

Compulsory Purchase Order Indemnity Agreement (CPOIA) and if necessary, a development agreement with MSH (and any other relevant third party) prior to undertaking any preparatory works in respect of the CPO.

- (c) That the Interim Strategic Director of Regeneration, Housing and Resources (or their successor) be authorised to take all necessary steps to secure the making, submission, confirmation and implementation of a CPO to acquire any third party proprietary interests within the Slough Fire Station Area site (see Appendix 1)
- (d) That the Interim Strategic Director Regeneration, Housing and Resources be authorised to issue all relevant notices and certificates in connection with the making, confirmation and implementation of any CPO.
- (e) That the Interim Strategic Director of Regeneration, Housing and Resources be authorised to acquire third party proprietary interests by private treaty negotiation.
- (f) That the Interim Strategic Director of Regeneration, Housing and Resources be authorised to dispose of any third party proprietary interests acquired pursuant to the CPO to MSH in accordance with terms to be agreed.
- (g) That the Interim Strategic Director of Regeneration, Housing and Resources be authorised to make General Vesting Declarations (GVDs) under the Compulsory Purchase (Vesting Declarations) Act 1981 and/or to serve notices to treat and notices of entry (if required) following confirmation of a CPO by the Secretary of State;
- (h) That the Interim Strategic Director of Regeneration, Housing and Resources be authorised to issue and serve any warrants to obtain possession of property acquired by the Council following the execution of a GVD or service of a notice of entry if it was considered appropriate to do so.
- (i) That delegated authority be given to the Interim Strategic Director of Housing, Regeneration and Resources to work with MSH and the Royal Berkshire Fire Authority to facilitate the regeneration of this gateway site.

3. **The Slough Joint Wellbeing Strategy, the JSNA and the Five Year Plan**

The links between housing and wellbeing are well documented – where people live can have a significant impact on the quality of their lives. In Slough 20% of households in Slough are overcrowded compared to 8% across England. 28% of the borough’s private rented housing and 34% of its privately owned sector are categorised as ‘non decent’. The promotion and delivery of high quality new housing will remove the poor quality privately owned rented accommodation on the site and replace it with a significant increase in purpose built new homes that will contribute towards relieving overcrowding in existing households.

3a. **Slough Joint Wellbeing Strategy Priorities**

Priority 4 – Housing: The Slough Wellbeing Board wants to see a mix of housing in terms of tenure and size that meets the needs of the current and future population.

3b. **Five Year Plan Outcomes**

Working effectively and expediently with MSH to complete the necessary acquisitions and progress the planning consent will address the five year plan outcomes through:

- **Outcome 1** – Ensuring that the scheme is designed in line with amenity requirements will contribute towards our children and young people having the best start in life,
- **Outcome 2** – High quality new homes will attract residents who are more likely to take responsibility for their own health, care and support needs,
- **Outcome 3** – New architecturally designed homes will contribute towards ensuring Slough is an attractive place where people choose to live, work and visit,
- **Outcome 4** – The delivery of a significant uplift in housing numbers will directly contribute towards our residents having access to good quality homes,
- **Outcome 5** - Regeneration schemes such as Slough Fire Station can contribute towards the positive forward looking image of Slough and will help attract, retain and grow businesses and investment increasing jobs and opportunities for our residents.

4 **Other Implication**

a) Financial

MSH have agreed in principle to underwrite the Council's costs in relation to any compulsory purchase order that SBC makes in order to facilitate the redevelopment of the site. SBC will require MSH to enter into a CPO Indemnity Agreement ("CPOIA").

The CPOIA will cover all of SBC's costs in relation to the preparation, making, confirmation and implementation of any Compulsory Purchase Order. These costs include: the purchase price or any compensation for any land or interest which SBC has to acquire either pursuant to the Compulsory Purchase Order or in consequence of the service of valid blight notices, (including all payments made pursuant to the Compulsory Purchase Act 1965 and the Land Compensation Acts 1961 & 1973); any statutory interest payable and SBC's reasonable and proper internal and external costs (including legal surveying and other professional costs).

As SBC will seek to recover all CPO costs – including land acquisitions, legal costs and staff time – there is no financial risk.

Once acquired all third party interests will be transferred to MSH in accordance with terms to be agreed.

If Cabinet decide to pursue an alternative option involving more financial commitment the Council would have to borrow the money to do so and there would be an associated revenue cost with the borrowing.

b) Risk Management

Risk	Mitigating action	Opportunities
Legal – the CPO process is a technical legal process	SBC will appoint independent CPO surveyors and CPO solicitors to progress the CPO. The cost of these consultants will be underwritten by MSH.	SBC could request the covering of internal SBC staffing costs.
Property – The property cycle could go into another downturn.	All commercial risk will be sitting with MSH. Viability based planning requirements will ensure development is economically viable.	If the market improves SBC will benefit from a higher proportion of affordable housing and s.106 contributions.
Human Rights – the land required includes private homes, private tenants and residents in temporary housing.	Temporary housing tenants will need to be relocated and owner occupiers will be compensated financially.	The regeneration scheme will create a significant increase in housing supply.
Health and Safety – workers are harm or killed during the course of construction or local residents are harm accessing the site.	MSH are an established regional housebuilder with established Health and Safety procedures. All liability will sit with the owner/ developer.	
Employment Issues	No risks identified	SBC could request the creation of apprenticeship opportunities as a condition of its involvement.
Equalities Issues	No risks identified	
Community Support	No risks identified	
Communications	No risks identified	
Community Safety – people harmed during construction.	MSH is an established regional housebuilder with over 50 years experience and this will be a Considerate Constructor Scheme.	
Finance – The value land could go up or down.	All acquisitions will be underwritten by MSH.	
Timetable for Delivery – scheme is delayed unnecessarily	MSH is a commercial developer and will require a return on their investment as soon as commercially possible.	SBC could develop a dedicated internal professional team (planning, highways etc) to assist this major application through planning.
Governance – Poor performance	MSH is an established developer with a track record of delivery.	
Performance – failure to develop	The biggest risk to the scheme is land assembly and SBC's assistance though seeking a CPO will mitigate this.	SBC will be able to make it's involvement conditional on MSH delivering maximum benefits to residents and the council (i.e. using SBC Building Control etc).

c) Human Rights Act and Other Legal Implications

Statutory Powers

The Council has the power through various enactments to make Compulsory Purchase Orders and to apply to the Secretary of State for confirmation of any order.

Town and Country Planning Act 1990 Powers

Section 226 (1) (a) of the Town and Country Planning Act 1990, (as amended by the Planning and Compulsory Purchase Act 2004), provides that a local authority shall, on being authorised to do so by the Secretary of State, have power to acquire compulsorily any land in their area if they are satisfied that the acquisition will facilitate the carrying out of development, redevelopment or improvement on or in relation to the land. However the power must not be exercised unless the authority thinks that the development, redevelopment or improvement is likely to contribute to the achievement of the promotion or improvement of the economic, social or environmental well-being of their area.

The compulsory acquisition of third party proprietary interests and/or rights in relation to the Fire Station site will enable the delivery of circa 300 homes and a new fire station and will provide certainty with regard to land assembly and the implementation of the redeveloped.

The area does not benefit from an allocation under the current Slough Local Development Framework Site Allocations Development Plan Document (November 2010) but is identified within the Review of the Local Plan for Slough Issues and Options Consultation Document (16th January to 27th February 2017) as a key site (CFS23) within the Chalvey Regeneration Area for the delivery of a new fire station and flats.

Section 13 of the Local Government (Miscellaneous Provisions) Act 1976 provides for the acquisition of new rights over land where such rights are not in existence when the order specifying them is made. In order to facilitate the redevelopment of the site it may be necessary to acquire new rights over land for purposes such as crane oversailing.

Government guidance on the use of compulsory purchase powers is set out in "Guidance on Compulsory Purchase Process and the Crichel Down Rules for the disposal of surplus land acquired by, or under the threat of, compulsion" 2015 ("DCLG CPO Guidance"). That guidance states that compulsory purchase orders should only be made where there is a compelling case in the public interest.

The proposed regeneration scheme is in the public interest and will improve the wellbeing of residents in a number of way:

- Social – some of the properties on the site to the north of Beckwell Road have attracted anti-social behaviour and there have been multiple complaints to neighbourhood enforcement of noise nuisance and disturbance arising from the occupiers of the premises. The new scheme will create purpose build new homes with communal amenity space and a new modern fire station benefitting from community engagement space.
- Environmental – there have been multiple complaints to neighbourhood enforcement in regards to refuse on land within the proposed regeneration area attracting and harbouring rats. There have also been complaints relating to abandoned vehicles and multiple complaints from occupiers regarding overcrowding and poor conditions. A new purposely designed scheme, on this

gateway site from Windsor, prepared by a leading architect in the field, should create a more pleasant environment for new and existing residents of the area.

- Economic – The site is located on one of the key gateway routes into Slough and the accumulation of refuse and builders debris is damaging to the image of the borough. A major local employer has recently appealed to the Local Authority to take action against the appearance and anti social behaviour associated with poorly maintained properties within the proposed regeneration area demonstrating that poor environments impact local businesses as well as residents.

To date, MSH have attempted to acquire third party interests through private treaty negotiations. Unfortunately these negotiations have not proved successful. Officers are of the view that there is a compelling case in the public interest to secure the redevelopment of the site. To that end, officers are recommending that SBC utilise the powers under section 226(1)(a) of the Town and Country Planning Act 1990 and section 13 of the Local Government (Miscellaneous Provisions) Act 1976, because it is not certain that MSH will be able to acquire all third party proprietary interests and/or rights by agreement.

Human Rights

The Human Rights Act 1998 requires (amongst others) that every public authority acts in a manner which is compatible with the Convention for the Protection of Human Rights and Fundamental Freedoms (“the Convention”). The following parts of the Convention are relevant to the Council’s exercise of its compulsory purchase powers:

Article 1 of the First Protocol – the right to peaceful enjoyment of possessions;

Article 8 – respect for private and family life and home.

Any decision to make a Compulsory Purchase Order must strike a fair balance between the public interest in the redevelopment of the land and interference with private rights. Bearing in mind the fact that the exercise of compulsory purchase powers is a statutory process, the provisions for compensation to be paid to those affected and the compelling case in the public interest for the redevelopment, it is considered that the interference with private property rights is necessary, proportionate and strikes a fair balance towards meeting SBC’s objectives.

Those affected by a Compulsory Purchase Order will be informed and advised of their right to make representations to the relevant Secretary of State, to be heard at public inquiry and of a fair entitlement to compensation (where applicable). Thus ensuring consistency with Article 6: right to a fair hearing.

d) Equalities Impact Assessment

The public sector equality duty under section 149 of the Equality Act 2010 (“PSED”) requires SBC to have due regard to: (i) the need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010; and (ii) the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it. ‘Protected characteristics’ are: gender, race and disability, sexual orientation, age, religion or belief, pregnancy and maternity and gender reassignment.

There are no equalities issues associated with this report.

e) Property Issues – see Section 5.

5. Supporting Information

Background

- 5.1 The proposed Slough Fire Station Regeneration Area is circa 3.3 acres on a prominent junction at the main access point into Slough from the M4. The regeneration area currently comprises a number of separate ownerships (see Appendix 2) but the majority of the holdings are owned by MSH, the Royal Berkshire Fire Authority (“RBFA”) and Thames Valley Police (“TVP”).
- 5.2 The housing stock adjoining the four lane wide Tuns Lane (A355) has been poorly maintained and the accumulation of building debris and rubbish does little to enhance Slough’s ambitions to create a place where people want to live and work.
- 5.3 There is a significant change in density in this area where 5-7 storey residential apartment blocks and 4-5 storey offices drop off to 2 storey terrace houses. This provides an opportunity for high quality intensification that will maximise the potential of the site and create an impressive gateway development.

Proposals

- 5.4 MSH have been working with the Royal Berkshire Fire Authority (RBFA) to design a higher density redevelopment scheme that creates a new fit for purpose fire station and circa 250 additional new homes.
- 5.5 The existing fire station is obsolete and needs to be replaced or refurbished. Building a new station on the boundary to Beckwell Road creates the opportunity to increase the density to the north of the site where it borders offices and existing mid density residential.

Options

- 5.6. There are currently three potential options:

5.6.1 **Option 1** - Do Nothing

This area has been in gradual decline and the commercial and residential stock is in a poor state of repair creating an unattractive environment particularly on the north side of Beckwell Road. If SBC choose not to help in the facilitation of the land assembly then RBFA is planning to refurbish the existing station -meaning a comprehensive regeneration opportunity is lost for the time being (i.e. the extended life of the fire station).

5.6.2 **Option 2** - SBC acquires everything and develops via Slough Urban Renewal (SUR) or a 3rd Party

MSH and the RBFA have been working collaboratively for some time to assemble land to facilitate the redevelopment of this site. SBC becoming the land owner and SUR the developer would add significant costs and delays in regards to acquisition costs (stamp duty & legal costs), holding costs, disposal costs, procurement and associated risks. Due to the risk profile this site has never been pursued as a likely commercial project.

5.6.3 **Option 3** - Work with MSH and RBFA to facilitate the land assembly via a Compulsory Purchase Order

SBC have worked successfully with MSH in the past to redevelop the Windsor Road gateway development. The current proposals enables a scheme to come forward expediently on a prominent site improving the built environment and creating new homes and further private sector investment in Slough.

5.7 The preferred option of Asset Management is Option 3. This option:

- Allows the Council to realise a long-term aspiration by facilitating a housing-led regeneration scheme on a key gateway site,
- Improves the built environment,
- Increases the supply of new homes to meet increasing demand,
- Supports the Councils One Public Estate Partnership,
- Will increase revenue to the Council, and
- Does all of the above with no capital or revenue requirement from the Council.

6 **Comments of Other Committees**

This report has not been considered by any other committee.

7 **Conclusion**

7.1 The recommended option is to take all necessary steps to secure the making, submission, confirmation and implementation of a CPO of the necessary land within the Slough Fire Station Regeneration Area (see Appendix 1) under regeneration powers.

7.2 Enabling the site to be amalgamated and promoted for a quality mixed tenure scheme will improve the perception of Slough creating a cycle of improvement and investment. The Tuns Lane area is the first part of Slough people see as they arrive from Windsor and Junction 6 of the M4 and a quality major regeneration scheme will set a new tone for developments that will inevitably follow.

7.3 Should the council opt to do nothing an opportunity to work with the private sector to comprehensively redevelop this highly viable area in the short term maybe lost.

8 **Appendices**

Appendix 1 – Slough Fire Station Regeneration Area Proposed CPO Properties.
Appendix 2 - Land Holdings within the Slough Fire Station Regeneration Area

9 **Background Papers**

None