

**THE WOKINGHAM BOROUGH COUNCIL
(LAND AT GORSE RIDE SOUTH, FINCHAMPSTEAD, WOKINGHAM)
COMPULSORY PURCHASE ORDER 2021**

THE TOWN AND COUNTRY PLANNING ACT 1990

AND

THE ACQUISITION OF LAND ACT 1981

**STATEMENT OF THE COUNCIL'S
REASONS FOR MAKING THE ORDER**

February 2021

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1. Introduction

- 1.1 Wokingham Borough Council ("**the Council**") has made The Wokingham Borough Council (Land at Gorse Ride South, Finchampstead, Wokingham) Compulsory Purchase Order 2021 ("**the Order**") which it has submitted to the Secretary of State for confirmation.
- 1.2 The Order has been made to enable regeneration of land at Gorse Ride South ("**the Site**"), by the demolition of existing buildings and provision of 249 new dwellings, together with associated access, parking, landscaping and public open space ("**the Scheme**"). The Scheme has been an objective of the Council for many years. The Scheme is being promoted by the Council and will be delivered by the Council through its wholly owned company, Loddon Homes Limited ("**LHL**").
- 1.3 Although the Council owns the freehold interest in much of the Site, implementation of the Scheme requires the acquisition of various land and property interests. The Council has endeavoured to acquire the necessary interests by negotiation, but it has not been possible to reach agreement with all of the parties affected.
- 1.4 Implementation of the Scheme will secure economic, social and environmental for Wokingham. The benefits of the Scheme are described in detail in section 5 of this Statement.
- 1.5 Planning permission (reference 202133) was secured for the Scheme on 19 February 2021 ("**the Planning Permission**"). It authorises full planning permission for the proposed development of the existing Gorse Ride South Estate, comprising demolition of existing buildings and replacement with 249 dwellings (mixed tenure flats and houses) together with associated access, parking, landscaping, public open space and drainage ("**the Scheme**").
- 1.6 The Council resolved on 28 January 2021 to make a compulsory purchase order; reports were presented to the Council's Executive in January 2019 and January 2021 in relation to the powers conferred by Section 226(1)(a) of the Town and Country Planning Act 1990 (as amended by the Planning & Compulsory Purchase Act 2004). The Council has consequently made the Order in order to secure the outstanding interests in the Site, as shown on the map accompanying the Order, required for the purpose of implementing the Scheme ("**the Order Land**").

2. Location and Description of the Order Land

- 2.1 The Order Land, comprising approximately 3,542 sqm, is located in Finchampstead in Wokingham. The Order Land is more specifically described in the schedule of interests accompanying the Order and is identified shaded pink on the map accompanying the Order.
- 2.2 The Order Land comprises the following land and property in Finchampstead, Wokingham:
- 4 Firs Close;
 - 6 Firs Close;
 - 29 Firs Close;
 - 10 Dart Close;
 - 11 Dart Close;
 - 9 Orbit Close;
 - 11 Orbit Close;
 - 15 Orbit Close;
 - 24 Orbit Close;
 - 5 Billing Avenue;
 - 8 Billing Avenue;
 - 9 Billing Avenue;
 - 10 Billing Avenue;
 - 11 Billing Avenue;
 - 15 Billing Avenue;
 - 22 Gorse Ride South;
 - 24 Gorse Ride South;
 - 26 Gorse Ride South;
 - 30 Gorse Ride South;
 - Electricity substations at Whittle Close, Orbit Close, Dart Close and Firs Close;
 - Gas governor at Whittle Close; and
 - Unregistered land comprising subsoil under existing footpaths.
- 2.3 As at January 2018, there were 178 existing properties on the Gorse Ride estate. Of these, 140 homes were in the ownership of the Council, 3 were owned by a third party housing association and 35 were owned privately, some having been purchased through the “Right to Buy” scheme. Those in the ownership of the Council were predominantly tenanted by the Council’s long term housing tenants.
- 2.4 Since 2018, and in order to deliver regeneration of the Site, the Council has endeavoured to acquire the 38 properties within the Site which are not in its ownership. In addition, since 2018, and in order to deliver regeneration of the Site, the Council has proactively been decanting its long-term tenants from the Site.
- 2.5 To date, 19 of the properties have been successfully acquired through negotiation. Key to these acquisitions has been the assistance provided by the Council to help residents wishing to sell and purchase an alternative property. This includes:
- 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.

- FAQ documents to provide detailed information about the regeneration scheme and relocation options for residents.
- Regular updates to residents through letter and phone calls and 1:1 sessions.
- Regular 1:1 consultation sessions with Council tenants within the Site to ensure that suitable, alternative accommodation is identified and provided as soon as possible.
- Comprehensive support package comprising financial assistance (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) and an equity loan scheme through 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. The Council also offered a number of other options to owners of the properties including the ability to buy a new property within the Site or on another Council affordable housing development adjacent to the Site (known as Arnett Avenue).

2.6 As of January 2021, there remain within the Site 16 privately owned properties and 3 properties owned by a third party housing association. These comprise the Order Land as described above. The Council will continue, alongside the compulsory purchase process, to endeavour to acquire these properties by agreement.

3. The Scheme

Purpose of the Scheme

- 3.1 The purpose of the Scheme is to secure the regeneration of the Site by demolishing the existing poor quality housing stock and providing an increased number of new housing units built to current design standards.

Scheme

- 3.2 The Scheme, for which the Planning Permission has been secured, includes 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".

- 3.3 In particular, the Scheme will provide for:

- 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.

Layout

- 3.4 The Scheme is laid out to provide as follows:

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

- 3.5 It is proposed that Phase 2A will provide the following properties:

House Type	Affordable (including Social & Shared Ownership)	Market	2A Total
1 Bed Flat	25	0	25
2 Bed Flat	26	0	26
1 Bed Bungalow	4	0	4
2 Bed Bungalow	2	0	2
2 Bed House	8	4	12
3 Bed (5p) House	18	0	18
3 Bed (6p) House	0	7	7

4 Bed House	5	0	5
5 Bed House	1	0	1
Totals	89	11	100

3.6 Phase 2B is proposed to provide the following properties:

House Type	Affordable (including Social & Shared Ownership)	Market	2B Total
1 Bed Flat	18	0	18
2 Bed Flat	26	26	52
1 Bed Bungalow	2	0	2
2 Bed Bungalow	4	0	4
2 Bed House	9	0	9
3 Bed (5p) House	7	0	7
3 Bed (6p) House	0	0	0
4 Bed House	1	0	1
5 Bed House	1	0	1
Totals	68	26	94

3.7 And finally it is proposed that Phase 2C will provide the following properties:

House Type	Affordable (including Social & Shared Ownership)	Market	2C Total
1 Bed Flat	0	0	0
2 Bed Flat	0	0	0
1 Bed Bungalow	7	0	7
2 Bed Bungalow	2	0	2
2 Bed House	10	10	20
3 Bed (5p) House	4	0	4

3 Bed (6p) House	5	17	22
4 Bed House	0	0	0
5 Bed House	0	0	0
Totals	28	27	55

- 3.8 The public open space to be provided as part of the Scheme will be provided as part of the phased development. The primary area of open space which is the Village Green, at the heart of the development, will be delivered as part of Phase 2A. The Village Green encompasses the existing group of mature trees in the north of the site and extends south through the development. A new Local Landscape Area of Play (LLAP), replacing the current play area, and Trim Trail will be provided within the northern woodland. The Village Green provides a significant landscaped area between the apartment blocks with northern and southern attenuation basins as part of the site wide drainage strategy and opportunities for informal play and seating. A courtyard area between apartment blocks 1 and 2 will also be provided within Phase 2A, providing additional seating and table tennis and outdoor chess facilities.
- 3.9 Within Phase 2B, a further courtyard will be provided between apartment blocks 3 and 4 with further additional seating and planting. Within Phase 2C, a sensory garden is provided.
- 3.10 Incidental spaces occur across the development associated with the east-west green pedestrian corridor route, including informal play sculptures and bioretention areas. Parking and street trees create a green character to the new streets within the development, with planting incorporated along the street frontage.
- 3.11 The estate roads to be provided as part of the Scheme will be delivered on a phased basis as each part of the Scheme comes forward. Access through the estate will be maintained at all times during the construction programme for those needing it.

Design Detail of the Scheme

- 3.12 The Council's design objectives for the Scheme are to:
- Have a distinct character within its context;
 - Bring vitality to the areas;
 - Revitalise and enrich the community for the future, which builds upon the strong community spirit present on the estate; and
 - Provide high quality of new housing designed which is suitable for modern living and the future.
- 3.13 The key elements of the Scheme are:
- Replacement of inefficient and unviable 1950s dwellings, with high quality, sustainable new homes.

- Dwellings have been designed to enable a significant reduction in carbon emissions (compared to building regulations), which will be achieved by reducing energy demand through energy efficient fabric and building services, incorporation of renewable energy technologies, including provision of electric vehicle charging points and the reduction in regulated CO2 emissions. The proposed measures go beyond development plan policy requirements for sustainable design and construction.
- Up to 74% of the dwellings will be affordable homes, compared to the policy requirement of 40% in this location. Significant work has been undertaken to understand the mix, dwelling types and tenures required to meet local identified needs and this is reflected in the dwelling mix proposed.
- Inclusion of a number of bungalows and ground floor apartments, in response to requests from existing residents, to provide for elderly residents or those with reduced mobility and other specific housing needs
- All houses will have as a minimum 11m long rear gardens as required by the Wokingham Design Guide. Ground floor apartments will also have private amenity space, whilst the remainder of the apartments will have the use of shared open spaces. Some bungalows have smaller, more manageable gardens at the request of future residents.
- Increased density of the development of the site, making more efficient use of the land whilst retaining the most valuable trees and open space, and increasing building heights
- The vast majority of existing mature trees and hedgerows will be retained and incorporated into the development. High quality public open space will be provided, including a new children's play area, Trim Trail, opportunities for formal and informal play and incorporating a sustainable site drainage system through the use of attenuation basins.
- New road layout, with roads positioned away from the central village green as much as possible. High quality pedestrian and cycle routes will be retained and provided through the heart of the development to encourage walking and cycling.

3.14 In designing the Scheme, the Council has also had regard to community feedback secured through:

- Establishment of a Community Steering Group, including residents and representatives from Finchampstead Parish Council, local schools, community organisations and Wokingham Borough Council ward members. The Steering Group has met regularly throughout the development of the Scheme and has contributed ideas and comments on the emerging designs and engaged in design workshops.
- Public consultation events have been held on site, with exhibition boards and models of the proposed development. These were timed to ensure that comments could be considered and feed into the design evolution.
- Regeneration surgeries held by members of the steering group for other residents.

- Project website on the Council's website as an easily accessible source of information.
- 3.15 This feedback has led to the following features being incorporated into the design of the Scheme:
- Grouping housing types together, so that large families could be together and close to play facilities, whilst 1-2 member households, such as elderly residents and couples could retain some privacy and quietness.
 - Provision of additional bungalows to reflect housing need and preference by some residents to have single storey living with own private garden.
 - Garages to be considered for a proportion of the market housing and where garages not provided, garden sheds would be provided to provide storage.
 - Retention of appropriate levels of car parking on site to reflect high car ownership levels amongst existing residents, whilst balancing the need to promote high walking and cycling through the provision of high quality walking and cycling routes.
 - Provision of a central large green public open space area, including children's play area, within the heart of the development close to family homes, rather than pockets of small play and open space interspersed throughout the development.
 - Retention of as many existing and mature trees on the Site as possible.
 - A road layout with cul de sacs, and with no circular loop road, which was perceived as could encourage speeding and anti-social behaviour.
- 3.16 The Council is satisfied that, overall, the Scheme will deliver a well-designed comprehensive housing scheme in accordance with government guidelines and Local Plan policies and which will meet the needs of its residents and the local community.

Delivery of the Scheme

- 3.17 The Council is committed, subject to completing the acquisition of all necessary land interests in the Site, to securing the early delivery of the Scheme. The grant of the Planning Permission is an important step in this process and securing the making, confirmation and implementation of the Order to complete the land assembly process will be a further important milestone.
- 3.18 The Council further has, by way of committed financial provision within its published Medium Term Financial Plan, the financial resources necessary to acquire all necessary land interests by agreement or pursuant to the Order and to deliver the Scheme. As such, the Council is in a position to proceed with the Scheme following completion of the land assembly process. It is anticipated that the project will also receive funding from Homes England.
- 3.19 The Council has three years to implement the CPO from the date of its making. The priority will initially be to acquire properties in Phase 2A.
- 3.20 The Council intends to start demolition of the properties in Phase 2A from 1 May 2021 with 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 Order 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.

- 3.21 The Council will continue to seek to acquire interests in Phases 2B and 2C by negotiation. However, the Council is committed to acquiring all interests in the Site, including those interests in Phases 2B and 2C, within 3 years of making of the CPO. Securing vacant possession of the entirety of the Site in good time will remove the likelihood of construction impacts on people still living on the Site and facilitate ease of construction. 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.
- 3.22 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.

4. Planning Position

- 4.1 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 Planning Policy Framework

- 4.2 The following national, regional and local planning policies and supplementary planning guidance are relevant to the Scheme.

National Planning Policy

- 4.3 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.
- 4.4 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.
- 4.5 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.

Local Planning Policy

- 4.6 The Scheme is also in line with the Council’s Local Development Plan policies, particularly:
- (a) Policy CC02 of the Managing Development Delivery Local Plan (“MDD”), which sets the development limits for each settlement as defined on the policies map;
 - (b) 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
 - (c) 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.

- 4.7 The regeneration of the Site has been designed having regard to the above guidance.
- 4.8 Regeneration of the Site further reflects several of the key objectives in the Council's draft Housing Strategy and Local Plan Update:
- (a) providing additional housing meeting a wide range of needs;
 - (b) improving the quality of residents' homes;
 - (c) helping build strong communities; and
 - (d) building sustainable homes for the future.

Determination of the Application

- 4.9 The application, in respect of which the Planning Permission has been granted, was considered by the Council on 9 December 2020. The report to members noted that *"the proposal complies with the Development Plan and is considered to be sustainable development that would deliver significant public benefits; there are no material considerations that weigh significantly against the proposal"*.
- 4.10 The report further noted that *"the application demonstrates that the development would successfully integrate within the landscape context and without having an unacceptable impact on the amenity of neighbouring residents. The necessary decamping of the existing residents from the site has been carefully considered as part of the process. The development would be phased accordingly to ensure that disruption caused through relocation is minimised as far as possible. The proposals are in accordance with the Council's policies and guidance on living, amenity and parking space. The development would provide a high quality modern housing scheme together with landscaped public open space, while retaining the majority of significant trees on the site. It should be noted that the scheme will also comprise planting of up to 200 new trees. Contributions can be secured toward the off-site provision of SANG, improvement of existing public open space and a net gain for biodiversity. The development would not cause any significant adverse highway impacts and would not result in significant residential amenity impacts to existing, new or neighbouring residents"*.
- 4.11 The committee members resolved unanimously to support the scheme and the Planning Permission was subsequently granted on 19 February 2021.
- 4.12 The Council further committed the following by way of mitigation of the Scheme:
- (a) SANG and SAMM financial contributions;
 - (b) Biodiversity Net Gain (financial contributions, on and off-site provision);
 - (c) Public open space improvements (on-site provision and financial contributions to off-site provision);
 - (d) My Journey Travel Plan Contribution;
 - (e) Financial contribution to Arborfield Bus Strategy;
 - (f) Commitment to construct all estate roads to adoptable standard and to

provide an adoptable highways plan; and

- (g) Dedication of the roads on the application site for adoption by the Council.

5. Case for Compulsory Purchase/Purpose of Acquisition

Compulsory Purchase Powers

- 5.1 The Council has the power in Section 226(1)(a) of the Town and Country Planning Act 1990 (as amended by the Planning & Compulsory Purchase Act 2004) to make a compulsory purchase order for any land in their area if the Council think that the purchase of the land will facilitate the carrying out of development, redevelopment or improvement on or in relation to the land.
- 5.2 Pursuant to Section 226(1)(a) the Council may not exercise the power unless they think that the development, re-development or improvement is likely to contribute to the achievement of any one or more of the following objectives:
- (a) the promotion or improvement of the economic well-being of their area;
 - (b) the promotion or improvement of the social well-being of their area;
 - (c) the promotion or improvement of the environmental well-being of their area.
- 5.3 It is immaterial that the development, re-development or improvement may be carried out by a third party.
- 5.4 The Guidance provides guidance generally on the exercise of compulsory purchase powers.
- 5.5 Importantly the Guidance requires that a compulsory purchase order should only be made where there is a compelling case in the public interest. The Guidance further states that an acquiring authority, when considering the making of a compulsory purchase order, shall have regard to the following factors:
- (a) an acquiring authority should be sure that the purposes for which it is making a compulsory purchase order sufficiently justify interfering with the human rights of those with an interest in the land affected. Regard should be had, in particular, to the provisions of Article 1 of the First Protocol to the European Convention on Human Rights (paragraph 12 of the Guidance);
 - (b) that adequate resource is likely to be available to enable the acquisition of the land pursuant to the order and for the scheme underlying the order to proceed (paragraph 14 of the Guidance);
 - (c) that the scheme underlying the order is unlikely to be blocked by impediments to implementation (paragraph 15 of the Guidance); and
 - (d) that there is no obvious reason why planning permission for the scheme might be withheld (paragraph 15 of the Guidance).
- 5.6 Particular guidance on orders made by local authorities under Section 226 of the Town and Country Planning Act 1990 is contained in Tier 2 Section 1, 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".

- 5.7 Importantly, the Guidance requires that a compulsory purchase order should only be made where there is a compelling case in the public interest.
- 5.8 A compulsory purchase order to which there are objections will require confirmation by the Secretary of State to become effective. The Guidance provides that any decision by the Secretary of State about whether to confirm an order 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:-
- (a) *"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";*
 - (b) *"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";*
 - (c) *"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";*
 - (d) *"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".*
- 5.9 The Guidance also requires the Council to have regard to the following when considering making a compulsory purchase order:-
- (a) That the purposes for which the order is made sufficiently justify interfering with the human rights of those with an interest in the land affected;
 - (b) The degree to which other bodies (including the private sector) have agreed to make financial contributions or to underwrite the scheme and on what basis such contributions or underwriting is to be made;
 - (c) Evidence relating to financial viability;
 - (d) Whether the scheme is likely to be blocked by other impediments to implementation.

The Council's support for the Scheme

- 5.10 The Scheme is wholly consistent with adopted planning policy for the Site and finds significant support in national planning policy and guidance. It will deliver substantial

regenerative benefits to the local community. Importantly, the Council considers that the Scheme will deliver the comprehensive regeneration of the Site and that, in the absence of the Scheme and the Order to enable it, the regeneration of the local area would not be achieved.

Resolution to make the Order

- 5.11 The Council resolved on 28 January 2021 to make the Order, reports were presented to the Council's Executive in January 2019 and January 2021.
- 5.12 In resolving to make the Order the Executive took into account the various factors referred to in this Statement and also the rights of property owners under the European Convention of Human Rights ("the Convention"), as incorporated into domestic law by the Human Rights Act 1998. The Executive noted especially the advice of the Secretary of State in the Guidance and the following protected rights:
- (a) Article 1 protects the right of everyone to the peaceful enjoyment of possession, so that no one can be deprived of possessions except in the public interest and subject to the relevant national and international laws.
 - (b) Article 8 protects private and family life, home and correspondence, so that no public authority can interfere with these rights 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.
 - (c) 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.
- 5.13 The Executive was satisfied that the harm to the rights of those affected by the Order is justified by the public benefits which will be secured by the Scheme. In particular, in balancing the rights of the individuals affected and the interests of the public, and especially in the light of the significant benefits arising from the Scheme, the Executive considered that the Order should be made.

Justification for the Order

- 5.14 The Council considers that the Order is fully justified. Its resolution to make the Order accords entirely with the advice in the Guidance which encourages local authorities to exercise their compulsory purchase powers to ensure that sites are brought forward for development.
- 5.15 The Council believes that all of the land included in the Order is required for the Scheme to proceed.
- 5.16 The Council has determined, for the purposes of Section 226(1)(a), that the purchase of the Order Land will facilitate the carrying out of the development, redevelopment and improvement of the land the subject of the Scheme. In this respect the Council also believes, as regards Section 226(1A), that the Scheme will contribute to the achievement of the promotion or improvement of the economic, social and environmental well-being of Wokingham.

Scheme Benefits

5.17 The main aim of the Scheme 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. This will make a significant contribution to the social, environmental and economic well-being of the area.

5.18 In summary, it is considered that the Scheme will deliver the following public benefits:

Environmental Benefits

5.19 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.

5.20 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

5.21 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.

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

5.23 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

- 5.24 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.
- 5.25 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.

Conclusions

- 5.26 The Council is Council is satisfied that the Scheme will achieve its aim and will deliver significant benefits to the local area. The Council accordingly considers that there is a compelling case in the public interest for the Order to facilitate the Scheme.

6. Related Orders

- 6.1 An application will be made pursuant to section 247 of the 1990 Act to stop up or divert certain areas of highway within the Site. This will facilitate delivery of the Scheme by allowing the internal highways within the Site to be reconfigured to align with the Scheme.
- 6.2 It is expected that any objections to the application will be considered together at any public inquiry relating to objections to the Order.

7. Human Rights and Equality Considerations

Human Rights

- 7.1 The Human Rights Act 1998 incorporated into domestic law the European Convention on Human Rights (“ECHR”). The ECHR includes provisions in the form of Articles, which aim to protect the rights of the individual.
- 7.2 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.
- 7.3 As is clear from the Guidance, a compulsory purchase order should only be made where there is a “*compelling case in the public interest*”, and that a public authority pursuing a compulsory purchase order should be sure that the purposes for which it is making that order sufficiently justify interfering with the human rights of those with an interest in the land affected. In making this assessment, the authority should have regard, in particular, to the provisions of Article 1 of the First Protocol and Articles 6 and 8 to the ECHR.
- 7.4 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...*”.
- 7.5 Whilst the owners of the land comprised in the Order Land may be deprived of their property if the Order is confirmed and thereafter implemented, this will be done in accordance with the law. The public benefits associated with the Order are set out in this statement, and the Council considers that the Order strikes a fair balance between the public interest in seeing the regeneration proceed (which is unlikely to happen in the absence of the Order), and the private rights which will be affected by the Order.
- 7.6 In this case, despite efforts being made, the Council has not been able to secure agreements with the owners of the Order Land nor has it been possible to locate the owners of the land in “unknown” ownership. Such parties will be entitled to compensation calculated under the CPO Compensation Code in respect of land acquired by the Council pursuant to the Order.
- 7.7 Article 6 of the ECHR 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 are met by the procedures for objection and confirmation, 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 Upper Tribunal.
- 7.8 The regeneration of the Order Land has been comprehensively consulted upon. There has been an opportunity to make representations regarding the planning policies that promote development of the Order Land. The Council has further entered into extensive discussions and negotiations with the affected landowners regarding the future of the area and the regeneration proposals.
- 7.9 Where parties object to the Order, the Secretary of State for Housing, Communities and Local Government will arrange either for those objections to be considered by way of written representations, or for a public local inquiry to be held to provide those parties with an opportunity to be heard. Should the Order be confirmed, a person

aggrieved may challenge the order in the High Court if they consider that there are sufficient grounds for doing so. In relation to compensation disputes, affected persons have the right to refer any claim for compensation to the Upper Tribunal (Lands Chamber), an independent body. This process is compliant with Article 6.

- 7.10 Article 8 of the ECHR provides that: "*everyone has the right to respect for his private and family life, his home and his correspondence*" and that "*there shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of....the economic wellbeing of the country...*".
- 7.11 Whilst there may be some interference with the rights of the owners of the land comprised in the Order, this will be done in accordance with the law. The Council considers that the benefits associated with the Scheme as set out in this report, strike a fair balance between the public interest in seeing the Scheme proceed (which is unlikely to happen in the absence of the Order), and the private rights which will be affected by the Order.
- 7.12 The Council has carefully considered the matters it has to balance in reaching its decision to progress the Order, and has decided that there is a compelling case in the public interest to proceed with making it, so as to enable the redevelopment of the Site to proceed.

Equality

- 7.13 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. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 7.14 The Council has been mindful of its equality duty and has had regard to the impact of the regeneration of the Site and provision of the Scheme on such protected characteristics. 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 continue to be updated as the Scheme progresses and is implemented to ensure that identified actions are undertaken to mitigate any impacts.

Consultation with the Local Community

- 7.15 The regeneration of the Order Land has been a long term aspiration and objective of the Council, and a high priority of the local community. Engagement with the local community to develop a better understanding of individual, group and business interests varied needs and aspirations for the site has been ongoing for a long period of time. Some of the key engagement activities and findings are outlined below.

- 7.16 Regular newsletters about the proposed regeneration of Gorse Ride Estate are published by the Council to keep the local community informed of progress and developments.
- 7.17 In addition, since October 2017, monthly steering group meetings have been held about the proposed regeneration of the Site. The group was formed in order to enable residents and local community groups to work with the Council and its partners to bring about positive change, raise and address any issues and concerns regarding the decant/rehousing strategy and emerging regeneration proposals.
- 7.18 The group is made up of local residents (which include Council tenants, private leaseholders/owner-occupiers) within the Gorse Ride area and also those in the immediate surrounding the area. The group has representatives from wider stakeholders, including St Mary's and St John's Parish Centre, FBC Centre, Gorse Ride and Nine Mile Ride Schools, elected WBC Ward Members, Finchampstead Parish Councillors, relevant Council Lead Members and the Council.
- 7.19 The focus of the group is to keep residents fully informed and involved on the Scheme and to enable the Council's project team to engage with the group as the Scheme progressed from inception to grant of the Planning Permission. It will continue to meet during the construction and post occupation phases. Through this forum, residents have been able to understand and examine development proposals at the earliest opportunity (prior to formal Council decisions being made), comment upon, challenge, influence, raise concerns, shape proposals and help identify solutions that enhance the Scheme and bring value to the local area.
- 7.20 During the preparation of the Scheme and during its determination period, the Council undertook a wide range of consultation and engagement events to enable local interested parties to comment on the proposed scheme.

Conclusions

- 7.21 The Council is content that there has been thorough engagement with persons affected by the Scheme and that it has discharged its public equality duty. The Council considers that the redevelopment of the Site pursuant to the Scheme will have a positive impact on the local community and on persons with protected characteristics. Where there is potential for the Scheme to have a detrimental impact on those with protected characteristics, steps have been taken to mitigate that impact.

8 CONCLUSION

For all the various reasons set out in this Statement, the Council considers that there is a compelling case in the public interest and that the Order should be confirmed to facilitate the regeneration of the Site.

9 ADDITIONAL INFORMATION

General Information

- 9.1 The documents relating to the Order are listed in Appendix A to this Statement and can be viewed online on the Council's website at <https://www.wokingham.gov.uk/major-developments/gorse-ride-estate-regeneration/>.
- 9.2 The additional documents listed in Appendix B to this Statement, which the Council may also refer to at any public inquiry, can also be viewed online on the Council's website. The Council reserves the right to add or remove documents from this list in the light of any objections and representations made in respect of the Order.
- 9.3 Anyone requiring hard copies of the documents listed in Appendices A and B may request them by contacting the Council by telephone on 07925 147786 or by email to gorseride@wokingham.gov.uk.
- 9.4 Persons requiring further information regarding the Order or owners and occupiers of the Order Land who wish to negotiate a sale or discuss matters of compensation should contact the Council by telephone on 07925 147786 or by email to gorseride@wokingham.gov.uk.

Statutory Procedures

- 9.5 Any objection or other representation concerning the Order must be made in writing to National Planning Casework Unit by email to PCU@Communities.gov.uk or by post to 5 St Philips Place, Colmore Row, Birmingham B3 2PW before 24 March 2021 and should state the title of the Order and the grounds of objection or representation.
- 9.6 If objections to the Order are received from any person who is an owner, lessee or occupier (except tenants for a month or a period less than a month) of the Order Land and such objections are not withdrawn, then an opportunity will be given by the Secretary of State for objectors to state their views at either a public inquiry or hearing before an independent inspector after the end of the objection period.
- 9.7 If a public inquiry or hearing is to be held, all objectors will be notified individually at least 6 weeks beforehand and those who have made representations or wish to support the proposals will be similarly informed. Notice of any public inquiry or hearing would also be published in the local press.
- 9.8 It should be noted that it might be necessary to communicate the substance of all comments received to other people. If a public inquiry or hearing is held, letters of objections and other representations would be passed to the inspector holding the public inquiry or hearing.

Compensation

- 9.9 Provision is made by statute with regard to compensation for the compulsory purchase of land and the depreciation in the value of affected properties. More information is given in the series of booklets published by the Department for Communities and Local Government entitled 'Compulsory Purchase and Compensation' Listed below:
- (a) Booklet No 1 – Compulsory Purchase Procedure;
 - (b) Booklet No 2 – Compensation to Business Owners and Occupiers;

(c) Booklet No 4 – Compensation to Residential Owners and Occupiers.

9.10 Copies of these booklets are available free of charge from the National Planning Casework Unit, 5 St Philips Place, Colmore Row, Birmingham B3 2PW or online at:

www.gov.uk/government/collections/compulsory-purchase-system-guidance

APPENDIX A

Order Documents

- 1 The Order
- 2 The Order Map
- 3 Statement of Reasons for the Order

APPENDIX B

Reports and Minutes

- 1 Executive Paper dated January 2019
- 2 Minutes of Executive Meeting on 31 January 2019
- 3 Executive Paper dated January 2021
- 4 Minutes of Executive Meeting on 28 January 2021

Planning Application Documentation

- 5 Planning Application Form
- 6 Plan showing application boundary
- 7 Planning Statement dated March 2020
- 8 Design and Access Statement dated November 2020
- 9 Masterplan
- 10 Other approved drawings
- 11 Landscape Design Statement dated October 2020
- 12 Committee Report dated 9 December 2020
- 13 Planning Permission dated 19 February 2021

Planning Policy Documentation

- 14 National Planning Policy Framework (March 2019)
(Available online at <https://www.gov.uk/guidance/national-planning-policy-framework>)
- 15 National Planning Policy Guidance
(Available online at <http://planningguidance.planningportal.gov.uk>)
- 16 Extracts from Core Strategy for Wokingham (January 2010)

- 17 Extracts from Managing Development Delivery Local Plan (December 2012)
- 18 National Design Guide (October 2019)
(Available online at <https://www.gov.uk/government/publications/national-design-guide>)
- 19 Extracts from Borough Design Guide (May 2012)

Other Documentation

- 20 Draft plan showing the proposed extent of highway to be stopped up
- 21 Equalities Impact Assessment (January 2021)