

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 Since the previous reports to Cabinet in December 2008 and April 2009, significant progress has been made in developing a scheme which will bring forward the regeneration on the Britwell and Northborough communities in north-west Slough. Regular project team meetings are continuing to co-ordinate the activities and this allows decision lists, project plans and timelines to be regularly reviewed and updated. All expenditure is agreed in advance by reference to the project team.

5.2 In preparation for submission of an outline planning application the phase I development proposals for Kennedy Park have been developed and are divided into three broad components:

- New retail: provision of approximately 2323 sq m retail development, comprising a small supermarket anchor store and up to 19 smaller retail

and takeaway units, with associated landscaping and parking. This element is located in the central portion of the proposed development site, to the west of the junction of Long Furlong Drive and Wentworth Avenue.

- New residential: 71 affordable family houses will be provided on the western side of the development site. These are replacement units for properties at Marunden Green and Wentworth Avenue which do not currently meet Decent Home Standards.
- Community Facilities: It is proposed that as part of the wider regeneration of Britwell and Haymill that some of the existing community uses located on Wentworth Avenue could be relocated in a new community centre. This could provide more flexible multi-occupancy space. Separate new facilities for Scouts and Guides will be provided on land next to the Family Action Centre, currently occupied by a building compound.

5.3 Throughout this year consultation and engagement with stakeholders has remained central to the ethos of providing a successful outcome which both meets the needs of the local population as well as the council, other stakeholders and the regulatory authorities. The following bullet points provide a summary of the methods used to raise awareness of the development proposals and to engage the local community in discussions about the principle of regeneration in Britwell:

- One to one meetings with community organisations;
- Group meetings with key stakeholders, including Britwell Parish Council;
- A retail attitudes survey undertaken by Beacon Research;
- A dedicated project website, launched in March 2009;
- Newspaper adverts and press coverage;
- Public consultation events, held in July 2009;
- Regular updates displayed at the consultation venue (monthly from consultation in July until submission in November);
- Ongoing discussions with key Council departments, including Planning; Highways; Housing; Parks; and Legal.

5.4 The greatest face to face response was achieved through the exhibition and consultation sessions held in July. The event was held at the existing Britwell neighbourhood centre, in a vacant shop unit (No.61 Wentworth Avenue). This venue was less than 400m from the proposed development site, provided level access and well located to enable people using surrounding facilities to be able to call in.

5.5 The events were scheduled to allow residents sufficient time to provide their views in advance of the planning application being submitted, enabling suggested changes to be incorporated into the application.

5.6 To ensure that all relevant and interested parties were aware of the consultation events, a number of methods were used to disseminate the message around the community.

- The time and dates of the consultation events were publicised on the dedicated regeneration website.

- In addition, all individuals who had sent comments and queries to the project team were emailed with the consultation details a week in advance of the event.
- Local community groups and organisations were also contacted to notify them of the forthcoming event. A member of the project team visited the local community facilities and put up a display poster advertising the event. Locations included:
 - Avenue Medical Centre, Wentworth Avenue;
 - Britwell Health Clinic, Wentworth Avenue;
 - Britwell Parish Council, Long Furlong Drive;
 - Family Action, Long Furlong Drive;
 - St. George's Church, Long Furlong Drive;
 - Britwell Ex-Servicemen's Club, Wentworth Avenue;
 - Britwell Library, Wentworth Avenue;
 - Britwell Youth & Community Project, Wentworth Avenue;
 - My Council / Talkshop, Wentworth Avenue;
 - Sure Start, Monksfield Way.
- To maximise awareness, shop keepers were also informed of the event and the poster was displayed by the each of the following retailers at Wentworth Avenue:
 - Co-op News;
 - Florist;
 - Unique Beauty Trends;
 - Slough Furniture Project;
 - Hardware Shop; and
 - The Wine Palace;
 - Butchers;
 - Tote Bookmakers;
 - Chemist;
 - Fish & Chip Shop.
- In total, 40 posters were displayed in well used venues around Britwell.
- Local schools (Beechwood Secondary, Claycott Primary, Lynchhill Primary) were all contacted via telephone and email informing them of the forthcoming consultation. A copy of the press release was forwarded to the Head teachers, along with the offer of a consultation poster which they could display.
- In addition to the above, a press release was issued to both the Slough Observer and Slough Express, publicising the forthcoming events. The press release was also published on the People 1st website. The monthly People 1st tenants newsletter also contains details of the Britwell Regeneration website and directs queries to it.

5.7 The event was also mentioned several times on Radio Berkshire, including a statement from the Commissioner for Neighbourhoods and Renewal and a brief interview with a Parish Councillor. Whilst not part of the formal publicity strategy, these occurrences helped to raise awareness of the consultation events, both locally and across the County.

- 5.8 The consultation event was originally scheduled to take place over three days however such was the demand from local residents that officers responded by extending the exhibition through the following week.
- 5.9 Sixteen consultation boards were prepared and displayed at the event to provide interested parties with an opportunity to view details of the draft Masterplan proposals, and raise the public's awareness of the scheme. A 3D scale model of Kennedy Park was located in the centre of the venue where it could be easily viewed and detailed aspects of the proposals discussed.
- 5.10 Throughout the consultation event a response questionnaire was made available. It provided people with the opportunity to give their views on the development proposals. The questionnaire asked for people's opinions on:
- The type of shops that they would like to see in a new retail centre;
 - What facilities they would like included as part of the park enhancements;
 - What services and facilities they would wish to see in a new community centre; and
 - What they thought about the site's design principles: e.g. better surveillance of the park, improved walking/cycling route.
- 5.11 Following closure of the consultation event, monthly update posters (August, September, October and November) have been produced to provide up to date information regarding consultation responses, project progress and the application process. These A1 posters have been displayed in the windows of the consultation venue, and are also available to view and download from the Britwell and Haymill Regeneration website.
- 5.12 An attendance register was kept during the event and while not compulsory 339 individuals signed the register over the duration of the consultation. A better estimate of the number of people who attended may be ascertained from the number of questionnaires which were given out during the events. This totalled 455, but even this number may underestimate the total number of visitors as some people declined to participate
- 5.13 A detailed breakdown of responses will form part of the Council's planning submission however in brief, the majority of attendees accepted that some development at Kennedy Park was necessary to free up land for redevelopment and to make the project deliverable. A small number of people expressed a desire for the existing shops to be retained but to undergo cosmetic improvement. Very few people suggested that the Wentworth Flats should be retained, and some people visited the venue specifically to enquire whether the flats would be demolished, as these were generally perceived as having a negative impact in the area: both visually and socially, due to anti-social behaviour. Understandably there was concern about the loss of open space however the majority of visitors were reassured by the suggested improvements in the park which the project would deliver, the provision of some replacement open space in Wentworth Avenue and the fact that by increasing the legitimate use of the park fringes anti-social behaviour would be reduced.
- 5.14 The timing of the regeneration process was explained to attendees, i.e. an outline planning application would be submitted in advance of more detailed applications. A number of residents of Marunden Green and Wentworth Flats expressed a desire for the new housing on Kennedy Park to be completed as soon as possible but additionally a certain amount of consultation fatigue was evident during the

consultation events, whereby some local people were sceptical of the scheme coming forward for delivery. This reflects the consultation which was undertaken a number of years ago, where a scheme could not be delivered due to viability.

- 5.15 In addition to the original survey undertaken by Beacon Research which was reported to members in April and the above consultation event, members may be aware through the local media that further consultation was recently undertaken by a Britwell Ward Councillor which suggested contradictory findings amongst the views of local residents. The project board has discussed this issue and has suggested that the findings be submitted to the local planning authority once the planning application has been registered. That way they can be considered along with all other objections and responses as part of the due statutory process.

Housing procurement and the development of a Local Housing Company

- 5.16 With regard to the housing element, the project team have not concluded consideration of the most appropriate delivery vehicle as the many recent proposals by the Government continue to open up new possibilities for the development of the new residential element of the project. With proposed changes to the financial controls on councils it will soon be possible to seek development funding from the Homes and Communities Agency and build council houses on a large scale for the first time in over 20 years. Not only does this make sense for the council, as we retain the land ownership and the asset but it is also the expressed preference of many existing tenants and clients on the waiting list who prefer a council landlord to a housing association.
- 5.17 The most popular method of procurement currently in use is through an LHC (Local Housing Company). LHC's are usually companies limited by shares but can be Limited Liability Partnerships although the commercial partners are not as familiar with those structures. The standard format is for a LA to procure a private sector partner (PSP) who is normally a contractor. They bring in the development expertise and funding. The LA brings in the land. Ideally the PSP would match the value of the LA's equity investment. The LHC then borrows the balance of the funding. The only special funding available is the Homes & Communities Agency funding and the LHC would have to be registered with them for the provision of new housing.
- 5.18 There is nothing to stop the LA wholly owning the LHC and using traditional procurement methods or forming the company after a competitive procurement with a Registered Social Landlord or with both the RSL and the PSP. There is an argument that all 3 would provide a more flexible model to carry out the full range of developments large and small.
- 5.19 A local authority has the power to participate using its well being powers under S2 of the Local Government Act 2000 which gives it the power to do anything likely to promote the economic social or environmental well being of its area. This power includes the ability to incur expenditure, give financial assistance, enter into arrangements and provide staff goods and services or accommodation to any person. The LHC is regarded in legal terms as a "person" as it is a different legal entity even if it is wholly owned by the LA.
- 5.20 The main constraint on the LA is the requirement to obtain best consideration for the disposal of its assets and this would include putting them into the LHC. If they were contributed having been undervalued there could be challenges on State Aid particularly if the profits were distributed in accordance with the equity investment.

- 5.21 Any land which goes into the LHC, if it is to achieve funding from the HCA will need to have “clean” titles, this would mean any restrictive covenants would need to be dealt with and the land would need to be registered. SBC has nearly completed a year long project to register all its titles but careful consideration would need to be given to the covenants issues. There would also be concerns about any contaminated land and the LHC would need to ensure remediation costs were taken into account before any transfer was made.
- 5.22 A final decision on the housing procurement route is expected by January 2010 which will coincide with the commencement of the OJEU procurement route for the retail elements of the scheme.

Retail procurement and land appropriation

- 5.23 Procurement of the retail element is virtually ready to proceed while the outline planning application is considered over the winter months however in order for the Council to offer the development site as part of the OJEU process and ultimately consider its disposal, the authority must first appropriate the land into the development portfolio.
- 5.24 A local authority as land owner may hold its land for a variety of statutory purposes e.g. housing, planning 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.
- 5.25 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.
- 5.26 Following publication of the requisite Notice of Appropriation as required by S.122 any objections received must be considered by Cabinet. Therefore if members authorise officers to proceed with the publication of statutory notices any responses will be brought before a future Cabinet, the aim is for this to be the January 2010 Cabinet, whereupon they can be considered prior to a formal resolution being passed.

6 Conclusion

- 6.1 Significant progress has been made on consulting the public and other stakeholders in Britwell, and with the design of an outline scheme that will finally allow the regeneration project to proceed. By the time this report is received by Cabinet the application for outline planning permission will have been submitted to the local planning authority for consideration.

7 Appendices Attached

A – Relevant extracts from Section 122 Local Government Act (1972) (as amended)

B – Site plan of area to be appropriated