

TITLE	Delivering the Gorse Ride Regeneration Project - Confirmation of Compulsory Purchase Order
FOR CONSIDERATION BY	The Executive on Thursday, 28 January 2021
WARD	Finchampstead South;
LEAD OFFICER	Deputy Chief Executive - Graham Ebers
LEAD MEMBER	Executive Member for Finance and Housing - John Kaiser

PURPOSE OF REPORT (INC STRATEGIC OUTCOMES)

The regeneration of Gorse Ride is supported by the planning and corporate policies of the Council and is a key part of the Council's housing strategy. The use of compulsory purchase powers will enable all necessary land interests to be acquired to secure the delivery of the regeneration of Gorse Ride and the consequential benefits to the local community.

In January 2019, the Executive approved in principle the use of compulsory purchase powers to acquire the land at Gorse Ride and granted authority to start the process to make a CPO, including the appointment of legal representatives and the preparation of all necessary documentation. This report updates the Executive on progress made and seeks authority from the Executive to now proceed to make the CPO.

RECOMMENDATION

That the Executive:

- 1) agrees that the Council should make a compulsory purchase order ("CPO") to acquire the land as shown indicatively edged red and shaded pink on the draft plan at Appendix 1 of this report ("the Land") required to deliver the proposed regeneration of land known as land at Gorse Ride South, Finchampstead, Wokingham ("the Site") pursuant to section 226(1)(a) of the Town and Country Planning Act 1990 (as amended) ("the 1990 Act") because it considers that:
 - a. the acquisition of the Land will facilitate the carrying out of the development, redevelopment or improvement of the Site;
 - 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; and
 - c. there is a compelling case in the public interest for the CPO.

- 2) agrees to authorise the Deputy Chief Executive, in consultation with the Executive Member for Housing and Finance, to:
 - a. take all necessary steps in relation to the Land to secure the making, the confirmation and the implementation of the CPO including publication and service of all relative notices and the presentation of the Council's case at any Public Inquiry; and
 - b. approve terms for the acquisition of legal interests (including rights if required) by agreement including for the purposes of resolving any objections to the CPO.
- 3) 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 shown shaded green on the plan, at Appendix 2 of this report, be appropriated for planning purposes as described in section 226 of the 1990 Act on the date immediately before the Council implements the confirmed CPO by the making of a vesting declaration or service of notice to treat/notice of entry, such land being then no longer required for the purpose for which it is currently held.

EXECUTIVE SUMMARY

The purpose of this report is to consider the making of a CPO to achieve the regeneration of the Site, being the Council's largest housing estate within the Borough. The regeneration of the Site has been a corporate and planning objective of the Council for many years.

Following significant public engagement and design work, a resolution to grant planning permission was secured on 09 December 2020. Planning permission is expected to be granted in January 2021. Once planning permission has been granted the only impediment to regeneration of the Site is the need to assemble all necessary land interests. It is therefore appropriate for the Council to now consider use of its compulsory purchase powers.

Since first developing the regeneration proposals for the Site, the Council has engaged with residents on the estate with a view to acquiring the properties by negotiation to enable regeneration proposals to proceed. Whilst the Council has had considerable success in acquiring the necessary land interests which will enable the regeneration of the Site to proceed, it has not as yet however been possible to acquire all necessary land interests by negotiation. The Council is however now the owner of a significant proportion of the Site, as shown shaded in green on the plan at Appendix 2 of this report.

Whilst the Council intends to continue to endeavour to acquire the outstanding land interests by agreement, it considers the use of compulsory purchase powers to be appropriate and in accordance with national and local policy.

The Executive approved the "in principle" use of compulsory purchase powers in respect of the Site in January 2019. Since then, alongside attempts to acquire by agreement work has been carried out to finalise the proposals for and identify all land interests required to delivery regeneration of the Site and to prepare the necessary CPO documentation. This paper now asks the Executive to approve the making of the CPO.

BACKGROUND

The Executive, at its meeting on 31 January 2019, considered the recommendations of the Executive Member for Executive Member for Health and Wellbeing, Adult Social Care and Housing and approved the in-principle making of a CPO to acquire the necessary land interests to facilitate the regeneration of the Site. A copy of that report and decision is at Appendix 4 of this report.

The Executive also authorised the Director of Corporate Services, in consultation with the Executive Members with responsibility for Housing and Finance, to take all necessary steps required for the making, confirmation and implementation of a CPO, including securing the appointment of an external specialist CPO adviser to prepare all necessary documents required to support this process, including a Statement of Reasons and requisite statutory notices.

Following the Executive decision in January 2019, 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 revised draft CPO map is at Appendix 1 of this report. This map will be further refined and finalised before the CPO is made. In addition, significant progress has been made in preparing the CPO documentation, including the Statement of Reasons or making the CPO, a draft which is at Appendix 3 of this report.

The Council already owns a significant proportion of the Site, being the Council's largest housing estate within the Borough. However, a number of the properties have been acquired by third parties over the years, including through the 'Right To Buy' programme. There are also third party rights across parts of the Site. The Council has successfully acquired some of the properties in third party ownership and is in discussions to acquire others. These discussions will continue alongside making of the CPO with a view to concluding acquisition by agreement where possible.

In addition, since the inception of the regeneration plans for the Site, the Council has worked hard with its housing tenants at Gorse Ride to understand their accommodation needs and identify suitable alternative accommodation, either within the regenerated estate, in close proximity to it and at alternative locations within the Borough. The Council has further provided assistance to help those residents wishing to sell and purchase an alternative property.

Regeneration of the Site

The regeneration of the Site has been a longstanding corporate and planning objective of the Council. It is supported by national and local planning policy.

The National Planning Policy Framework ("NPPF") has an underlying presumption in favour of sustainable development. The regeneration of the Site reflects some of the key planning principles of the NPPF including securing high quality design and a good standard of amenity for all existing and future occupants of land and buildings and promoting healthy and safe communities.

The NPPF requires that proposed dwellings should complement local buildings in relation to scale, density, layout and access. Policy CP3 of the Core Strategy outlines that development should be appropriate to the surrounding street scene, and without detriment to the amenity of neighbouring residents. Development proposals should seek

to comply with the National Design Guide: Planning practice guidance for beautiful, enduring and successful places (October 2019) and the Borough Design Guide, both of which provide provides further advice on best practice.

The NPPF further stresses the importance of supporting strong, vibrant and healthy communities by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment. One of the Core Planning Principles is to seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. The National Design Guide and Borough Design Guidance also emphasise the importance of good design in achieving places where people want to live.

The regeneration of the Site has been designed having regard to the above guidance.

Regeneration of the Site further reflects several of the key objectives in the Council's draft Housing Strategy and Local Plan Update:

- Providing additional housing meeting a wide range of needs;
- Improving the quality of residents' homes;
- Helping build strong communities; and
- Building sustainable homes for the future.

It is also in line with the Council's Local Development Plan policies, particularly:

- Policy CC02 of the Managing Development Delivery Local Plan ("MDD"), which sets the development limits for each settlement as defined on the policies map;
- Core Strategy Policy CP9, which sets out that development proposals located within development limits will be acceptable in principle, having regard to the service provisions associated with the major, modest and limited categories. As the Site is within a modest development location, the proposal is acceptable in principle; and
- MDD policy TB08 sets out open space, sport and recreational standards for residential development. Policy TB21 requires applications to demonstrate how they comply with the Council's Landscape Character Assessment. Policy CC03 requires new development to protect and retain existing trees where possible.

The Scheme

In August 2019, a fully detailed planning application for the regeneration of the Site was submitted to the Council, as local planning authority. The application was allocated reference number 202133 and a resolution to grant permission was secured on 09 December 2020. The Planning Permission will permit regeneration of the Site as follows

"The redevelopment of the existing Gorse Ride South Estate, comprising demolition of existing buildings (178 no. dwellings) and replacement with 249 no. dwellings (mixed-tenure flats and houses) together with associated access, parking, landscaping, public open space and drainage."

The Scheme will more specifically provide:

- 249 new dwellings of mixed tenure (74% affordable; 26% market);
- 416 parking spaces (398 parking spaces and 18 garages); and

- Public open space, including a central village green area, new children's play area and Trim Trail

The Scheme will also secure financial planning contributions towards Sustainable Alternative Natural Greenspace (SANG); Strategic Access Monitoring & Management fee (SAMM), off-site public open space provision, travel planning, public transport provision and will contribute towards biodiversity net gain.

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

Scheme Benefits

The Council's key ambition for the proposed regeneration of the Site is to improve the existing Gorse Ride estate through the demolition of existing poor quality housing stock and its replacement with well-designed new housing. The existing housing stock detracts from the overall appearance and character of the local area and is of poor quality in appearance and layout. It is not economically viable to repair or retrofit the existing stock, which are prefabricated and subject to maintenance issues as a result of damp, condensation and high running costs. New homes will be built which are of high quality, good design and are constructed to current standards. In addition, the Scheme will deliver wider benefits for the local area through the provision of enhanced public realm including a new village green.

The Council considers that the Scheme will make a significant contribution to the social, environmental and economic well-being of the area. In particular, the Scheme will deliver the following public benefits:

- Environmental Benefits

The existing Gorse Ride estate is of poor quality and underutilises the land. The Scheme will deliver both quantitative and qualitative improvements to housing stock within the borough through the demolition of 178 poor quality housing units and the creation of 249 new well designed housing units. It will bring vitality to the area and revitalise and enrich the community for the future. A high quality environment will be provided, which is suitable for modern living and for the future.

The Scheme will successfully integrate within the existing landscape and will enhance rather than detract from the amenity of the surrounding areas. In particular, the Scheme will deliver significant public realm and landscaping improvements, including circa 200 new trees. A new central village green will be created, which will be the heart of the new community, as well as a smaller area of public open space in the western part of the Site. This will be a significant improvement on the existing provision.

- Social Benefits

The Scheme will provide significant social benefits to the local area by creating a new community of which residents can feel proud. The new village green will provide an area for relaxing and playing. Activity spaces will be provided including for instance, children's play areas, a sensory garden, table tennis tables, and the attenuation basins. It will also create a central hub to form the heart of the new community, making it a

space available to all and to bring people together. The landscaping strategy for the Site will further enhance the amenity of the area.

In addition, linkages throughout the new community and connecting into the wider community will be created to assist integration and improve accessibility.

A total of 26% of the new housing units will be private market units available to buy. 74% of the new housing units will be affordable housing and the Council has undertaken significant work to ensure that the provision of this affordable housing meets local needs. The mix of private market units and affordable housing units will ensure that the area is accessible to more people and enable the integration of a diverse group of residents.

- **Economic Benefits**

The Scheme will include significant new housing, comprising a mix of units and tenures, which will enhance the housing stock available in the local area and in a highly sustainable location. This will help meet the needs of the borough in terms of housing land supply.

In addition, the Scheme will create circa 100 construction jobs per year. The opportunity to target newly created jobs to local people via an employment and skills plan will be implemented by the main construction contractor.

The CPO

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

Having regard to the advice in 'Compulsory purchase process and the Crichel Down Rules: guidance' (July 2019) ("the Guidance"), the Council considers it appropriate to make a CPO to acquire any outstanding land interests. In particular, 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 communities without delay.

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

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

Use of Compulsory Purchase Powers

The Council has the power in section 226 of the Act 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 of the 1990 Act, 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.

In deciding to use this power to make a CPO, the Council has had regard to all other available compulsory purchase powers, including section 17 of the Housing Act 1985, which authorises the acquisition of land for housing purposes. The Council has chosen to utilise its power in section 226 of the 1990 Act because it considers that the regeneration of the Site will deliver wider regeneration benefits to the community and the locality, than just the provision of housing. The Council has had regard to the advice on acquiring land for housing purposes by compulsory purchase as set out in the Guidance.

The 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 Guidance requires that a CPO should only be made where there is a compelling case in the public interest (paragraph 2 of the Guidance).

Particular guidance on orders made by local authorities under section 226 is contained in Section 1 of Tier 2 of the Guidance. Paragraph 95 states:

"This power is intended to provide a positive tool to help acquiring authorities with planning powers to assemble land where this is necessary to implement proposals in their Local Plan or where strong planning justifications for the use of the power exist. It is expressed in wide terms and can therefore be used to assemble land for regeneration and other schemes where the range of activities or purposes proposed mean that no other single specific compulsory purchase power would be appropriate"

Paragraph 105 of the Guidance also recognises that it is not always feasible or sensible to wait until the full details of a scheme have been worked up and planning permission has been obtained before proceeding to prepare a CPO. An acquiring authority will however have to demonstrate that there are no reasons why any required planning permission for the scheme should not be secured.

A compulsory purchase order to which there are objections will require confirmation by the Secretary of State to become effective. The Guidance at paragraph 106, 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, or, where no such up to date Local Plan exists, with the draft Local Plan and the National Planning Policy Framework;*
- *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 acquiring authority is proposing to acquire the land could be achieved by any other means. This may include considering the appropriateness of any alternative proposals put forward by the owners of the land, or any other persons, for its reuse. It may also involve examining the suitability of any alternative locations for the purpose for which the land is being acquired;*
- *The potential financial viability of the scheme for which the land is being acquired. A general indication of funding intentions, and of any commitment from third parties, will usually suffice to reassure the Secretary of State that there is a reasonable prospect that the scheme will proceed. The greater the uncertainty about the financial viability of the scheme, however, the more compelling the other grounds for undertaking the compulsory purchase will need to be".*

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

- *That the purposes for which the compulsory purchase order is made justifies interfering with the human rights of those with an interest in the land affected;*
- *Whether the scheme is likely to be blocked by any physical or legal impediments to implementation, including the programming of any infrastructure accommodation works or remedial works that may be required and any need for planning permission or other consents.*

The Guidance looks to acquiring authorities to seek to acquire land by agreement wherever practicable. However, the Guidance recognises, at paragraph 17, 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 undertaking negotiations in parallel can help to build a good working relationship with those affected by the scheme and can help to save time at the formal objection stage by minimising the fear that can arise from misunderstandings.

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.

In considering the case for the CPO, the Council has also had regard to the advice in the Guidance on the making of a CPO to acquire land for housing purposes pursuant to section 17 of the Housing Act 1980 relating to the compulsory purchase of land, houses or other properties for the provision of housing accommodation to achieve a quantitative or qualitative housing gain.

BUSINESS CASE

Land Proposed for Compulsory Acquisition

The land required for regeneration of the Site and proposed for compulsory acquisition is indicatively identified edged red and shaded pink on the draft plan at Appendix 1 of this report. The draft plan is in the process of being finalised as the land referencing process to identify all interests in the Site required to deliver the Scheme is completed. It comprises of the following properties:

1. 4 Firs Close, Finchampstead, Wokingham, RG40 4JQ
2. 6 Firs Close, Finchampstead, Wokingham, RG40 4JQ
3. 29 Firs Close, Finchampstead, Wokingham, RG40 4JQ
4. 10 Dart Close, Finchampstead, Wokingham, RG40 4JG
5. 11 Dart Close, Finchampstead, Wokingham, RG40 4JG
6. 9 Orbit Close, Finchampstead, Wokingham, RG40 4JF
7. 11 Orbit Close, Finchampstead, Wokingham, RG40 4JF
8. 15 Orbit Close, Finchampstead, Wokingham, RG40 4JF
9. 24 Orbit Close, Finchampstead, Wokingham, RG40 4JF
- 10.5 Billing Avenue Finchampstead, Wokingham, RG40 4JE
- 11.8 Billing Avenue Finchampstead, Wokingham, RG40 4JE
- 12.9 Billing Avenue Finchampstead, Wokingham, RG40 4JE
- 13.10 Billing Avenue Finchampstead, Wokingham, RG40 4JE
- 14.11 Billing Avenue Finchampstead, Wokingham, RG40 4JE
- 15.15 Billing Avenue, Finchampstead, Wokingham, RG40 4JE
- 16.22 Gorse Ride South Finchampstead, Wokingham, RG40 4EH
- 17.24 Gorse Ride South Finchampstead, Wokingham, RG40 4EH
- 18.26 Gorse Ride South Finchampstead, Wokingham, RG40 4EH
- 19.30 Gorse Ride South Finchampstead, Wokingham, RG40 4EH
20. Electricity substations at Whittle Close, Orbit Close, Dart Close and Firs Close, Finchampstead, Wokingham
21. Gas governor at Whittle Close, Finchampstead, Wokingham, RG40 4JQ
22. Any unregistered land in uncertain ownership, including subsoil under existing footpaths.

The 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 3 of this report.

As set out above, regeneration of the Site has been a longstanding corporate and planning policy objective of the Council. The regeneration of the Site by delivery of the Scheme for which planning permission is bring secured will deliver new housing, and social, economic and environmental benefits for the Council's residents and the area of Gorse Ride.

The Council has sought over the last four years to assemble land ownership of the Site and has been successful in securing control of a large part of the freehold interest in the Site, as shown on the plan at Appendix 2 of this report, including the acquisition of 22 freehold properties. These are listed below.

1. 2 Firs Close Finchampstead, Wokingham, RG40 4JQ
2. 3 Firs Close Finchampstead, Wokingham, RG40 4JQ
3. 14 Firs Close Finchampstead, Wokingham, RG40 4JQ
4. 17 Firs Close Finchampstead, Wokingham, RG40 4JQ
5. 18 Firs Close Finchampstead, Wokingham, RG40 4JQ
6. 21 Firs Close Finchampstead, Wokingham, RG40 4JQ
7. 22 Firs Close Finchampstead, Wokingham, RG40 4JQ
8. 23 Firs Close Finchampstead, Wokingham, RG40 4JQ
9. 2 Dart Close Finchampstead, Wokingham, RG40 4JG
- 10.6 Dart Close Finchampstead, Wokingham, RG40 4JG
- 11.8 Dart Close Finchampstead, Wokingham, RG40 4JG
- 12.9 Dart Close Finchampstead, Wokingham, RG40 4JG
- 13.18 Dart Close Finchampstead, Wokingham, RG40 4JG
- 14.19 Dart Close Finchampstead, Wokingham, RG40 4JG
- 15.22 Dart Close Finchampstead, Wokingham, RG40 4JG
- 16.5 Orbit Close Finchampstead, Wokingham, RG40 4JF
- 17.6 Orbit Close Finchampstead, Wokingham, RG40 4JF
- 18.14 Orbit Close Finchampstead, Wokingham, RG40 4JF
- 19.23 Orbit Close Finchampstead, Wokingham, RG40 4JF
- 20.28 Orbit Close Finchampstead, Wokingham, RG40 4JF
- 21.18 Whittle Close Finchampstead, Wokingham, RG40 4JH
- 22.4 Whittle Close Finchampstead, Wokingham, RG40 4JF

However, notwithstanding the Council's efforts since 2016, it has not been possible to acquire or secure control of all interests in the Site and a number of interests remain to be resolved. The Council proposes to continue to try to acquire or secure control of such interests following any resolution to make a CPO and the making of any CPO.

For a number of the outstanding interests, an in principle agreement has been reached with the freeholder as to the acquisition of their interest but the legal contracts have not been exchanged at the time of writing this report. Therefore whilst it is anticipated that the interest will be acquired by negotiation, they are included in the CPO in case the Council does need to utilise these powers. The schedule in Part 2 of this report lists in more detail the status of these negotiations. In the event that the acquisition of a property is concluded before the CPO is made then it can be removed from the CPO

The Council is committed to acquiring all interests in the Site through negotiation in the first instance and is engaged with the majority of the freeholders of outstanding interests as to the acquisition of their properties. As part of the negotiation process the Council is supporting homeowners with their relocation through a number of ways. This includes a payment of a home loss payment (10% of the value of their home) plus disturbance payments which include refunding of removals service, legal fees, mortgage redemption fees and mail redirection. The Council has also set up an equity loan scheme through Loddon Homes Limited ("LHL") to assist eligible homeowners to acquire a new property by bridging the gap between property values in Gorse Ride compared to other areas of the borough and beyond. The loan is offered for up to 49% of the property value, up to a maximum of £150,000. The loan period is unlimited, there is no interest to pay and residents only need to pay the loan back when they sell the property. There is also no rental amount to pay.

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 is satisfied that the harm to these rights is justified by the public benefits which will be secured by the Scheme, The Council will however take all necessary steps to minimise the effect of such interference so that it is proportionate and necessary for the implementation of any authorised compulsory acquisition.

The Council considers that the inability of the Council to secure the outstanding land interests in the Site will have the effect of delaying the regeneration of the Site and delivery of the consequential benefits to the social, economic and environmental wellbeing of the area.

The Council accordingly considers that there is a compelling case in the public interest for the Council to exercise compulsory purchase powers as proposed in this report.

Financial Implications

The Council has committed to funding the regeneration of the Site and delivery of the Scheme. This includes all planning, design, site assembly and construction costs. It is anticipated that the project will also receive funding from Homes England.

Timetable for Progress

Making the CPO

In the event that the Council proceeds with the making of the CPO, it is proposed that the CPO will be made in February 2021.

Notice of the making of the CPO will be given to categories of “qualifying persons”, namely owners, lessees, tenants and occupiers and published in the local newspaper.

The timetable 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 all 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 late summer 2021, with a decision being reached by the Secretary of State by the end of 2021.

Alongside the procedural issues associated with the CPO, the Council intend to progress discharge of the conditions imposed on the Planning Permission, the start of demolition of the existing vacant properties on the Site and appropriate procurement processes for the construction of the Scheme.

Implementing the CPO

The Scheme is divided into three phases.

Phase	No. of properties to be demolished	No. of properties to be built	Construction programme
2A	78	100	2021-2023
2B	49	94	2024-2026
2C	51	55	2026-2028

The Council has three years to implement the CPO from the date of its making. The priority will initially be to use the CPO to acquire properties in Phase 2A, if they have not been acquired through negotiation.

The Council has an ambitious programme of start on site of the demolition of Phase 2A from 1 May 2021 and a start on site of the main contractor in autumn 2021. This programme relies on the Council securing vacant possession of the Phase 2A of the Site by negotiation. If the CPO is required to secure vacant possession of Phase 2A then this could delay the start on site by 4 months (if no objections received) or up to 12 months if objections received and Public Inquiry is held.

The Council will continue to seek to acquire interests in Phases 2B and 2C by negotiation. However the Council is committed to acquiring all interested in the Site, including those interests in Phases 2B and 2C within 3 years of making of the CPO. These acquisitions would be ahead of the anticipated construction programme for these phases but it would mitigate the most significant risk around site assembly and would allow Phases 2B and 2C to be constructed earlier than the anticipated programme. An earlier construction programme for the later phases would improve the efficiency of the construction, particularly around allowing earlier work on utilities and reducing the need and length of time for temporary connections. It would also reduce the uncertainty for residents in later phases and reduce the time there was disruption to their lives through the construction programme.

Following land assembly, the Site will transferred in phases to "LHL", and Wokingham Borough Council development team will work on behalf of LHL to let the contract for construction of the Scheme. LHL will, following completion of the Scheme, manage and maintain the Scheme, including the communal parts, such as any open space and public realm, and the affordable housing to be provided as part of the Scheme.

FINANCIAL IMPLICATIONS OF THE RECOMMENDATION

The Council faces severe funding pressures, particularly in the face of the COVID-19 crisis. It is therefore imperative that Council resources are focused on the vulnerable and on its highest priorities.

	How much will it Cost/ (Save)	Is there sufficient funding – if not quantify the Shortfall	Revenue or Capital?
Current Financial Year (Year 1)	£80,000 for the preparation and making of the CPO Order	Yes	Capital

Next Financial Year (Year 2)	£0	N/A	
Following Financial Year (Year 3)	£0	N/A	

Other Financial Information

Funding for the Gorse Ride regeneration project is included within the Council's published Medium Term Financial Plan. The published figures include all regeneration activity - including planning and design, site assembly and construction. It is anticipated that the project will also receive funding from Homes England.

Budget figures specifically related to property acquisition, including the CPO process, cannot be published publically as they are commercial sensitive and would undermine the Council's position in negotiating with individual landowners.

The estimated costs for site assembly, including all procedural costs for the CPO (counsel, legal, Public Inquiry costs, and relevant compensation costs) are however on budget and within the budgets currently approved for the Gorse Ride regeneration project.

Stakeholder Considerations and Consultation

A Community Steering Group was set up in October 2017 to involve the community in the design and implementation of the regeneration of the Site. This group continues to meet monthly and includes residents from the Site. The Steering Group is kept informed of the site assembly process as it progresses.

The Council has a dedicated Residents Engagement Officer for the Scheme who deals directly with affected residents and offers assistance to guide them through the property acquisition and relocation process. A specific meeting to address the concerns of owners was also held in March 2018 and FAQ documents produced to provide detailed information about the regeneration scheme and relocation options for residents. Residents are regularly kept informed of the relevant stage in the process through letter, phone calls and 1:1 sessions.

1:1 consultation sessions are held regularly with Council tenants within the Site to ensure that suitable, alternative accommodation is identified and provided as soon as possible.

Legislation and regulations which govern the CPO process, stipulate how the CPO itself should be advertised and consulted upon, and the Council will follow due process in this regard.

Public Sector Equality Duty

In considering the case for making the CPO, the Council has also had regard to the human rights implications and to its public sector equality duty (section 149 of the Equality Act 2010). The Human Rights Act 1998 incorporated into domestic law the European Convention on Human Rights ("the Convention"). The Convention includes provisions in the form of articles, the aim of which is to protect the rights of the individual. In resolving to make the CPO the Council should consider the rights of property owners under the Convention, notably under the following Articles:• Article 1 - This protects the right of everyone to the peaceful enjoyment of possessions. No one can be deprived of possessions except in the public interest and subject to the relevant

national and international laws. • Article 8 - This protects private and family life, home and correspondence. No public authority can interfere with these interests except if it is in accordance with the law and is necessary in the interest of national security, public safety or the economic well-being of the country. • Article 14 - This protects the right to enjoy rights and freedoms in the Convention free from discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, or national or social origin. In the case of each of these Articles under the Convention, the Council should be conscious of the need to strike a balance between the rights of the individual and the interests of the public. In the light of the significant public benefit which would arise from the regeneration of the Site, it is considered appropriate to make the CPO. It is not considered that the CPO would constitute any unlawful interference with individual property rights. The opportunity has been given to landowners and other affected parties to make representations regarding the Council's planning policies which underpin the proposed CPO. Further representations can be made in the context of any Public Inquiry which the Secretary of State decides to hold in connection with the CPO. Those directly affected by the acquisition of their land interests will be entitled to compensation (in accordance with the statutory code) proportionate to the loss which they incur. The Council further has a duty, when exercising any power, to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out its activities (section 149 of the Equality Act 2010). This includes removing or minimising disadvantages suffered by people due to their protected characteristics, taking steps to meet the needs to people from protected groups where these are different from the needs of other people and encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low. An Equalities Impact Assessment (EQIA) of the Scheme was undertaken in April 2018. The Council has considered each protected characteristic to identify whether the regeneration of the Site or delivery of the Scheme could have a detrimental impact of such protected characteristics. The EQIA identified a number of impacts on the protected characteristic and actions to be undertaken to address any negative impacts identified. The EQIA is a live document and was updated in January 2021. It will be continue to be updated as the Scheme progresses and is implemented to ensure that identified actions are undertaken to mitigate any impacts. {an update to the EQIA is programmed for January 2021 – if this is undertaken in time this report will be updated to report that this update has been done} The Council is content that it has discharged its public equality duty and that the regeneration of the Site and the delivery of the proposed Scheme will have no detrimental impact, or where there may be an impact, steps have been taken to mitigate it, on the protected characteristics set out above.

Climate Emergency – *This Council has declared a climate emergency and is committed to playing as full a role as possible – leading by example as well as by exhortation – in achieving a carbon neutral Wokingham Borough by 2030*

The proposed regeneration of the Site will replace old and inefficient housing with new housing stock designed to the latest sustainability policy requirements.

Reasons for considering the report in Part 2

Part 2 of this report includes sensitive personal and financial information relating to the current status of the negotiations between the Council and individual owners regarding the acquisition of their property.

List of Background Papers
Part 2 – Further information regarding status of property acquisition negotiations
1 Draft plan showing indicatively the land proposed to be included in the CPO edged red and shaded pink
2 Plan showing the freehold land already owned by the Council shaded green
3 Draft Statement of Reasons
4 Executive Report and Decision dated 31 January 2019

Contact Sarah Morgan	Service Commercial Property
Telephone Tel: 0118 908 8371	Email sarah.morgan@wokingham.gov.uk

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