

SLOUGH BOROUGH COUNCIL

REPORT TO: Overview & Scrutiny Committee **DATE:** 14th January 2010

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WARD(S): Britwell

PORTFOLIO: Neighbourhoods and Renewal - Councillor Swindlehurst

PART I **FOR COMMENT AND CONSIDERATION**

BRITWELL & HAYMILL REGENERATION – LAND APPROPRIATION REPORT

1 Purpose of Report

To advise Overview & Scrutiny Committee of the proposal to appropriate the land within Kennedy Park from open space to planning purposes as shown hatched black on Appendix B to this Report and to seek Members' comments prior to the report being placed before Cabinet for decision.

2 Recommendation(s)/Proposed Action

The Committee is requested

- a) to note the communications received by the Borough Solicitor if any and
- b) to advise Cabinet of its views prior to their consideration of a resolution that the land within Kennedy Park as identified within appendix B be appropriated for planning purposes.

3 Community Strategy Priorities

- **Celebrating Diversity, Enabling inclusion**
- **Adding years to Life and Life to years**
- **Being Safe, Feeling Safe**
- **A Cleaner, Greener place to live, Work and Play**
- **Prosperity for All**

The Britwell and Haymill Regeneration Project is the Council's response to the identified needs of the area which suffers from higher levels of deprivation, illness, unemployment and lower educational attainment. The area also contains some of the poorest quality social housing in the borough, the improvement of which is beyond the Government's basic decent homes programme. Accordingly a successful regeneration programme will contribute to each of the above Community Strategy priorities.

4 Other Implications

(a) Financial

The appropriation of the land to planning purposes would not in itself have significant financial implications as it is a transfer of the land from one statutory purpose, i.e. open space to another, i.e. planning. However, if the land is appropriated for

planning purposes to facilitate the Britwell and Haymill Regeneration project there will be financial implications associated with the project.

Determination of the detailed cost and funding arrangements for the entire project are still some way off however there is an existing provision of £100,000 revenue and £2M capital which has been set aside to develop proposals to outline planning stage. The proposals contained within the report have explicit funding implications and in the short term the revenue cash flow may just exceed the available budget however by progressing to a master-planning stage it is anticipated that site preparation and construction will occur allowing costs to be capitalised in preparation for a start on site during 2010-11

(b) Risk Management

The regeneration of Britwell and Haymill will involve substantial capital and revenue investment from the Council and other third parties. The re-provision of around 25 existing commercial units and approximately 75 residential units within a densely populated area will require exceptional project management. Risk management will be embedded within the project plan and where necessary the Council will call upon specialist consultants to ensure that detailed advice and guidance is available.

(c) Human Rights Act and Other Legal Implications

As the scheme develops the legal requirements will become clearer but at this stage Members need to be aware that if the development refurbishment are to take place on Council owned land, public procurement procedure will need to be followed. If the land is to be disposed of then the Council's disposal policy will be followed.

(d) Race Relations Amendments Act Implications

The future determination of detailed plans for the regeneration of Britwell and Northborough will be subject to equalities impact assessments and the replacement of commercial and residential units will be required to meet both Planning and Building Control obligations with regard to disabled access. At this stage however there are no direct implications explicit in this report.

5 Supporting Information

5.1 Cabinet were advised in a report last month of the progress to date on delivering the regeneration proposals for Britwell and Haymill planning which culminated in the submission of an outline planning consideration which will be considered by February 2010.

5.2 As part of the proposals, members were advised that it is necessary to appropriate a proportion of the parkland from open space to development for planning purposes. A local authority as land owner may hold its land for a variety of statutory purposes e.g. housing, or open space. Section 122 of the Local Government Act 1972 ("the 1972 Act") permits a local authority to appropriate (transfer) its land from one statutory purpose to another where it concludes that the land is no longer required for the former purpose or where it would better meet an alternative purpose. However, where the land is currently used as open space a local authority cannot appropriate it for another purpose until its intention has been publicised in a notice and any objections received to the proposed appropriation have been considered. The relevant statutory provisions are contained in Appendix A to this Report.

- 5.3 A local authority, acting in good faith, is the sole judge of the question whether or not any land is still required for the purpose for which it is held immediately before the appropriation and its decision cannot be challenged in the absence of bad faith. The Cabinet must therefore consider all of the factual, legal and planning circumstances and in that context decide whether the land is no longer required as open space within Kennedy Park.
- 5.4 Following publication of the requisite Notice of Appropriation as required by S.122 any objections received must be considered by Cabinet. Following last month's report an official notice was placed in the Slough Express newspaper and a notice was displayed for two consecutive weeks on the notice board at the entrance to Kennedy Park. An example of the notice is attached at Appendix C.
- 5.5 Members will be provided with a written summary of the comments or objections received by the Council prior to the Cabinet meeting and given the short timescale and the intervening Christmas period this will be supplemented by a verbal update on the night of the meeting.

6 **Conclusion**

- 6.1 Significant progress has been made on delivering a regeneration programme for Britwell and Haymill and if members approve the appropriation of the land within Kennedy Park following due consideration of any objections, officers will be able to commence the procurement of a development partner for the retail element of the project.

7 **Appendices Attached**

- A – Relevant extracts from Section 122 Local Government Act (1972) (as amended)
- B – Site plan of area to be appropriated
- C – Copy of public notice
- D – Summary of comments and public objections
- E – Britwell & Haymill regeneration update report to cabinet 7th December 2009