted for the Site as follows:

"Full planning application for the redevelopment of the Carnival Pool site to create leisure led development as part of the regeneration of Wokingham town centre. The proposals include the demolition of all existing buildings on site and the construction of: a leisure centre (use class D2); library (use class D1); restaurant (use class A3); commercial unit for non-residential institution or assembly and leisure use (use classes D1 or D2); 55 dwellings (use class C3); pedestrian and vehicular access including a pedestrian boulevard and realignment of Wellington Road; car parking; hard and soft landscaping; realignment of an existing footpath; drainage" ("the Scheme").

Planning permission pursuant to the application was granted on 2 February 2018.

The development authorised by the planning permission is in line with the planning policy for the Site as set out above. It is further in accordance with national planning policy and guidance. The Council considers that the planning permission of the Site will deliver regenerative benefits to the town centre of Wokingham and will make a significant contribution to the improvement of the economic, social and environmental well-being of the town. These benefits include:

- New and enhanced leisure facilities on the Site, which will form part of the new leisure operating contract for Council facilities across the Borough and attract other new operators into the town centre. New facilities and operators will add to the vitality and economic performance of the centre in line with approved planning policy. In turn, this will assist in increasing footfall and dwell-time to the benefit of the town.
- Creation of new jobs and valuable investment into the local area. It is predicted to create in the region of 60 (net) new jobs, with a further circa 110 jobs per annum during the construction phase. In gross value added (GVA) terms, once the new facilities are operational.
- More efficient use of prime town centre land and significantly improved public realm within the town centre. It will provide a high-quality environment both within the Site but also along a key pedestrian desire line from the new multi-storey car park in the southern part of the Site north across Wellington Road into the new Elms Field development and on into the heart of the town centre and vice versa. The Elms Field development has been designed in parallel with the Scheme to ensure good pedestrian connectivity and the provision of a high quality public realm.
- Improve the visibility of the Site which currently has a poor frontage relationship along Wellington Road and the Carnival Pool roundabout (Wellington Road, Denmark Street, Finchampstead Road junction) with the existing buildings either presenting their rear frontage to Wellington Road or hidden behind poor quality green landscaping.
- Meet appropriate sustainability objectives in line with recently approved planning policies and will thereby ensure that climate change considerations are secured.
- Enhance the leisure offer in order to better cater for the needs of the existing and future residents. The proposed leisure facilities will form part of the wider Council strategy for leisure facility provision across the Borough. Town centres are increasingly becoming places to meet and socialise, as well as to shop and access services, and improved leisure facilities in this location will provide additional opportunities for residents and visitors to visit the town centre and increase their dwell time within it.
- The proposed residential provision and mix of units will also add to the stock of housing in a highly sustainable location and help meet wider planning objectives in terms of housing land supply.

The scheme forms phase II of the redevelopment of the Carnival Pool site. The first phase comprised the 529 space Multi-Storey Car Park and the delivery of the new Superbowl leisure facility which was completed in July 2017. Following the opening of the new bowling centre the Council demolished the old bowling complex

(immediately to the north of the new one) and the site is currently in use as a temporary contractors compound supporting the related regeneration of Elms Field.

EXTENT OF THE LAND TO BE ACQUIRED

The land to be acquired is shown coloured pink and edged red on the CPO plan attached to this report. The irregular but roughly square shaped block of land spans between the railway line to the southwest, Wellington Road to the north east, Finchampstead Road to the south and the relatively new Taylor Wimpey housing estate on the site of the old cricket club to the northwest.

It should be noted that the majority of the site is already in the freehold ownership of the Council subject to a small number of leasehold interests that are fully aligned with the delivery of the Scheme. The key part of the site that currently prevents delivery of the scheme is the office building Southgate House situated on the Wellington Road frontage to the north east edge of the site. This property is owned and occupied by BJP Insurance Brokers Ltd (“BJP”) who purchased the property from the Council in 2003 as a surplus asset.

The extent of the land to be acquired to enable the redevelopment of the Site to proceed is limited to this property. Failure to acquire this property has the potential to significantly delay regeneration of the Site.

The council has been engaged in dialogue with BJP since January 2014 when the master planning of the Carnival regeneration began. From the very beginning the Council offered to relocate BJP into suitable alternative accommodation or alternatively purchase their building at fair value together with appropriate compensation. From the outset BJP expressed a preference for WBC to provide a seamless relocation into suitable alternative premises and that is what the Council has worked very hard to achieve ever since.

From an early stage in discussions one particular office building in Alexandra Court was recognised by BJP and WBC as providing a suitable relocation solution. WBC opened negotiations to acquire it for BJP. But the seller of the property was not fully committed to the sale and kept changing their mind and increasing the price and eventually withdrew in 2015.

Later in 2015 WBC agreed terms to acquire another nearby office building at Millars Brook, this time a brand new office building of BJP’s specific choosing. Unfortunately when terms had been agreed to purchase the building BJP withdrew, so that particular relocation did not proceed.

In 2016 the Council instructed a local property consultant to conduct a thorough search of the market to identify any other relocation options that met specific criteria that had been pre-agreed with BJP. This search identified a small number of potential relocation options. Once again WBC embarked on discussions to acquire one particular property close by in Ashville Way but in the end this did not with meet BJP’s approval.

Due to the failure to make meaningful progress to acquire Southgate House or to agree the provision of alternative accommodation, the Council made an early in principle resolution in March 2017 to commence preparation for the making of a CPO alongside private treaty negotiations. In this respect, the Council had regard to the "Guidance on

Compulsory purchase process and The Criche! Down Rules' (February 2018) ("the Guidance"), which recognises that it may be sensible for acquiring authorities to start formal CPO procedures in parallel with their efforts to acquire by agreement. The 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.

Apart from the Council's efforts to identify and acquire suitable relocation properties for BJP, direct discussions continued with BJP and their advisors to purchase Southgate House for fair value plus suitable compensation. In this process the Council was guided by external consultants. Unfortunately agreement could not be reached on the value of Southgate House as a stand alone purchase transaction.

Throughout this period WBC monitored the availability of the original relocation target building in Alexandra Court then owned by Axa. Following the Council's March 2017 in principle resolution to use CPO, further approaches were made to Axa to seek to acquire their building Alexander House. Eventually this led to the Council's successful purchase of the property in September 2018.

Since then detailed discussions have progressed with BJP concerning the carrying out of various enabling works by WBC to prepare Alexandra House for BJP's occupation. A detailed scope of works at Alexandra House has been tendered with a contractor standing by to begin work. Discussions with BJP have led to the production of detailed Heads of Terms for a final relocation of BJP and acquisition of Southgate House by WBC within a six month time frame. However the Heads of Terms have not yet been approved by BJP and they have not instructed solicitors to progress the matter for them. Unfortunately this means the Council can make no further progress.

Whilst the Council intends to continue negotiations, it is now very unlikely that the necessary land will be acquired at a fair cost to the Council or in time to meet the Council's regeneration programme without materially disadvantaging other land owners and occupiers in the vicinity. The Council therefore proposes to proceed to acquire the land now by CPO. The statutory process will provide the landowner an opportunity to object to the CPO.

THE CPO POWER

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

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

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

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

In exercising its CPO power, the Council must have regard to the considerations set out in the Guidance.

The Guidance recognises that compulsory purchase is an important tool to use as a means of assembling the land needed to help deliver social and economic change and encourages local authorities to consider using their compulsory purchase powers in a proactive way to ensure that benefits are secured for residents and the business community without delay.

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

Where objections are made to a CPO, it will be necessary for the CPO to be confirmed by the Secretary of State to become effective. The Guidance provides that any decision by the Secretary of State about whether to confirm a CPO made under section 226 will be made on its own merit but the factors which the Secretary of State can be expected to consider include:

- Whether the purpose for which the land is being acquired fits in with the adopted Local Plan for the area;
- The extent to which the proposed purpose will contribute to the achievement of the promotion or improvement of the economic, social or environmental wellbeing of the area;
- Whether the purpose for which the land is being acquired could be achieved by any other means. This may include considering the appropriateness of any alternative proposals or locations;
- The potential financial viability of the scheme for which the land is being acquired.

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

- That the purposes for which the CPO is made sufficiently justify interfering with the human rights of those with an interest in the land affected;
- Whether it is likely that the Scheme will be blocked by any physical or legal impediments to implementation.

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

Notice of the making of the CPO is given to categories of “qualifying persons”, namely owners, lessees and occupiers (other than monthly or shorter tenants) and publicised in the local newspaper. If there are objections to the CPO, then the Council will have an opportunity to try and secure their resolution. If withdrawal of the objections cannot be secured, the Secretary of State will decide whether to consider them at a public inquiry, a hearing or by written representation procedure.

CASE FOR THE CPO

As set out above, regeneration of the Site has been a longstanding corporate and planning policy objective of the Council. The regeneration of the Site by delivery of the Scheme for which planning permission is sought will bring economic, social and

environmental benefits to Wokingham. The Council considers that its use of its compulsory purchase power is fully justified. It has had regard to the matters set out in the Guidance as follows.

The scheme is part of a wider town centre regeneration programme that aims to revitalise the town and bring new opportunities. The scheme includes 55 residential apartments, new leisure centre, 2 retail units, library and improve public realm. In particular the improved public realm represents a direct continuation of the Elms Field regeneration (now approaching completion) that links in directly from the north across Wellington Road. The linkage of the two schemes via a public boulevard that sweeps from the top of Elms Field right down to the new car park at the bottom of Carnival is fundamental to the entire regeneration design concept.

The existing swimming pool and leisure centre is coming to the end of its functional life and the structure of the building is rapidly deteriorating. A key benefit of the scheme will be the provision a new improved leisure centre that will have a wider offer. Relocation of the library to this new facility will focus the town's leisure facilities in one accessible hub. It will also release another town centre site where the current library is situated for further regeneration options. The residential apartments will boost the vitality of the immediate area and support the 18 hour economy of the regenerated town centre.

The Council has considered whether the use of a CPO is justified, having regard to the public benefits of the regeneration of the Site proceeding and the harm to the individual landowners who will be subject to the CPO. The Council is of the view that, without a CPO, full land assembly of the Site is unlikely to be achieved and the regeneration and redevelopment of the Site will not be secured.

The majority of the Site has been in the freehold ownership of the Council for some time. The Council has sought over the last five years to assemble the remaining land ownership being the freehold interest in Southgate House owned and occupied by BJP Insurance.

As indicated above, the Council has been in dialogue with the owners of Southgate House for over five years, commencing in 2014 prior to public consultation on the Scheme and continuing to this day. An agreement in principle has been reached with the owners of Southgate House on a number of occasions but none of these have reached completion. Whilst the Council will continue to engage with the owners of Southgate House, it is unlikely that an agreement will now be reached.

Consequently, without the CPO, the public benefits associated with the redevelopment of the Site will not be realised or will be much reduced. The Council considers therefore that there is a compelling case in the public interest for use of its compulsory purchase power.

The funding of the scheme has been approved by the Council with key components being £10m Sport and Leisure Contribution and the proceeds of sale of the 55 new private residential apartments at market value. The income generated from the leisure centre has also been factored into the scheme's viability. There is full funding in place to deliver the whole scheme within the Council's capital programme.

The site is part of the town centre regeneration programme. It has full planning consent and commitment from the Council's Sports and Leisure Service to part fund the construction of the new leisure centre and then operate it via a management contract. The leisure offer is managed by Places Leisure who have signed a new 15 year management contract in May 2018. The contract includes management of 6 leisure centres in the borough, Carnival being one of them. There is a 2 – year build program in place for delivery of the scheme. The residential element will be sold in the open market. The retail units will be let to Places Leisure and compliment their offer. The new library will be operated directly by WBC.

The Council is not aware of any alternative proposals which have been put forward for regeneration of the Site.

The Council is satisfied that, save for land assembly, there are no impediments to achieving the regeneration of the Site and delivery of the Scheme within a reasonable timescale following any CPO.

The Council considers that the acquisition of all interests in the Site is required to secure the comprehensive redevelopment of the Site to deliver regeneration within the local area. It is further satisfied that, if made, the CPO is in accordance with all statutory requirements and objectives and that there is a compelling case in the public interest for the CPO to facilitate the regeneration of the Site to enable delivery of the Scheme contributing to the economic and social well-being of the local area.

HUMAN RIGHTS IMPLICATIONS

The Human Rights Act 1998 incorporated into domestic law the European Convention on Human Rights ("ECHR"). The ECHR includes provisions in the form of the Articles, which aim to protect the rights of the individual. Section 6 of the Human Rights Act 1998 prohibits public authorities from acting in a way which is incompatible with rights protected by the ECHR.

In progressing with the CPO, the Council has considered the impact of the CPO on human rights. The ECHR places direct obligations on public bodies such as the Council to demonstrate that the use of compulsory purchase powers is in accordance with the law, is in the public interest, and that the use of the such powers is proportionate to the ends being pursued. In particular, the Council should have regard to the provisions of Article 1 of the First Protocol and Articles 6 and 8 to the ECHR.

Article 1 of the First Protocol of the ECHR states that "*every natural or legal person is entitled to peaceful enjoyment of his possessions*" and that "*no one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by the law and by the general principles of international law....*". Whilst the owners of the land comprised in the CPO may be deprived of their property if the CPO is confirmed and thereafter implemented, this will be done in accordance with the law.

Article 6 of the ECHR further provides that: "*in determining his civil rights and obligations ...everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law*". The Article 6 rights will be met by the procedures for objection and confirmation to the CPO, the right to bring a legal

challenge in the High Court under the Acquisition of Land Act 1981 and the right to have any claim for compensation determined by the Lands Chamber (Upper Tribunal).

The Council will need to be satisfied, before making the CPO, that the CPO strikes a fair balance between the public interest in seeing the regeneration proceed (which is unlikely to happen in the absence of the CPO) and the private rights which will be affected by the CPO.

In addition, in making the CPO, the Council has been mindful of its public sector equality duty (section 149 of the Equality Act 2010), which requires public bodies 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. In particular, the Council will need to consider its equality duty in its decision making and endeavour to understand how different people with protected characteristics will be affected by its activities.

BUSINESS CASE

The business case for the CPO is based on the need to avoid unnecessary cost and to acquire land at fair value.

Avoid unnecessary:

Time cost and delay to the overall regeneration of the town centre which would extend the period of physical disruption and inconvenience arising

Monetary cost due to the excessive value demands of the land owner in terms of proposed cost of buying by private treaty

Acquire at fair value:

By following the statutory code for valuation and assessment of compensation following a successful CPO

The estimated cost of acquiring by CPO is similar to the proposed alternative solution offered to the land owner but which have been rejected or delayed for too long.

Acquisition by CPO will ensure payment of fair value to the owner without unnecessary delay to the overall regeneration of Wokingham Town Centre.

CONCLUSIONS

The Council is satisfied that, if made, the CPO will be in accordance with all statutory requirements and objectives and that there is a compelling case in the public interest for the CPO. Securing regeneration of the Site will achieve a long standing aspiration of the Council and contribute to the improvement of the economic, social or environmental wellbeing of the area.

FINANCIAL IMPLICATIONS OF THE RECOMMENDATION

The Council continues to face severe financial challenges over the coming years as a result of reductions to public sector funding and growing pressures in our statutory services. It is estimated that Wokingham Borough Council will be required to make budget reductions of approximately £20m over the next three years and all Executive decisions should be made in this context.

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

Other Financial Information

Funding for this process is already included within the WTCR budget currently approved
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Stakeholder Considerations and Consultation
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The project is in line with the Council Vision and forms one of the top Priorities. Statutory consultation with all affected land owners will continue.

Reasons for considering the report in Part 2

Not applicable

List of Background Papers

Executive Minute 136 dated 30 th March 2017
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