

**DATED** \_\_\_\_\_ **2020**

**WOKING BOROUGH COUNCIL**

**THE TOWN AND COUNTRY PLANNING ACT 1990**

**THE LOCAL GOVERNMENT (MISCELLANEOUS  
PROVISIONS) ACT 1976**

**AND**

**THE ACQUISITION OF LAND ACT 1981**

**WOKING BOROUGH COUNCIL (SHEERWATER  
REGENERATION) COMPULSORY PURCHASE  
ORDER 2020**

**STATEMENT OF REASONS FOR MAKING THE  
ORDER**

## 1. BACKGROUND AND INTRODUCTION

- 1.1 On 12<sup>th</sup> October 2020, Woking Borough Council (the "**Council**") made the Woking Borough Council (Sheerwater Regeneration) Compulsory Purchase Order 2020 (the "**Order**").
- 1.2 The Order has been made under section 226(1)(a) of the Town and Country Planning Act 1990 (the "**1990 Act**") and section 13 of the Local Government (Miscellaneous Provisions) Act 1976 (the "**1976 Act**").
- 1.3 The Council at a Full Council meeting on 30<sup>th</sup> July 2020 resolved to make the Order pursuant to its powers under section 226(1)(a) of the 1990 Act and section 13 of the 1976 Act. The purpose of the Order is to enable the Council to purchase compulsorily, to facilitate the carrying out of development, redevelopment and improvement upon it, certain land within Sheerwater part of the administrative area of Woking Borough Council. The land which is the subject of the Order (the "**Order Land**") is shown edged red and shaded pink on the map referred to in the Order (the "**Order Map**"). The Order Land also comprises land over which new rights are required to be acquired and these are shown coloured blue on the Order Map. A copy of the Order Map accompanies this Statement of Reasons and is attached at Appendix A.
- 1.4 The Council's objective in seeking to acquire the Order Land is to assemble in its ownership the land and interests included in the Order, so as to continue to facilitate and enable the implementation of comprehensive regeneration within Sheerwater, identified as a Priority Place within the Council's Core Strategy (such designation meaning the area is the subject of targeted intervention by the Council and its partner bodies, further detail of which is provided at Section 7 of this Statement of Reasons).
- 1.5 The purpose of the Order is to facilitate the carrying out of development as part of a wider initiative that will create a new sustainable place to live and work and stimulate the regeneration of the Sheerwater area. The Council's proposals are set out in more detail in Section 6 of this Statement of Reasons, but include:-
- (a) the demolition of 573 residential units, existing non-residential buildings and sports facilities upon the Order Land; and
  - (b) the comprehensive phased redevelopment of the Order Land to deliver approximately 1,142 new high quality residential dwellings which will include approximately 619 dwellings for sale on the open market dwellings and approximately 523 'affordable' dwellings (of which 134 are the specialist residential dwellings referred to at Section 1.5(c) below);
  - (c) the provision of up to 134 specialist residential dwellings within Use Classes C2 and C3 of the Town and Country Planning (Use Classes) Order 1987 (the "**Use Classes Order**"<sup>1</sup>). These units will be self-contained affordable assisted living units (at a combination of social rent levels and affordable rent levels), all of which will be compliant with Part M of Schedule 1 to the Building Regulations 2010, with 23 units being fully wheelchair accessible;
  - (d) the provision of:-
    - a. a community/youth centre;
    - b. a nursery/children's centre;
    - c. a Leisure Centre and artificial grass pitch with spectator seating;
    - d. flexible Retail Units;
    - e. a Health Centre;
    - f. significantly improved and enhanced public open space and public realm;
    - g. a new Sustainable Drainage (SUDs) scheme throughout the Order Land, enhancing and improving the drainage network and flood prevention infrastructure within the adjacent area; and

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<sup>1</sup> The Town and Country (Use Classes) (Amendment) (England) Regulations 2020 came into force on 1<sup>st</sup> September 2020 and re-classified the use classes under the Use Classes Order. For the purposes of this Statement of Reasons, use classes referred to are those under the Use Classes Order.

- h. landscaping, improved pedestrian routes, car parking spaces and associated highway and other infrastructure, drainage, servicing and works

together referred to in this Statement of Reasons as the “**Scheme**”.

- 1.6 The Council's Scheme has the benefit of two planning permissions. The first is the detailed element of a hybrid planning permission, granted by the Local Planning Authority on 27 July 2016 and given Planning Reference PLAN/2015/1260 (“**2015 Permission**”). This was subject to a Section 73 Application approved on 18 April 2019 with Planning Reference PLAN/2018/0374. The second is a hybrid planning permission granted by the Local Planning Authority on 18 April 2019 and given Planning Reference PLAN/2018/0337 (“**2019 Permission**”), together referred to in this Statement of Reasons as the “**Planning Permission**”. The Planning Permission provides detailed planning consent for the earlier phases of the Scheme and outline planning consent for the Scheme as a whole. There is strong policy support for the Scheme at national and local level. Local policy refers specifically to Sheerwater's designation as a Priority Place, identifying the area as being in need of targeted intervention by the Council, Surrey County Council and other public bodies. The Scheme represents an integral and vital part of the Council's proposals for the regeneration of the Sheerwater area as a whole. A failure to deliver the Scheme in full would be detrimental to the aim to secure a transformational regeneration of Sheerwater along with a range of other initiatives being implemented by the Council and other public sector bodies.
- 1.7 The Order seeks to acquire all estates and interests in the Order Land, including rights, easements, the benefit of covenants, rent charges and options in the Order Land, except where otherwise expressly stated. Notwithstanding all reasonable inquiries having been undertaken, the Order Land also includes land in unknown ownership, or land reputed to be in unknown ownership, which needs to be compulsorily acquired to facilitate the delivery of the Scheme.
- 1.8 In preparing and making the Order and preparing this Statement of Reasons for the Order (“**the Statement of Reasons**”), the Council has had regard to the guidance on compulsory purchase, entitled “*Guidance on Compulsory Purchase process and the Crichel Down Rules*”, introduced by the Department for Housing, Communities and Local Government in 2015 and most recently updated in July 2019 and including the most recent guidance in respect of measures to be applied in respect of the COVID 19 pandemic (“**the Guidance**”).
- 1.9 Paragraph 1 of the Guidance notes that compulsory purchase powers are “*an important tool to use as a means of assembling the land needed to help deliver social, environmental and economic change. Used properly they can contribute towards effective and efficient urban and rural regeneration, essential infrastructure, the revitalisation of communities and the promotion of business – leading to improvements in quality of life*”.
- 1.10 Paragraph 2 of the Guidance sets out when compulsory purchase powers should be used, advising that acquiring authorities should use compulsory purchase powers where it is expedient to do so but only where there is a compelling case in the public interest in favour of the proposals. This paragraph also states that the confirming authority will expect the acquiring authority to demonstrate that they have taken reasonable steps to acquire all of the land and rights included in the compulsory purchase order by agreement. Compulsory purchase is intended as a last resort to secure the assembly of all of the land needed for the implementation of projects. However, if an acquiring authority waits for negotiations to break down before starting the compulsory purchase process, the implementation of the scheme may be unacceptably delayed, such that it is often sensible for the acquiring authority to plan a compulsory purchase timetable as a contingency measure, whilst pursuing voluntary acquisitions. The publication of a formal timetable will also make the seriousness of the acquiring authority's intentions clear from the outset, which in turn is likely to encourage those whose land is affected to enter more readily into meaningful negotiations. Finally, paragraph 2 also advises that when making and confirming an order, acquiring authorities and confirming authorities should be sure that the purposes for which the compulsory purchase order is made justify interfering with the human rights of those with an interest in the land affected. The Council has fully considered the advice given by paragraph 2 of the Guidance in preparing for and making the Order and is satisfied that the use of compulsory purchase powers is justified in making the Order.
- 1.11 The Guidance also states, at paragraph 17, that:- “*Undertaking negotiations in parallel with preparing and making a compulsory purchase order can help to build a good working relationship with those*

*whose interests are affected by showing that the authority is willing to be open and treat their concerns with respect.*" Paragraph 17 also states: - *"Acquiring Authorities are expected to provide evidence that meaningful attempts at negotiation have been pursued or at least genuinely attempted, save for land where land ownership is unknown or in question"*. In accordance with the Guidance, the Council has been carrying out negotiations and seeking to acquire the Order Land by agreement wherever possible, and is continuing to do so in parallel with making the Order. As set out in Section 4.2 of this Statement of Reasons, delivery of all parts of the Scheme will be undertaken by companies wholly controlled by the Council (Thamesway Developments Limited and Thamesway Housing Limited) and therefore where parts of the Order Land have already been acquired by the Council, ownership has been or will be passed to Thamesway Housing Limited. References in this Statement of Reasons to parts of the Order Land being *"acquired by the Council"* or *"owned by the Council"* (or expressions having like effect) should be interpreted as including ownership being vested in, or transferred to, Thamesway Housing Limited. A list of properties within the Order Land and acquired by the Council and a plan of properties owned by the Council is attached to this Statement of Reasons as Appendix B.

- 1.12 On 14<sup>th</sup> January 2016, the Council adopted a "Sheerwater Community Charter" ("**Charter**"), a voluntary, non-statutory document that sets out the Council's commitments to all of the residents within the Order Land, from Council tenants, to leasehold occupiers and owner occupiers. This document also sets out the Council's proposals for compensation, including home loss and disturbance payments. The offer of compensation contained within the Charter and the package of compensation measures being offered by the Council go beyond the minimum statutory requirements and its purpose is to bring forward meaningful negotiations on a transparent and equal basis in order to facilitate the negotiated acquisition of as much of the Order Land as possible. It also aims to encourage a wide range of engagement as well as setting out the Council's commitments to residents and occupiers within the Order Land. The Council has been actively promoting the Community Charter since its adoption and has acquired a significant number of interests within the Order Land by negotiation. The Council will continue to seek to acquire other interests in the Order Land by agreement; however there are a number of interests that remain to be acquired. The scale and nature of the Scheme requires the making of the Order to enable the Order Land in its entirety to be assembled in the Council's ownership and the Scheme to be delivered with certainty and within a reasonable timescale.
- 1.13 The Guidance states, in paragraph 12, that *"A compulsory purchase order should only be made where there is a compelling case in the public interest"*, and that an acquiring authority should be sure that the purposes for which it is making an order justify interfering with the human rights of those with an interest in the land affected, having regard in particular to the provisions of Article 1 of the First Protocol to the European Convention on Human Rights and, in the case of a dwelling, to Article 8 of that Convention. The Council is satisfied that there is a compelling case in the public interest for the Order to be made in respect of the Scheme and that compulsory acquisition of the Order Land is justified.
- 1.14 Paragraph 6 of the Guidance notes that all public sector acquiring authorities are bound by the Public Sector Equality Duty as set out in section 149 of the Equality Act 2010 and that, throughout a compulsory purchase process, acquiring authorities must have due regard to the need to (a) eliminate unlawful discrimination, harassment or victimization; (b) advance equality of opportunity between those persons who share a relevant protected characteristic and those persons who do not share it; and (c) foster good relations between those persons who share a relevant protected characteristic and those persons who do not share it. The Council has had regard to this duty in preparing its proposals and the Order and a detailed Equalities Impact Assessment (including a summary table) ("**EqlA**") related to the Scheme has been prepared. The Council has had due regard to the recommendations set out within the EqlA and further detail is set out at Section 10 of this Statement of Reasons. Importantly its recommendations have been accepted in full by the Council.
- 1.15 Paragraph 15 of the Guidance also advises that the acquiring authority will need to be able to show that the proposals are unlikely to be blocked by any physical or legal impediments to implementation. The Council is confident that there will not be any such impediments to the implementation of its proposals for the delivery of the Scheme on the Order Land.
- 1.16 The Council has consequently made the Order to secure all interests required to enable implementation of the Scheme, to achieve the Council's adopted planning policy objectives for the Sheerwater area, and to meet identified housing need. Discussions will, however, continue with

owners of relevant interests in the Order Land who are willing to sell their interest in the Order Land by agreement at market value in accordance with the terms of the Charter and, where appropriate, the compulsory purchase compensation code, with a view to limiting the number of interests which need to be acquired compulsorily pursuant to the Order. The approach adopted by the Council is in accordance with the advice contained in the Guidance.

- 1.17 The Council's reasons for making the Order are set out in greater detail within this Statement of Reasons. On confirmation of the Order, the Council intends to serve Notices to Treat and Notices of Entry and/or to execute one or more General Vesting Declarations in order to secure unencumbered title to the Order Land.

## 2. LOCATION AND DESCRIPTION OF THE ORDER LAND

- 2.1 The Borough of Woking is located in north-west Surrey and occupies some 6,400 hectares. Among its local centres is Sheerwater, located in the north east of the Borough. Sheerwater is referred to by that name throughout this Statement, however it is now known as the Canalside Ward due to local Government Reorganisation. This aligns with how the area is referred to in local planning policy and comprises the area referred to as Maybury and Sheerwater ward. Sheerwater is bounded by Basingstoke Canal to the north, the South Western main railway line to the south, Bishop David Brown School to the east and Forsyth Industrial area to the west. The Order Land makes up some 29.94 ha of land lying within the Sheerwater area.
- 2.2 A large proportion of the Order Land is already within Council ownership. A plan showing the extent of Council owned land as at 18th September 2020 is attached to this Statement of Reasons as Appendix B. In considering the boundary of the Order Land, the Council has had to balance competing priorities, seeking to deliver the most efficient scheme with the maximum benefit to the local community, while attempting to minimise the interference with private property interests. The Council has considered site acquisition, land assembly and development costs and considered the extent of third party interests required to deliver the Scheme in defining an optimum boundary for the Order Land. As indicated within this Statement of Reasons, as part of the process leading to the Planning Permission, the Council actively re-drew the boundary of the Order Land and the extent of the Scheme to remove the need to demolish four properties along Devonshire Avenue. Throughout the process, the Council has sought to draw the boundary of the Order Land so as to include as much Council owned property as possible and minimise the necessary interference with third party/private owned land.
- 2.3 The Council's housing management partner (New Vision Homes – details of which are provided in Section 5.34 onwards of the Statement of Reasons), was appointed by the Council in mid-2013 to develop a Masterplan for the regeneration of Sheerwater ("**Initial Sheerwater Masterplan**"). The Initial Sheerwater Masterplan was an illustrative plan, showing how the quantum of proposed development could be accommodated within the Order Land. The Initial Sheerwater Masterplan was developed collaboratively with residents, local stakeholders and the Council and a wide range of consultation was undertaken in its preparation. The Initial Sheerwater Masterplan was lodged in connection with the 2015 Permission as an illustrative plan of the Scheme, with the quantum of permitted development set out within it and was approved by the Council on 4<sup>th</sup> November 2015.
- 2.4 The plans submitted and approved as part of the 2019 Permission comprise a new masterplan for the Scheme ("**Sheerwater Masterplan**") that built upon and superceded the 2015 Permission and Initial Sheerwater Masterplan and which reflect the evolution of the Scheme (as described within this Statement of Reasons). The Sheerwater Masterplan is attached to this Statement of Reasons as Appendix C.
- 2.5 The Order Land is located within the area covered by the Sheerwater Masterplan. The primary land use within the Order Land is residential, with 573 residential units lying inside the boundary of the Order Land. The northern part of the Order Land is made up of Sheerwater Recreation Ground, The former Woking Athletics Club and Bishop David Brown School playing fields. The majority of buildings in the area are two storey, although the local centre is defined by a four storey mixed use block and surrounding three storey residential blocks. The Order Land includes a parade of shops containing convenience stores and food outlets, a post office, hairdresser and small retailers. The Order Land encompasses a number of community and recreation buildings, including Sheerwater Health Centre, Waterside Dental Centre, Caring Day Care (Nursery and SureStart Centre), Woking

Children's Centre, Parkview Centre for the Community, Birch and Pines Public House (now demolished) and facilities for Woking Athletics Club and Sheerwater Football Club.

- 2.6 Sheerwater Recreation Ground is registered as an Asset of Community Value under the provisions of the Localism Act 2011. Notwithstanding this designation, the Council, as local planning authority & acquiring authority remains of the view that the compelling public interest in the Scheme (set out in this Statement of Reasons), justifies the use of compulsory purchase powers and the inclusion of the Sheerwater Recreation Ground within the Order Land. Nonetheless this registration was taken into account in the decision to grant permission.
- 2.7 The Order Land includes a number of areas of open space, as shown on the Order Map. As set out at Sections 6.10 to 6.16 in this Statement of Reasons the design and provision of sufficient areas of high quality open space and public realm has been an integral part of the Scheme from its inception and the Scheme will deliver significantly enhanced open space, both in terms of its quality and design and its accessibility and availability to the residents of Sheerwater.
- 2.8 Within the Order Land, the property at 31-33 Dartmouth Avenue benefits from a temporary planning permission authorising a change of use from a butcher's shop to a place of worship (specifically, a Mosque), that includes 2 prayer halls and associated facilities. The building in question is not consecrated ground and requires no special consideration as part of the making of the Order. In preparing to make the Order, the Council has consulted with the Sheerwater Muslim Education and Welfare Trust regarding the services provided from this site and the need for such a site within the local area. This has identified the need for a replacement site within close proximity to the residents of Sheerwater and the Council is re-providing facilities for a Mosque within Sheerwater with the intention being that the new facility should be available before the closure of the current one.
- 2.9 Full details of the Order Land appear in the Schedule to the Order but in summary it comprises the land shown edged in red and coloured pink on the Order Map. New rights are required by the Council and the land over which new rights are required are shown coloured blue on the Order Map.
- 2.10 The Schedule to the Order has been prepared based on information gathered through inspection of Land Registry title documents, site inspections and enquiries, and the responses to notices issued under section 16 of the 1976 Act. The Order Land does not include or affect (i.e. through demolition, alteration or extension) any listed buildings or any consecrated land.
- 2.11 The Sheerwater area has long been identified as being in need of major capital investment having been predominantly built during the 1950s by the former London County Council as housing for areas of London damaged in World War II. A significant negative feature of the area was the large electricity pylons that cut through the housing area, which have already been removed by the Council and at its cost, in readiness for and as part of the Scheme. The Sheerwater area contains a large number of smaller houses, representing the Council's largest single stock of smaller social housing. Much of the housing within the Order Land is in poor condition and is ill suited to the needs of existing residents. The existing public open spaces are poor, unattractive, lack sufficient play facilities and feel unsafe due to them having limited opportunities for passive surveillance. The Council has carried out significant public consultation with residents concerning the condition of housing and open space within the Order Land and its impact on their day to day lives. The outcome of such consultation (as summarised in the Sheerwater Community Value Plan and Sheerwater Community Needs Assessment) reinforces the Council's view that there is a need for comprehensive redevelopment in accordance with the proposals set out in the Sheerwater Masterplan.
- 2.12 The Borough of Woking is generally relatively affluent, but with pockets of extreme deprivation, one of which includes Sheerwater and the Order Land. The Sheerwater area is typically characterised by poor housing conditions and issues of deprivation when assessed against Indices of Multiple Deprivation ("IMD") including Income deprivation (ranking the worst in Surrey), Health deprivation and disability (ranking the worst in Surrey), Education, skills and training (ranking 4<sup>th</sup> worst in Surrey and below average within Surrey, Woking and nationally) and Employment deprivation (ranking the worst in Surrey). Large parts of the Order Land are ranked among the 20% most deprived neighbourhoods in the country. Further detail is provided from Section 5.24 onwards and within the EqIA which sets out a detailed analysis. The area is characterized by low incomes, high unemployment, low educational attainment, poor health, and high incidence of crime and fear of crime. Sheerwater has been identified as a "Priority Place" by the Council and Surrey County Council and its designation means that the resources of the Council and its partners are targeted at

addressing the issues faced within the area through a range of measures and initiatives. The Council has approved a Priority Places Action Plan to set out how and where those targeted resources are best deployed.

- 2.13 The Scheme seeks to address the decline in the physical fabric of the Order Land and capitalise on significant opportunities for developing and stimulating wider social and economic benefits. The Scheme proposes a sustainable and deliverable package of physical redevelopment through the phased delivery of new housing, associated development and infrastructure. The Scheme will help to deliver a thriving, balanced and sustainable community for the future.

The regeneration proposals that are the subject of the CPO will deliver:-

- high quality new homes and first class community, leisure and retail facilities within a green and healthy environment;
- modern, energy efficient homes that are economic to maintain and flexible enough to satisfy diverse and changing needs;
- economic benefits for local people and businesses, both during the construction phases (the use of a Local Labour Agreement creating local employment opportunities and retaining expenditure within the local supply chain) and once completed (with new jobs and training opportunities);
- improved access to services, including healthcare and community facilities through a new local centre that will provide convenient access to everyday shops, services and community facilities;
- significant improvements to the quality of public open space;
- enhanced recreation facilities with a new leisure centre, sports pitches and play facilities for children and young people;
- improvements to public realm and public transport provision through the carrying out of road widening and providing space for the installation of bus stops through the central spine of the proposed Scheme (improving upon the current route for public transport);
- improvements to cycle transport routes separating them from the highways within the Scheme to allow free and safe cycle routes and access within the Scheme;
- improvements to parking provision and public realm to create an accessible environment;
- a safe environment where natural surveillance is intrinsic and where direct routes across the Order Land are provided to enable access to neighbouring communities, retail and commercial facilities.

The phased programme has been designed with 5 priorities in mind:-

- (1) Minimising disruption for residents. The phased design seeks to maximise the opportunity for residents within the Order land to buy or move into a new property within the Sheerwater area before their property is required for demolition in connection with the Scheme. The phasing also seeks to ensure that, as far as possible, existing properties and buildings are not demolished until re-provision is complete
- (2) Preserving continuity of service for community facilities. The design ensures that the new community facilities being delivered by the Scheme are open and available for use before any existing community facilities are closed for demolition.
- (3) Delivering effective sustainable drainage systems (SUDs) across the Scheme as a whole. Each phase has been modelled in detail with drainage and flooding in mind to ensure that no phase adversely affects any other, nor the wider Sheerwater area.
- (4) Maintaining open space and green space provision and accessibility. The design ensures that the new open space, green space and leisure space within the Scheme is re-provided before any existing open space, green space and leisure space is removed.
- (5) Preserving the wider property market viability. The design takes account of local market conditions and the potential for the Scheme to saturate the local housing market.

### **3. THE ENABLING POWER UNDER THE TOWN AND COUNTRY PLANNING ACT 1990 AND THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976**

- 3.1 The Order has been made pursuant to the provisions of Section 226(1)(a) of the 1990 Act to facilitate the implementation of the Scheme upon the Order Land. In respect of that part of the Order Land over which new rights are required (and which are shown coloured blue on the Order Map), the

Order has been made pursuant to Section 13 of the 1976 Act.

- 3.2 Section 226(1)(a) of the 1990 Act empowers an acquiring authority, on being authorised by the Secretary of State, to acquire compulsorily any land in their area:
- (1) if the acquiring authority thinks that the acquisition will facilitate the carrying out of development, redevelopment or improvement on or in relation to that land; and
  - (2) the development, redevelopment or improvement is likely to contribute to the promotion or improvement of the economic, social or environmental well-being of their area.
- 3.3 Section 13 of the 1976 Act empowers an acquiring authority, on being authorised by the Secretary of State, to acquire create compulsorily such new rights over the land specified in the order.
- 3.4 The Council has had regard to the advice in paragraph 11 of the Guidance, which advises that acquiring authorities should look to use the most specific power available for the purposes in mind and only use a general power when a specific power is not available. The Council is satisfied that the use of the powers contained in the legislation referred to at Sections 3.2 and 3.3 above are the most appropriate powers available for its purposes and will facilitate the carrying out of development, redevelopment or improvement on or in relation to the Order Land (which is in the Council's area); and that it will contribute to the development, redevelopment or improvement of that area, thus meeting the statutory tests. The Scheme will amount to a comprehensive regeneration initiative for the Sheerwater Area, complementing the other initiatives being promoted by the Council and its partner agencies.
- 3.5 Paragraph 95 of the Guidance advises that 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. The power is expressed in wide and general 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. The Council considers that this power is therefore the most appropriate for the intended Scheme and the land assembly required to deliver it.
- 3.6 The Guidance also provides general guidance to acquiring authorities on the use of compulsory purchase powers. The Council has taken full account of the Guidance in making the Order. The Council is proposing to utilise its powers under section 226(1)(a) of the 1990 Act and section 13 of the 1976 Act because it is not certain that it will be able to secure by agreement the land and rights required for the delivery of the Scheme, although the Council's efforts to acquire the necessary land by agreement will continue in parallel with the compulsory purchase order process.
- 3.7 The way in which the Scheme is likely to contribute to the promotion or improvement of the economic, social or environmental well-being of the Council's area (and particularly the Sheerwater area) is described in Section 5 of this Statement of Reasons.
- 3.8 The proposed redevelopment of the Order Land and further detail of the Scheme is detailed in various Sections of this Statement of Reasons below.

#### **4. THE PURPOSE OF THE ORDER**

- 4.1 In accordance with the Sheerwater Masterplan and as authorised by the Planning Permission, the Council seeks to redevelop the Order Land by delivering residential led regeneration of the Sheerwater area. Proposals for the regeneration (detailed in Section 6 of this Statement of Reasons) are derived from principles of the Government's policy for sustainable development as set out within the National Planning Policy Framework ("NPPF").
- 4.2 Delivery of the Scheme will be undertaken by the Thamesway Group of Companies, a group of companies wholly owned by the Council as delivery and investment vehicles. The Council is the sole shareholder of Thamesway Limited (the Parent Company of the Thamesway Group of Companies), who in turn is the sole shareholder of the two group companies set out below. The Council has a controlling influence over these Companies with representation on the Board of Directors (with both



Councillors and officers sitting in Board positions) and as the ultimate shareholder. The two Thamesway companies involved in the Scheme are Thamesway Developments Limited (“**TDL**”) and Thamesway Housing Limited (“**THL**”). TDL is incorporated as a development and delivery vehicle and has a track record of delivering both commercial and residential developments, while THL is established in connection with the ownership and management of housing stock, currently managing a substantial amount of residential property. Given the nature of the two companies and the purposes for which they have been incorporated, the Council is proposing that, in order to effectively deliver the Scheme, it is appropriate for the Order Land to be transferred to THL, while the physical delivery of the Scheme is carried out by TDL. The affordable housing delivered as part of the Scheme will be owned by THL and managed by them from completion. The Council, TDL and THL are committed to transforming the Sheerwater area through the delivery of the Scheme and the Council will be a principle funder in the Scheme’s delivery. The delivery of the Scheme has been designed on a phased basis, in order to secure appropriate and timely delivery. The benefit of using TDL and THL to deliver the Scheme are that:-

- The Council will retain any development profit within the Borough of Woking;
- The Council will control profit levels to ensure rents for affordable homes remain affordable; and
- TDL can enter into commercial arrangements if it is advantageous to the progress of the Scheme, retaining some advantages of private sector involvement while ensuring control is retained by the Council.

4.3 Wherever possible, subject to availability, all residents, owners, occupiers and tenants who wish to remain within Sheerwater will have the opportunity to do so, in line with the Council’s aspiration to create a truly sustainable mixed community. The Charter sets out the Council’s commitments to occupiers within the Order Land, which the Council believe to be an enhanced package of measures beyond that required by statute. The commitments contained within the Charter are considered to be central to the Council’s promotion of the scheme and are as follows:-

#### **General**

- All occupiers of the Order Land will be given no less than 12 months’ notice of any requirement to vacate their properties.
- Particular assistance will be given to elderly and vulnerable residents to manage any concerns they might have and assist them with the process.
- Discussion will be held over timescales and moving and re-housing arrangements, with each household’s needs being assessed.
- Advice and assistance will be provided/facilitated as required. A tenant adviser has been put in place to assist with this.

#### **Council Tenants**

- The Council will do everything it can to ensure that anyone currently living within Sheerwater can remain in Sheerwater, or has the opportunity to return to Sheerwater should they be required to move as the Scheme is developed.
- Council tenants will be given priority status when applying for a new home through the Council’s choice based lettings scheme (Hometrak).
- Housing and support needs will be assessed to ensure any new home best meets that need.
- The Council will pay for access to advice through a recognized and independent tenant adviser.
- Elderly and vulnerable tenants will be provided with additional help and support which may include packing/unpacking services, help in claiming benefits and assisting in the move (changing utilities etc).
- The Council will ensure that, where possible, Council Tenants will only have to move once.
- Alterations to property needed to accommodate specific care and support needs will be made prior to Council tenants moving into their new homes.
- The Council has set out a defined compensation regime, based on Home Loss and Disturbance payments.

#### **Freehold/Leasehold Occupiers**

- Resident homeowners whose property needs to be acquired will receive market value plus

17.5% and a right of first refusal to buy a new property built as part of the Scheme. Non-resident homeowners whose property needs to be acquired will receive market value plus 17.5%. This applies where the ownership pre-dated 3 December 2015.

- The Council will arrange for a valuation of the property being acquired by an accredited chartered surveyor.
- Losses caused by virtue of having to transfer a mortgage as part of the move will be subject to compensation.
- An assisted purchase scheme will apply where a resident homeowner is required to move and cannot afford a new property within those built as part of the Scheme. The Council would take a share of the equity in a new property, subject to a cap of 33% of its market value, or £100,000, whichever is less. The Council's share could be bought out, or recovered on subsequent disposal of the property. The Council has also acted as a mortgagee of last resort for residents otherwise unable to secure a mortgage in respect of their new property.

### **Shared Ownership Residents**

- The Council will offer the opportunity to purchase an equity share of 20% or more in one of the new properties built as part of the Scheme.
- The Council will pay the market value of the equity share owned in current properties, plus a home loss payment of 10% of that share (from a minimum of £6,400 to a maximum of £64,000).
- Reasonable removal costs and expenses will be paid.
- Reasonable legal and surveying fees will be paid.
- An alternative of compensation is offered, with the residents sourcing alternate accommodation in the open market.

### **New Initiatives**

In addition to the commitments set out in the Charter, the Council has sought to implement a system of continual improvement, learning from the experiences of residents to deliver an improved package of measures and assist residents in relocating from the Order Land. Measures have included:-

- The Council was building up a reserve of properties that could be used to offer residents a "ready-made" home where they could not find somewhere on the open market. This was entirely voluntary, but sought to increase the options available to residents.
- The Council was implementing a "help to move" service that would provide physical assistance to those residents who needed it. This has proven sufficiently successful that the Council is considering rolling out throughout its administrative area.
- The Council is seeking feedback from those residents who have relocated or engaged with the Council to assess where the Council's involvement can be improved.
- The Council has directly employed a mental health worker to provide support to residents, funded through a local charity, Cornerhouse.
- The Council has, on a case by case basis, considered assisted purchase packages extending beyond the financial terms above. In addition, the Council has provided a grant for alterations required to make a new property accessible and useable for a disabled resident.
- The Council was made aware of concerns among residents that the Council's appointed valuer may not be fully independent. To address these concerns the Council has made the District Valuer service available to residents (both as an option for the valuation of their property and as a second opinion to demonstrate transparency on the question of valuation).

- 4.4 The Council will secure nomination rights on all the new affordable units and allocate them to secure tenants currently residing within areas of the Order Land earmarked for redevelopment within the next phase of the Scheme. A detailed phasing and relocation schedule is incorporated within the Planning Permission, facilitating vacant possession in line with the redevelopment programme.
- 4.5 Construction work in respect of the Scheme began on 22<sup>nd</sup> July 2019, with preliminary works to create the Leisure Centre, swimming pool and associated sports facilities. The first phase of residential development forming part of the Scheme (the Phase identified as "Purple" on the Phasing Plan attached to this Statement of Reasons) has also commenced and will deliver 92 residential properties once complete.

- 4.6 The programme for delivery of the phases within the Scheme is set out within the Phasing Plan (“**Phasing Plan**”). The Phasing Plan provides for a total demolition and re-building programme over 76 months from commencement of development and has been designed to minimise interference for residents while delivering the Scheme in a thought out and efficient manner.
- 4.7 The Phasing Plan also sets out how the various elements of the Scheme will come forward and when these will be provided within the overall context of the Scheme’s delivery.
- 4.8 The purpose of seeking to acquire land compulsorily is to facilitate the comprehensive redevelopment of the Order Land in order to deliver the Scheme in full. The Scheme has been identified by the Council as the best means by which to meet the Council’s adopted strategic planning objectives for the regeneration of Sheerwater. The role of the Order Land is identified in the Council’s planning policy documents and its regeneration is a necessary and vital part of this plan. The Council fully supports the Scheme and wishes it to be brought forward in accordance with its adopted planning policies.
- 4.9 Importantly the scheme has been revised since the original planning application to better reflect the area’s needs especially having regard to equality issues set out within the EqIA.
- 4.10 Compulsory purchase of the requisite land is essential to enable the Scheme to be fully implemented and for the Council to achieve its policy objectives within a reasonable timescale. The Council also considers that the Order is both necessary and justifiable in the public interest. Consequently the Council has made the Order to secure the outstanding interests required to facilitate implementation of the Scheme.

## **5. JUSTIFICATION FOR COMPULSORY PURCHASE**

- 5.1 The Order has been made to ensure that all the land required for the Scheme can be secured within a reasonable timescale, thereby maintaining the affordability and deliverability of the Scheme and of the wider regeneration of the Sheerwater area.
- 5.2 The Guidance advises that an acquiring authority should only make a compulsory purchase order where there is a compelling case in the public interest to do so. The Council is satisfied that there is a compelling case for the use of its compulsory purchase powers for the reasons set out below in this Section of this Statement of Reasons.
- 5.3 The Order Land forms part of the Sheerwater area, identified as a Priority Place within the Council’s Core Strategy. That designation makes the area the subject of targeted intervention by the Council, Surrey County Council and other public bodies.
- 5.4 Although the Council is the majority freeholder and landlord, there are a number of property interests within the Order Land that remain in the ownership of third parties. The Order Land is suitable for a sustainable and phased approach to development and the Order is required to secure land and property rights to enable the Scheme to be implemented.
- 5.5 The purpose of the Order is to enable the Council to acquire: all freehold and leasehold interests not already in Council ownership; land the ownership of which it has not been possible to ascertain, notwithstanding diligent enquiry; land where agreement to acquire cannot be reached, despite vigorous efforts to do so, and such acquisition is necessary in order to achieve delivery of the Scheme within a reasonable timescale.
- 5.6 The Council’s negotiations with freeholders and leaseholders have indicated that it is likely that the timely acquisition of these interests on reasonable terms and within a realistic timescale based on the Council’s requirements will, in some instances, only be achievable through compulsory purchase. However, the Scheme will contribute to the improvement of the economic, social and/or environmental well-being of the Sheerwater area.
- 5.7 The Council in each instance has considered the reasons why it is necessary to acquire the property interests identified in the Schedule to the Order. The freeholders, leaseholders, Council tenants and occupiers have been invited to enter into discussions with the Council with regard to compensation on the basis of a negotiated acquisition in line with the Charter and in accordance with the advice

contained in the Guidance.

- 5.8 The overarching consideration for the Council when making the Order and for the Secretary of State in deciding whether it should confirm the order (as set out in paragraphs 12 to 15 of the Guidance) is whether there is a compelling case in the public interest which justifies the interference with the human rights of those with an interest in the land affected. An acquiring authority should be sure that the purposes for which the compulsory purchase order is made justify interfering with the human rights of those with an interest in the land affected. Particular consideration should be given to the provisions of Article 1 of the First protocol to the European Convention on Human Rights and, in the case of a dwelling, Article 8 of the Convention.
- 5.9 The Council considers there is a compelling case in the public interest for the making and confirmation of the Order for the reasons outlined in this Statement of Reasons, and that the order comprises a proportionate response to secure those objectives. The need for the comprehensive development of the Order Land is acknowledged and supported in the adopted national and local planning policy framework as set out in Section 7 of this Statement of Reasons. Delivery of the Scheme would fulfil the Council's key planning policy objectives for the area and transform the Order Land. It would contribute significantly to the improvement of the economic, social and environmental well-being of the area as set out in this Statement of Reasons. Planning Permission for the Scheme was granted on 27 July 2016 (in respect of the 2015 Permission) and 18 April 2019 (in respect of the 2019 Permission). The Council is confident that there is more than a reasonable prospect of the Scheme proceeding, given the commitment to the delivery of the Scheme demonstrated to date, in securing planning consent for it, the acquisition of interests by agreement in the Order Land and the steps it is taking to deliver the Scheme. The Council also believes that there are no credible alternatives to compulsory purchase to achieve the purposes of the Order. It is highly unlikely that all the outstanding interests required could be assembled by agreement within a reasonable timescale. In making its assessment of the justification of the Order, the Council has taken into account the rights of those who may be affected by the Order (as referred to in Section 9 of this Statement of Reasons below). In addition, the Council has had due regard to its public sector equality duty under section 149 of the Equality Act 2010 (referred to in Section 10 of this Statement of Reasons below). In the Council's view, the considerable public benefits to be derived from the implementation of the Scheme outweigh the harm caused by interference with the human rights of those likely to be affected by compulsory purchase and there is a clear compelling case, in the public interest, for the making and confirmation of the Order.
- 5.10 The Council considers it has demonstrated in this Statement of Reasons that there are sufficiently compelling reasons for the powers to be sought at this time to enable the Scheme and the benefits it will bring to be delivered. The Council has more than a clear idea of how it intends to use the land which it is proposing to acquire. The land is required to deliver the Scheme in accordance with the Planning Permission and in compliance with national and local planning policy. The proposals for the Order Land will deliver significant economic, social and environmental benefits to the Sheerwater area. As explained within this Statement of Reasons, the necessary resources are in place now to deliver the Scheme within a reasonable timescale. The Council also has the necessary resources to meet all land acquisition and compensation costs (including acquisition and compensation costs arising from the service of any blight notice(s)). The Secretary of State can therefore be satisfied that the order is justified and in the public interest at the time of its making.
- 5.11 Paragraph 14 of the Guidance advises that the acquiring authority should provide substantive information as to the sources of funding available and the timing of that funding. Such information should include the sources of funding available for both acquiring the land and implementing the scheme for which the land is required. If the scheme is not intended to be independently financially viable, or details cannot be finalised until there is certainty that the necessary land will be required, the acquiring authority should provide an indication as to how any potential shortfalls will be met. This should include: the degree to which other bodies (including the private sector) have agreed to make financial contributions or underwrite the scheme; and the basis on which the contributions or underwriting is to be made.
- 5.12 Paragraph 14 also advises that in relation to the timing of funding, funding should generally be available now or early in the process. Failing that, the confirming minister would expect funding to be available to complete the compulsory acquisition within the statutory period (see section 4 of the Compulsory Purchase Act 1965) following the operative date, and only in exceptional circumstances would it be reasonable to acquire land with little prospect of the Scheme being implemented for a

number of years. Evidence should also be provided to show that sufficient funding for could be made available immediately to cope with any acquisition resulting from a blight notice.

5.13 As explained in this Statement of Reasons, implementation of the Scheme will be the responsibility of the Council and its wholly owned companies, THL and TDL. The benefits of this delivery mechanism are that:-

- The Council will control the delivery of the Scheme as Director and ultimate shareholder of each of the companies, in addition to having rights of approval in respect of the annual business plans produced by each of the companies;
- The Council will retain any development profit within the Borough of Woking;
- The Council will control profit levels to ensure rents for affordable homes remain affordable; and
- TDL can enter into commercial arrangements if it is advantageous to the progress of the Scheme, retaining some advantages of private sector involvement while maintaining a degree of control by the Council.

The implementation and funding strategy is set out in Section 8 of this Statement of Reasons. The Council has the necessary resources and funding, available to deliver the Scheme now. The 2015 Permission has been implemented; works on the Leisure Centre commenced on 22 July 2019 and the “purple phase” of the Scheme was started on 9 September 2019. The development permitted by the 2019 Permission has begun on parts of the Order Land that lie within Council ownership (see Section 4.5 of this Statement of Reasons), but the full delivery of the Scheme is dependent upon the confirmation of the Order.

5.14 The Guidance considers impediments to the Scheme proceeding, and notes that the acquiring authority should demonstrate that the Scheme is unlikely to be blocked by any legal or physical impediments to implementation (paragraph 15).

5.15 The key issue affecting the delivery of the scheme relates to land ownership. To date it has not been possible to enter into agreements with all owners of interests required. Negotiations will continue with affected parties with a desire to conclude acquisition by agreement, but without the certainty of land assembly through the CPO process, the Scheme will not be realised.

5.16 The Order Land contains open space (as defined by the Acquisition of Land Act 1981). The Council will, upon submitting the Order for confirmation, apply for the relevant certificate under section 19(1)(a) of the Acquisition of Land Act 1981 on the basis that, although there will be a limited net loss of open space within the Order Land in area, the Scheme will deliver re-provisioned open space upon the Order Land and exchange land which is no less in area and equally advantageous as the open space that is within the Order Land. The re-provisioned open space will be of significantly enhanced quality and design and offer enhanced accessibility and availability to the residents of Sheerwater. Accordingly it is strongly contended that there will be an overall gain in open space provision having regard to qualitative considerations and functionality of the proposals, notwithstanding the limited physical reduction in the area of open space provision.

5.17 Other than as referred to at Section 5.16 above and the need to secure land assembly, there are no known physical or legal factors which would prevent or impede development, nor are any other special categories of land affected. There are a number of statutory undertakers who operate apparatus within the Order Land. The Council is in discussions with the undertakers concerned. There are no financial, physical, planning or legal impediments to the Scheme proceeding, subject to confirmation of the order to enable site assembly to be achieved.

5.18 Funding has been approved and put in place to enable site assembly to be achieved. Funding for the implementation of the Scheme as a whole was approved in the form of loan finance from the Council following consideration of the financial modelling of the Scheme and its viability. Accordingly, funding for the Scheme and its overall financial viability is not in doubt. The Council will consider each phase of the Scheme to monitor the financial position once actual costs are known and keep this under review. The Council is therefore confident that funding is in place to enable compulsory acquisition to be completed within the statutory period under section 4 of the Compulsory Purchase Act 1965.

5.19 Paragraph 106 of the Guidance stipulates that, where a CPO is promoted under the provisions of section 226 (1)(a) of the 1990 Act, the Secretary of State will take into account the following issues

when deciding whether to confirm a CPO:

- (1) 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 NPPF;
- (2) the extent to which the proposed purpose will contribute to the achievement of the promotion or improvement of the economic, social or environmental well-being of the area;
- (3) whether the purpose for which the 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; and
- (4) the potential financial viability of the Scheme (including the timing of any funding, which may be important).

These are each considered below in relation to the Order, the Order Land and the Scheme generally.

**(1) 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**

As referenced in Section 1.6 of this Statement of Reasons, the Scheme benefits from the 2015 Permission and the 2019 Permission. Together, the Planning Permission is a hybrid planning permission that grants full detailed planning permission for the early phases of the Scheme. The remainder of the Scheme benefits from outline planning permission. The Scheme complies with national, regional and local planning policies. There are no relevant made or emerging neighbourhood plans.

The Council is satisfied that the Scheme complies with the strategic objectives of the adopted planning policy framework for the area. These proposals will deliver significant economic, social and environmental benefits to the area, particularly in comparison to the existing use of the site for the reasons given below.

The proposals for the Order Land are also in compliance with the NPPF. The NPPF must be taken into account in the preparation of local and neighbourhood plans and is a material consideration in planning decisions. The Council has had regard to the NPPF in developing its local planning policy. The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. A presumption in favour of sustainable development is central to the policy approach in the NPPF, its purpose is to send a strong signal to all those involved in the planning process about the need to plan positively for appropriate new development; so that both plan-making and development management are proactive and driven by a search for opportunities to deliver sustainable development, rather than barriers. The need to proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs and promote mixed use developments are among core planning principles set out in the NPPF.

The proposals for the Scheme are in accordance with the policies set out in Section 7 of this Statement of Reasons.

**(2) The extent to which the scheme will contribute to the achievement of the promotion or improvement of the economic, social or environmental well-being of the area**

The Council considers that, in line with the requirements of the enabling power, the land proposed to be compulsorily acquired will facilitate the comprehensive redevelopment of the Order Land in a manner which will positively contribute to the improvement of the economic, social and environmental wellbeing of the Council's administrative area. This can be evidenced by considering the current status of the Order Land as described in Section 2 of this Statement of Reasons and the

benefits that the Scheme will deliver for the locality, as explained in Sections 6 and 7.

The purpose for seeking to acquire the land and interests required compulsorily is to facilitate the comprehensive development of the Order Land as part of the Council's proposals for Sheerwater in accordance with the Planning Permission and the adopted planning policy framework, as explained in greater detail in Section 6 of this Statement of Reasons. The benefits that will arise include:

- Significant physical transformation of the Order Land and surrounding area
- The provision of an additional 569 new dwellings across the Order Land and with the Scheme delivering an affordable housing provision of 45.80%
- Increasing the number of new homes, as described above and addressing the current tenure imbalance to provide a higher percentage of family homes while aligning the housing mix of the Scheme to meet identified local housing need
- The provision of specialist housing for elderly residents, in close proximity to the new community facilities
- Improvements to community facilities by the provision of updated facilities for a nursery/children's centre, community/youth centre and health centre
- Improvements to leisure facilities by the provision of a leisure centre and associated facilities. The leisure centre will be available for use by nearby schools and will contain dining facilities for the Bishop David Brown School. As such, it will support the strategic need for expansion at that School
- Improvements to the public realm, highways and open spaces within the Order Land;
- Fostering a greater sense of community cohesion with enhanced community facilities integrated within the development and which are centrally located within the Order Land to improve accessibility
- Reduction in barriers to cycle and pedestrian movement in the area
- Improvements to retail facilities in the area
- Provision of infrastructure to enable future public transport providers to use the neighbourhood spine, improving accessibility to the wider area
- Improvements to drainage infrastructure and flood mitigation measures
- Removal of overhead electricity pylons (being re-sited below ground)
- The Scheme and wider proposals for Sheerwater will help to transform the status of Sheerwater and act as a catalyst for further investment and economic growth and unlock the potential for further redevelopment and regeneration of the area

**(3) Whether the purpose for which the land is to be acquired could be achieved by 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.**

A Generally:

- A1 As at 5<sup>th</sup> September 2020, the Council has secured, by agreement, 107 of the 120 properties within the Order Land which are in individual private third party ownership (as explained further in Section 1 above). Negotiations to secure all other lands and interests required are on-going. It is essential all outstanding interests are brought into one ownership and the whole site is made available to facilitate comprehensive redevelopment of the Order Land.
- A2 The Council has given careful consideration to the need for the land included in the Order Land. In considering the extent of the Order Land, the Council has attempted to minimise the need for land owned or occupied by third parties. All of the land and outstanding interests are required to deliver the Scheme. The Council is satisfied that the redevelopment of the Order Land will result in a significant improvement to the economic, social and environmental well-being of this area.
- A3 Assembly of all of the Order Land and all outstanding interests in it needing to be acquired will enable the Scheme to proceed. The Council has made the Order because it

considers that the acquisition of all necessary interests by agreement within a reasonable timescale, to enable the Scheme to proceed, is unlikely.

- A4 The purpose for which Order Land is proposed to be acquired is to enable the comprehensive development of it to proceed in accordance with the Planning Permission and the adopted planning policy framework.

## B Alternatives

- B1 The extent of the Order Land has been influenced by a number of factors, including its location, surrounding land uses and environmental impacts as well as the Council's overall objectives for the regeneration of Sheerwater.

- B2 The Order Land may be capable of piecemeal development with individual areas of land being brought forward in isolation, provided satisfactory arrangements for access to serve such development could be made. However, the combined approach of using the whole site to secure comprehensive development (including highway access) to serve the Scheme is considered to yield a significantly better redevelopment outcome for the area.

- B3 The logistical challenges of piecemeal development are considered likely to make the overall development impractical and non-viable, adding both cost and delay to the process. The extent of community infrastructure being provided by the Scheme is, in the Council's opinion, non-viable were the development to come forward in a piecemeal manner. The critical mass of development proposed by the Scheme is a key factor in the Scheme's viability. It is the Council's view that a comprehensive approach is required to deliver the Scheme and the benefits it will bring.

- B4 In preparing the Sheerwater Masterplan, a wide-ranging options appraisal was undertaken that considered several design solutions that would contribute to the Council's stated objectives for the Sheerwater area (set out from Section 5.33 of this Statement of Reasons). These included three concepts that met the quantum of development required to make any scheme viable, but were structured around different locations and use of open space and public realm. The themes were:-

- (a) Pocket Parks – a series of individual residential communities built around pockets of open space
- (b) Village Green – a village type scenario with a thriving hub built around a large village green, with residential development pushed towards the perimeter of the development boundary
- (c) Water Gardens – based around a central water feature with sustainable drainage system running east to west, recreating the Rive Ditch that historically ran through Sheerwater

Following public consultation on the three themes and SWOT analysis, it was considered that the optimum design solution for the regeneration of Sheerwater should incorporate positive attributes from each theme and this formed the basis of the design of the Sheerwater Masterplan that was brought forward in connection with the Planning Permission.

- B5 New Vision Homes (in the role described from Section 5.34 onwards of this Statement of Reasons) obtained the 2015 Permission for the redevelopment of the Order Land. However, the Council became aware of concerns raised in respect of the 2015 Permission, specifically:-

- (a) The amount of public open space being proposed
- (b) The mix of housing being too heavily focused on larger family homes to the detriment of residents requiring smaller properties
- (c) The proposed duration of the works envisaged

In recognition of these concerns, the Council commissioned TDL to prepare a revised scheme and submit a planning application for it. The result of this exercise is the Scheme outlined in this Statement of Reasons, authorised by implementing the detailed element



of the 2015 Permission and the entirety of the 2019 Permission.

The Scheme retains the detailed elements of the 2015 Permission, specifically:-

- (a) The provision of ancillary buildings at Bishop David Brown School
- (b) The provision of 139 residential units (115 open market and 24 affordable)
- (c) The provision of the leisure centre including artificial grass pitch, spectator seating, sports amenity lighting and improvements to the playing fields at Bishop David Brown School
- (d) The creation of improved car parking facilities
- (e) Hard and soft landscaping

In addition, the Scheme improves upon that envisaged by the 2015 Permission by:-

- (a) Increasing the amount of open space being delivered
- (b) Increasing the amount of car parking available for the new homes being delivered
- (c) Introducing three new surface car parks for the community facilities and existing schools
- (d) Improving the layout of car parking to remove the need to demolish four properties along Devonshire Avenue
- (e) Altering the location of community facilities to ensure they occupy a central position, reflecting their importance to the community
- (f) Increasing the number of dwellings being delivered, but aligning the housing mix of those dwellings to meet local housing need, while delivering a significant proportion of family size dwellings
- (g) improving the overall design approach to the Scheme to deliver a high quality walkable neighbourhood comprised of different character areas connecting to the wider area

The Council has, at all times, listened to comments from its officers, communities and stakeholders and demonstrated that it is committed to delivering the best possible outcomes, even if that means re-evaluating the nature of the proposed development.

- B6 Overall therefore, it is concluded that there is no credible alternative which could deliver a comprehensive scheme on the Order Land to meet the planning policy objectives within a reasonable timeframe. The scope for alternative locations is limited by the purposes of the Order, which is to facilitate the Scheme in line with the Planning Permission granted for it.

#### **(4) The potential financial viability of the Scheme (including the timing of any funding, which may be important)**

Section 8 of this Statement of Reasons considers the funding and viability of the Scheme in detail. The Council is satisfied that the costs of the Scheme and the availability and timing of funding for it, mean that the Scheme is both viable and deliverable from a financial perspective.

- 5.21 Accordingly, the Council is satisfied that there is a compelling case in the public interest for compulsorily acquiring the Order Land, and believes that the benefits which the Scheme would secure in the public interest outweigh the effect of the acquisition on the rights of individuals. It is considered that in this case, the requirements of the guidance, domestic legal requirements and the requirements of the European Convention on Human Rights, are met.
- 5.22 As referred to in Section 2.11 above, Sections 5.24 to 5.32 below and evidenced by the planning policy set out in Section 7, it has long been recognised that the Sheerwater area is in need of regeneration. The Council considers that the current condition of the housing upon and the layout of the Order Land has a negative impact on its community and limits opportunities to improve their economic and social prospects, and that it also contributes to low aspirations and a lack of environmental well-being among residents of Sheerwater. Socio- economic information and statistics highlight the problems faced by the community in the area of the Order Land, which are atypical of the remainder of the Council's administrative area.
- 5.23 The Council's current phased approach to the delivery of the Scheme is a sustainable and

deliverable proposal but still requires single ownership of property interests upon the Order Land. The Order is therefore necessary to secure that single ownership necessary to bring forward the comprehensive regeneration of the Order Land.

### **Socio-Economic Case**

- 5.24 As indicated elsewhere within this Statement of Reasons and explained in further detail within the EqlA, the Council's administrative area is largely affluent, but contains areas of extreme deprivation, with the wards of Sheerwater and Maybury, as well as the Lakeview Estate area of Goldsworth Park designated "Priority Places" for the Council and its partner agencies.
- 5.25 The Scheme seeks to address the lessons learned from urban policy in the 1960's and 1970's, when large multi-storey system built estates proliferated. These did not, at the time, recognise the importance of resident engagement and the link that the physical environment has to broader social, economic and environmental concerns. The Scheme has been designed to focus on people and place-making, as part of a holistic approach to renewing the physical environment within the Order Land. The Council recognises that poverty and inequality cannot be tackled solely through the physical regeneration anticipated by the Scheme. To that end, the Scheme has been designed to deliver development and housing provision in a joined up and sympathetic manner with improvements to the surrounding area, including public realm and open space. The Scheme has the potential to impact positively upon the Order Land and its residents by directly addressing the physical condition of housing as well as the surrounding area. The Scheme will result in a more attractive place to live, enhancing the general appearance of the area as well as providing the specific development set out in this Statement of Reasons.
- 5.26 The Council has carried out significant evaluation of the key areas of need within all Priority Places, including Sheerwater. Assessment has included a review of Census data, the 2007 Indices of Multiple Deprivation ("IMD") and Super Output Area level data.
- 5.27 The baseline data for the Sheerwater area is sourced from the 2011 Census (the Maybury and Sheerwater Ward). The Sheerwater area contains an estimated population of 1,565 evenly split between numbers of men and women.
- 5.28 The majority of the occupiers within the Order Land are tenants of the Council (63%), while some 20% of the properties are owned by private individuals. Of the remainder, 7% are owned by Registered Social Landlords, 6% are leasehold properties, 3% are commercial premises and 1% are shared ownership properties.
- 5.29 The Council considers that where, within a Super Output Area there are 2 or more IMD domains of concern, there is the potential for a significant adverse effect on positive outcomes for members of that Super Output Area. In identifying areas with multiple issues of concern as Priority Places, the Council is making a conscious effort to target resources in those areas to bring about positive change.
- 5.30 Further detail is set out within the EqlA, however, this Statement of Reasons addresses what are considered the key issues - following a review of IMD and Super Output Area level data for the Sheerwater Area these are considered to be the IMD domains of:-
- Health deprivation and disability;
  - Education, skills and training deprivation;
  - Income deprivation (with 2 sub-domains of income deprivation affecting children and income deprivation affecting older people);
  - Employment deprivation.

Across all IMD areas, the Sheerwater area ranks the poorest within Surrey overall and the poorest within the specific domains of Income deprivation, Employment deprivation and Health deprivation and disability, ranking fourth poorest for Education, skills and training deprivation.

- 5.31 The Sheerwater area shows a very high incidence of health deprivation across all IMD indices within that domain. The years of potential life lost (which is a measure of premature deaths of those under 75) is 101, extremely high when compared to the averages within the Council's administrative area

generally (54), Surrey as a whole (52) and England (64). The average life expectancy within the Sheerwater area is approximately 76, compared to nearby wards such as St Johns & Hook Heath where it is 83. The main causes of death are cancers and circulatory diseases, in which lifestyle factors play a contributory role. In addition to physical health, the Sheerwater area ranks poorly on mental health indicators (for adults under 60 suffering mood and anxiety disorders). The Sheerwater area has some 26% more adults suffering from these conditions when compared to the national average, scoring 1.26, compared to the averages within Woking (-0.69), Surrey (-0.73) and England (0.000011).

- 5.32 Overall educational attainment levels are low within the Sheerwater area, when compared to the Council's administrative area and Surrey as a whole. This is particularly noticeable at Key Stage 4 (pupils between 14 and 16, studying for GCSE qualifications) where Sheerwater scores 226.2, significantly lower than Woking (305), Surrey (303) and nationally (284). The result is that a significant number of young people within Sheerwater do not remain in education after the age of 16, (56.2%) compared to Woking as a whole (21.6%), Surrey (21.5%) and England (14%). The number of young people not in education, employment and training (NEETs) within Sheerwater is far higher in Sheerwater than elsewhere within the Council's administrative area (26% compared to 6% in Surrey as a whole). The knock on effect is that Sheerwater has the largest number of adults (ages 25-54) with no or low qualifications (59.2 compared to Woking and Surrey (31) and nationally (42)).
- 5.33 Income is particularly low within Sheerwater, where income deprivation ranks as the worst within Surrey. The number of people claiming benefits within Sheerwater is significantly above the county average of 5%, at 26.2%. It is also more than double the national average of 11%. Unemployment within Sheerwater is the highest within any of the Priority Places, with a higher take up of illness benefits and claimants of Job Seeker Allowance. This is linked to low educational skills attainment, as set out in Section 5.33 above.

### **Development of the Scheme**

- 5.34 The proposals for the regeneration of Sheerwater initially emerged from a joint venture partnership between the Council and Pinnacle Housing Limited (trading as New Vision Homes). New Vision Homes was appointed to carry out Housing Management Services for the Council following an EU procurement process. The services for which New Vision Homes were appointed included identifying development opportunities (where appropriate) arising from the Council's property ownership. One such initiative was the regeneration of Sheerwater, proposed by New Vision Homes in mid-2013.
- 5.35 Following the Council's initial approval of proposals for the regeneration of Sheerwater, an extensive consultation exercise was launched by New Vision Homes to ensure that key groups and stakeholders were engaged with at an early stage in the design process. The intention behind the regeneration was to target the issues identified within the Sheerwater area, particularly those set out in Sections 5.24 to 5.33 above. The overriding objective was to address the policy objectives of the Council, including:-
- Promoting a sense of place and improving the image of Sheerwater through high quality design and the enhancement of open spaces and other public amenity areas
  - Meeting a significant need for family homes, particularly affordable family homes
  - Redressing the current tenure imbalance
  - Protecting the vitality of the existing shopping parade in Sheerwater
  - Improving accessibility in and out of Sheerwater
  - Improving the existing cycle network and cycle parking facilities in key locations
  - Promoting investment in a local community transport scheme
  - Improving the status and potential of green space to protect its ecological and environmental value
  - Designing new developments with natural surveillance to reduce crime/fear of crime.
- 5.36 New Vision Homes continued to develop proposals in consultation with local residents and key stakeholders, progressing to the submission of a planning application and the eventual securing of the 2015 Permission. Upon carrying out further viability testing, it became clear that the development envisaged by the 2015 Permission and in particular the level of community benefit required by the Council as part of it, resulted in a development profit lower than might normally be considered to make development "viable". The development could not sustain the level of development profit

required by New Vision Homes, or any other commercial organisation. The Council and New Vision Homes have subsequently agreed that New Vision Homes are not in a position to deliver the required outcomes and New Vision Homes' involvement has now ceased.

- 5.37 On 6<sup>th</sup> April 2017, the Council considered how best to progress the development of Sheerwater, given the change in circumstances and the ceasing of New Vision Homes' involvement. A full range of options were considered, including commissioning a new procurement exercise to source a commercial partner. However, given the conclusion of the relationship with New Vision Homes, it was considered that the same issues as to viability and developer return would be faced by any development partner. Accordingly, the Council approved a decision to take forward partnership working with TDL and THL, its wholly owned delivery and investment companies. The benefits of working with THL and TDL have been set out in this Statement of Reasons, but a key consideration was that any profit from the Scheme can be retained and reinvested within the Scheme and the Council's administrative area as a whole. Their involvement (and the Council's oversight of them) will also suppress profit levels to ensure that rented properties remain affordable for local residents.
- 5.38 Although not linked directly to the Scheme, as part of its wider efforts to target resources to Sheerwater as a Priority Place, the Council has pursued improvements to accessibility for motor vehicles and public transport in the local area, recently completing a key new access road known as the Sheerwater Access Road, running through Monument Way East and which lies to the west of the Order Land. This will assist with the intended transport and highway improvements and further enhance accessibility into and out of Sheerwater.
- 5.39 As part of a process of continual improvement and assessment, the Council has kept the proposed development options under review to ensure that proposals continue to represent a solution that is fit for purpose. The Council became aware of concerns raised in respect of the 2015 Permission, specifically:-
- The amount of public open space being proposed
  - The mix of housing being too heavily focused on larger family homes to the detriment of residents requiring smaller properties
  - The proposed duration of the works envisaged

In recognition of the concerns, the Council commissioned TDL to prepare a revised scheme and submit a planning application for it. Central to the vision for Sheerwater and the preparation of a revised scheme is to deliver development that: increases accessibility to the new open space for all residents; delivers community facilities and commercial uses at the heart of the community; and provides more housing for families as well as specialist accommodation to enable elderly residents to live independently. The result is the Scheme outlined in this Statement of Reasons, authorised by implementing the detailed element of the 2015 Permission and the entirety of the 2019 Permission.

The Scheme retains the detailed elements of the 2015 Permission, specifically:-

- The provision of ancillary buildings at Bishop David Brown School
- The provision of 139 residential units (115 open market and 24 affordable)
- The provision of the leisure centre including artificial grass pitch, spectator seating, sports amenity lighting and improvements to the playing fields at Bishop David Brown School
- The creation of improved car parking facilities
- Hard and soft landscaping

The Scheme improves upon that envisaged by the 2015 Permission by:-

- Increasing the amount of open space being delivered
- Increasing the amount of car parking available for the new homes being delivered
- Introducing three new surface car parks for the community facilities and existing schools
- Improving the layout of car parking to remove the need to demolish four properties along Devonshire Avenue
- Altering the location of community facilities to ensure they occupy a central position, reflecting their importance to the community
- Increasing the number of dwellings being delivered, but aligning the housing mix of those dwellings to meet local housing need, while delivering a significant proportion of family size

dwellings

- Improving the overall design approach to the Scheme to deliver a high quality walkable neighbourhood comprised of different character areas connecting to the wider area

### **Community Consultation**

- 5.40 The preparation of proposals for the Scheme (both in its current iteration and in its previous forms) have been supported by widespread consultation. Section 7 of the EqlA sets out the steps taken and the consultation methods employed by the Council in detail. The EqlA has critically assessed the consultation methods used and the Council has adopted the recommendations and actions identified within the EqlA.
- 5.41 The consultation carried out by the Council has encompassed a wide range of consultation types and methods, including:-
- major consultation events open to the public
  - the holding of design workshops
  - creating a Community Consultation Forum
  - issuing regular newsletters
  - Sheerwater Street Party, organised by the Sheerwater Regeneration Team
  - statutory consultation with secure tenants and carrying out housing needs assessments
  - targeted engagement with small businesses in the area
  - engagement with community groups using the Parkview Centre for the Community (to be re-provisioned within the Scheme)
  - preparing materials in multiple languages, sizes and media to ensure the widest possible “take up” from residents
  - face to face visits with residents who have complex needs
  - employment of a Community Engagement Officer for Sheerwater whose remit includes how to effectively engage with residents
  - employment of a Community Outreach Support Works (on secondment from a local mental health charity, Cornerhouse) in order to provide mental health support to residents
- 5.42 In accordance with the advice on consultation contained within the Guidance, the Council has adopted a Sheerwater Community Charter and publicised this widely within the Sheerwater area. This document clearly sets out the Council’s commitment to residents and occupiers of the Order Land, which are set out in detail at Section 4.3 above.
- 5.43 In accordance with its statutory obligations under Section 105 of the Housing Act 1985, the Council has carried out consultation with those secure tenants occupying property within the Order Land. The focus of the consultation was the proposal of the Council to engage TDL as its chosen developer for the Scheme and THL as the affordable home operator. Consultation also addressed the proposed new tenancy conditions to be offered as part of the Scheme. As part of this process, consultation letters were sent to 392 secure tenants, with 49 responses having been received showing 82% support for the Council’s proposals. Follow up door to door consultation has been undertaken to ensure those “harder to reach” residents are not excluded.
- 5.44 In addition to the requisite statutory consultation, the Council’s housing needs assessment team has collected data on the specific needs of all secure tenants likely to be impacted by the Scheme. This consultation is informing mitigation measures for those residents. Information on needs is being collected by a series of home visits.
- 5.45 The Council recognises the importance of its proposals for the Order Land to the residents of Sheerwater and has sought at all times to be open and transparent in finalising those proposals. To ensure independent scrutiny of the process the Council has established a Sheerwater Regeneration Delivery and Oversight Panel. Members of this Panel is cross-party and does not include the portfolio holder for the Scheme (to ensure that there could be no conflict/bias from any member of the Panel). The Panel meets as often as is required, but no less than once every three months, its first meeting taking place on 5<sup>th</sup> November 2015.

## **6. THE PROPOSED USE OF THE ORDER LAND FOR THE SCHEME**

6.1 In broad terms, the Scheme involves the:-

- (a) demolition of 573 residential units, non-residential buildings and sports facilities;
- (b) development of up to 1,142 residential units for a mix of open market sale (619) and affordable housing (523, of which 134 are specialist residential dwellings) and delivered on a phased basis as set out at Section 4.6 of this Statement of Reasons;
- (c) provision of the following affordable housing units:-
  - 134no. 1 bedroom units (specialist residential dwellings (further detail of these units is at 6.1(e) below))
  - 142no. 1 bedroom units
  - 155no. 2 bedroom units
  - 83no. 3 bedroom units
  - 9no. 4 bedroom units
- (d) development of high quality new homes and public realm;
- (e) provision of 134 Units of specialist residential accommodation within Classes C2 and C3 of the Use Classes Order, the units being self-contained affordable assisted living units (at a combination of social rent levels and affordable rent levels), all of which will be compliant with Part M of Schedule 1 to the Building Regulations 2010, with 23 units being fully wheelchair accessible;
- (f) delivery of a community/youth centre of up to 904 square metres in area;
- (g) delivery of a nursery/children's centre of up to 929 square metres in area;
- (h) delivery of a new leisure centre of up to 5,478 square metres in area with enhanced leisure facilities, artificial grass pitch and spectator seating, sports amenity lighting and improvements to the Bishop David Brown School playing fields;
- (i) development of retail units of up to 1,845 square metres in area (to include flexible uses within Classes A1, A2, A3, A4 and/or A5 of the Use Classes Order);
- (j) provision of a health centre (dentist and health centre) of up to 444 square metres in area;
- (k) extensive landscaping will be undertaken as part of the development to integrate the proposals into the surroundings and improve existing pedestrian routes so as to enhance the overall streetscape of the area;
- (l) provision of significantly enhanced open space with a multi-use games area and skate park;
- (m) provision of reconfigured vehicular and pedestrian accesses to improve public realm, enhance public safety and address the fear of crime and maximise controlled on-site parking;
- (n) stopping up of existing highways (in full and in some cases, partially, as set out in Section 16 of this Statement of Reasons); and
- (o) provision of all necessary and associated infrastructure, drainage, servicing and works.

6.2 The Scheme seeks to provide the critical mass of development that is required to underpin and power social and economic progress. In particular, it has been designed to:-

- Build upon the strengths (and address the weaknesses) of the existing natural and built environment;
- Provide sustainable mixed use development that will reinforce Sheerwater as a place to live and work;

- Provide accessible community facilities and services at the heart of Sheerwater to increase vibrancy and vitality and increase long term economic sustainability;
  - Provide a wider range of property sizes, types and tenures to create a more varied housing offer and address the need for specialist accommodation;
  - Create a distinctive urban environment by the use of high quality design solutions;
  - Promote energy efficiency and the efficient use of resources;
  - Improve connectivity within Sheerwater and with the wider areas of Woking Town Centre and West Byfleet;
  - Encourage walking, cycling and the use of public transport;
  - Improve the design, access and use of areas of open space and ensure that the public realm is safe, accessible and of a high quality; and
  - Create enhanced education, training and employment opportunities for local people.
- 6.3 As both Local Planning Authority for the area in which the Order Land is situated, the majority landowner of the Order Land and the proposed Acquiring Authority under the Order, the Council was unable to enter into a Planning Agreement under Section 106 of the Town and Country Planning Act 1990. However, the Council resolved to give effect to a number of “Executive Obligations” that take the place of planning obligations. As the Council has acquired a significant number of properties within the Order Land, it has therefore become viable for THL and TDL to enter into Section 106 Agreements due to the land ownership position changing. Two Section 106 Agreements, one for each of the 2015 Permission and the 2019 Permission, have been entered into (both dated 17<sup>th</sup> April 2019 and made between the Council (1) THL (2) and TDL (3)). The Section 106 Agreements and Executive Obligations mirror each other and include:-
- Obligations relating to the provision of Affordable Housing as part of the Scheme, including the number of units to be provided overall and on a phase by phase basis, the size and tenure make up of such units and the ownership of such units;
  - Obligations in connection with the implementation of a local labour agreement;
  - Obligations in respect of off-site tree planting; and
  - Obligations in respect of Sustainable Urban Drainage Systems.
- 6.4 Overall, the Scheme delivers residential development that is mixed in tenure with a balance between market and affordable tenures.
- 6.5 All new affordable dwellings will meet Lifetime Homes standards and will designed to comply with Building Regulations Approved Document Part M(4) category 2.
- 6.6 The specialist residential accommodation will include self-contained units with communal facilities where residents can interact with the wider community and address the changing needs of the local population.
- 6.7 The Health Centre will include a dentist, surgery and pharmacy, located in close proximity to the specialist residential accommodation.
- 6.8 The Community and Youth Centre will provide a community centre located adjacent to a skate/BMX track and a multi-use games area overlooking a central linear park. The Nursery and Children’s Centre will be located adjacent to this building.
- 6.9 The Retail Units are identified as comprising 1845 sqm of flexible retail space and has been designed to complement the nearby ASDA Superstore and nearby retail facilities. The precise details will come forward as a reserved matters application as the Scheme progresses.
- 6.10 The design of landscaping and public realm has been an integral part of the Sheerwater Masterplan and hence, the Scheme. The existing publicly accessibly open space consists of Sheerwater Recreation Ground, Athletics Track and a series of incidental amenity green spaces spread throughout the Order Land. In connection with the Planning Permission, an assessment of the existing open space was commissioned, which concluded that the majority of the open space within Sheerwater was concentrated on the recreational areas of Sheerwater Recreation Ground, Athletics Track and school playing fields and that the remainder of the open space within Sheerwater did not provide high quality useable open space, generally being located in areas that were not accessible to all members of the community. To address these failings, a range of different types and areas of

public open space have been incorporated within the Scheme.

- 6.11 As set out in Section 7 of this Statement of Reasons, the Council's planning policy framework resists the loss of open space when applications for development are considered. The Sheerwater Masterplan redistributes the existing publicly accessible open space, improves the quality of the open space provision and increases their catchment areas to ensure the widest possible use can be made of them. The public open space being provided by the Scheme will be of a much higher quality and value, with natural surveillance and good accessibility built in as fundamental tenets of its design. The Council has commissioned a report into the open space proposed as part of the Scheme, entitled "Planning CPO Statement Open Space Justification, June 2019". The Report assesses the existing open space within Sheerwater against the proposed provision once the Scheme is implemented. The conclusions of this report are that:-
- The combined indoor and outdoor sporting provision will be significantly improved in terms of provision and quality through the development of a new high quality leisure centre and new 3G pitches. There will also be an updating of existing playing pitches at the Bishop David Brown School through the introduction of improved drainage, landscaping and maintenance
  - The existing Borough athletics ground, which was not publicly accessible, has been re-provided elsewhere in Woking
  - The new sporting provision was supported by Sports England as part of the planning process
  - The quantum of parks and gardens are improved both in terms of quantity and quality over the existing range. The location is to be moved to a more central position in Sheerwater, which will benefit new and existing residents
  - The quantum and quality of play areas is going to be significantly enhanced
- 6.12 The Order Land includes the Sheerwater Recreation Ground and Athletics Track as shown on the Order Map. As part of the Scheme, both facilities are being redeveloped. To account for these areas being removed from the Order Land, they are to be re-provided by the Council as part of the Scheme. The Council has delivered "The Hoe Valley School and Recreation Centre" Project, a Council led initiative with financial support from the Education Funding Agency. The Education Funding Agency are funding the creation of the School and the Council is funding the recreational facilities. The project received planning permission on 22<sup>nd</sup> December 2015 (Planning Permission reference PLAN/2015/0703. This was subject to a Section 73 Application approved on 28 September 2016 with Planning Reference PLAN/2016/0247. The project includes an eight lane all-weather track, areas for track and field sports and two grass sports pitches as well as three all-weather 5 a side football pitches, two multi use games areas and an indoor leisure centre providing a sports hall, gym and studios with changing facilities. The re-provided facilities created as part of this project will represent significantly enhanced recreation and sports facilities when compared to the existing Sheerwater Recreation Ground and Athletics Track.
- 6.13 The development of the Hoe Valley School and Recreation Centre Project is now complete. The sports clubs that previously made use of facilities within the Order Land (and specifically Sheerwater Recreation Ground) have all successfully relocated to this site, or have been accommodated elsewhere. In particular, Sheerwater Football Club has relocated to shared facilities with Woking Football Club under an arrangement brokered and funded by the Council. The junior football teams are now using facilities at Hoe Valley School. The Athletics Club has also successfully relocated to the Hoe Valley School site and indications are that subscribers to the club have increased since the relocation.
- 6.14 Sport England have been consulted on the proposed Scheme (in connection with the Planning Permission) and stated that *"Having assessed the proposed development against Sport England Policy and the NPPF, it is considered that the proposed new sporting facilities [being those to be provided within the Hoe Valley School and Recreation Centre Project] together with the proposed replacement are of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss of the playing field"*. The delivery of the recreational facilities as part of the Hoe Valley School and Recreation Centre Project are required before the Athletics Track within the Order Land is demolished and this is secured by a condition upon the Planning Permission.
- 6.15 The new Leisure Centre to be provided as part of the Scheme will be a two storey community leisure centre, designed in consultation with all relevant bodies (including the Bishop David Brown School,



Surrey County Council Education Department, Sport England and Sheerwater Football Club). The Leisure Centre will contain:-

- A 5 court sports hall and changing facilities
- A 6 lane (25mx13m) swimming pool with spectator seats and a 13mx10m learner pool
- Shared changing village for both pools
- 2 studio rooms with partitions for flexible use of space
- 80 station gym/fitness suite
- A function room
- Sports hall with dining and catering facilities
- 4 changing rooms to service outdoor pitches
- 1 3G all-weather football pitch
- Markings for 2 junior/5 a side football pitches
- An U16 grass football pitch and an U13/14 grass football pitch
- A grass rugby pitch
- Markings for a 200m grass running track
- A cricket square with artificial wicket and 2 practice nets
- Access to the 6 existing tennis courts.

A community use agreement will be put in place to ensure the leisure facilities can be shared between relevant users (including local Schools, Community Groups and Local Sports Clubs) and this is a Condition of the Planning Permission.

- 6.16 Where relevant, all facilities will be supported by appropriate car parking in compliance with the Council's Parking Standards Supplementary Planning Document.
- 6.17 The Council is satisfied that the Scheme is in accordance with the strategic objectives of the adopted planning policy framework for the area. These proposals will deliver significant economic, social and environmental benefits to the area, particularly in comparison to the existing use of the Order Land for the reasons given above.
- 6.18 The development of the Order Land to secure the Scheme will enable the Council's comprehensive proposals to be delivered in line with the Council's planning policy objectives for the area.
- 6.19 The Council is using its powers for the compulsory purchase of land contained in section 226(1)(a) of the 1990 Act because it believes that securing the acquisition of the land will transform the area by improving the physical environment and the economic well-being of its residents and thereby achieve development. The Council is using its powers under section 13 of the 1976 Act to secure new rights required for the purpose of delivering the Scheme. Such new rights relate to rights of craneage in connection with the construction of the development as cranes will oversail land outside that part of the Order Land required for the physical delivery of the Scheme.
- 6.20 Mindful that it should not use a more general power when a more specific one is available, the Council considers that powers under section 226(1)(a) of the 1990 Act and section 13 of the 1976 Act are the most appropriate.

## **7. PLANNING POSITION OF THE ORDER LAND AND POLICY BACKGROUND**

### **Policy Background**

- 7.1 The Scheme is in accordance with an up to date development plan. The Woking Local Development Document, entitled "Woking Core Strategy – October 2012" ("**Core Strategy**") (in which Sheerwater is designated a Priority Place) was found sound and legally compliant by a Planning Inspector at Examination Hearings held between 20<sup>th</sup> March 2012 and 6<sup>th</sup> April 2012. With regard to Core Strategy Policy CS5 (Priority Places), the Inspector concluded that "*Overall, the evidence in relation to the settlement hierarchy and the intended levels of development is robust and supports adequately the likely effectiveness of the Core Strategy in such regards*". The Core Strategy was adopted by the Council on 25<sup>th</sup> October 2012.
- 7.2 In October 2016, the Council adopted the Development Management Policies DPD which provides specific policies to support the Core Strategy. Future reserved matters relating to the Scheme will be

assessed against both the Core Strategy and this document.

- 7.3 Surrey County Council have adopted a Surrey Strategic Partnership Plan 2010-2020. While not a material consideration in planning terms, it is one of the documents that forms the evidence base upon which the Core Strategy is based, particularly Core Strategy Policy CS5 (referred to at Section 7.14 of this Statement of Reasons).

### **National Planning Policy**

- 7.4 The NPPF promotes a presumption in favour of sustainable development and recognises three dimensions of this – economic, social and environmental. Local authorities are encouraged to maintain an up-to-date development plan and the NPPF provides that planning applications in accordance with the development plan should be determined positively without delay (NPPF, para 11).
- 7.5 Among the many strategic objectives of the NPPF, those most relevant to the Scheme (but not the only objectives relevant to it) are: achieving sustainable development; delivering a sufficient supply of homes; building a strong, competitive economy; promoting healthy and safe communities, promoting sustainable transport; making effective use of land; and achieving well-designed places.

### **Regional Planning Policy**

- 7.6 Surrey County Council have adopted a Surrey Strategic Partnership Plan 2010-2020 (“SSPP”) which forms part of the evidence base for the Core Strategy.
- 7.7 Part 2 of the SSPP, entitled “Making it Real – Delivery” sets out ten priorities, including:-
- To improve learning, health and employment outcomes for children and young people, particularly the vulnerable and disadvantaged;
  - To promote healthy lifestyles, particularly targeting groups and communities at most risk;
  - To help people in Surrey to achieve more sustainable lifestyles;
  - To achieve better standard of development to deliver more social, environmental and economically sustainable benefits.
- 7.8 With regard to Priority Place, the SSPP states that *“some action plans will be focused around specific regions, areas and neighbourhoods, especially those where the work of several partnerships would need to be co-ordinated.”* Sheerwater is identified as one of four areas in Surrey that are in the most deprived 25% of areas in England. Sheerwater is therefore identified as having specific concerns for all delivery partnerships around skills, employment, health, crime, housing and safeguarding children and young people.
- 7.9 One of the delivery partnerships, Housing, Infrastructure and Environment contains identifies the following challenges:-
- The supply of affordable housing;
  - The delivery of sustainable infrastructure such as public amenities, waste/green infrastructure and transport provision;
  - The delivery of sustainable economic development, including the provision of adequate employment land.
- 7.10 The SSPP is an overarching policy document, but where relevant, the Scheme supports the objectives and addresses the concerns and challenges identified within it.
- 7.11 The Order Land is also covered by a saved policy from the Regional Spatial Strategy for the South East, Policy NRM6: Thames Basin Heaths Special Protection Area. This policy requires that new residential development likely to have a significant effect on the ecological integrity of Thames Basin Heaths Special Protection Area will be required to demonstrate that adequate measures are put in place to avoid or mitigate any potential adverse effects. The Scheme is considered to comply with this policy.

### **Local Planning Policy**

- 7.12 The Council adopted its Core Strategy on 25<sup>th</sup> October 2012. The principle purpose of this document is to *“facilitate the delivery of a Borough of high environmental quality and standards where people choose to live, work and visit, an exemplar in the achievement of sustainable growth”*.
- 7.13 At section 2.0 of the Core Strategy, the Council identifies a lack of affordable housing and pockets of deprivation as specific weaknesses within a SWOT analysis of the issues facing the Council in the period to 2027.
- 7.14 Core Strategy Policy CS1 – A Spatial Strategy for Woking Borough. The Council’s Strategy is to deliver 4,964 net additional dwellings, with an overall affordable housing provision target of 35%, as well as additional office, warehousing and retail floor space. The Council will concentrate on housing growth in well located areas that provide an opportunity for growth, creating a sustainable quality environment that will have positive economic impacts, directing development to previously developed land in the town, district and local centres. The Sheerwater area is identified as a Priority Place *“for specific actions to address pockets of deprivation”*. The Council will target specific types of development to address the underlying causes of deprivation in those areas designated as Priority Places.
- 7.15 Core Strategy Policy CS5 – Priority Places. The Council will work with partners to target resources to Priority Places, including the ward of Maybury and Sheerwater. The Council will
- Enable the provision of around 250 additional homes in Maybury and Sheerwater to 2027. In Sheerwater these homes will primarily be provided by bringing forward land in the Council’s ownership for development.
  - Seek to address the current tenure imbalance by requiring new affordable housing dwellings to be family homes (2 bedrooms or more) and giving priority to intermediate rent and shared ownership tenures.
  - Safeguard land within existing employment areas and encourage proposals that create new opportunities for local employment within them.
  - Promote local labour agreements with developers to enable local people to secure employment and skills development.
  - Seek to increase the choice of retail offer in Sheerwater and support in principle the development of a convenience retail outlet, subject to assessing the full impacts of such proposal on the vitality and viability of the Sheerwater local centre.
  - Work with partners to achieve this, making use of CPO powers if necessary. Protect the vitality of the Sheerwater local centre to ensure the community has a genuine choice of shopping and services. The loss of existing retail units will be resisted in Sheerwater (the Council acknowledges that the Scheme does not comply with this part of Policy CS5 relating to the loss of existing retail units. Nevertheless, taken as a whole, the Scheme is considered compliant with Policy CS5).
  - Seek to improve the image of Sheerwater by promoting high quality design of public realm, the enhancement of open spaces and public amenity areas. Proposals will be expected to have built in natural surveillance that designs out crime and fear of crime, creates direct, safe routes to neighbouring communities and nearby retail and commercial facilities and provides a safe environment.
  - Channel developer contributions to deliver infrastructure in line with relevant policies of the Core Strategy.
  - Work with Surrey County Council and public transport providers to improve bus services, existing cycle networks and provide secure cycle parking facilities. In addition, to assess the role of parking provision to increase trade and protect businesses and promote investment in a local community transport scheme to increase access to services.
  - Use its CPO powers and other means to assist with site assembly where it is necessary to do so.

The Scheme has been planned and designed to contribute towards the objectives of Policy CS5. Policy CS5 also clearly envisages that in order to deliver its policy objectives, the Council may have need of CPO powers to assemble the necessary land.

- 7.16 Core Strategy Policy CS10 – Housing Provision and distribution. The Council will make provision for at least 4,964 net additional dwellings in the Borough to 2027. Within Policy CS5, reference is made to the intention that, within the Sheerwater area, new homes will primarily be provided by bringing forward land in the Council's ownership for redevelopment, which includes the Order Land.
- 7.17 Core Strategy Policy CS11 – Housing Mix. This policy seeks to establish the delivery of a mixed supply of homes for a range of needs across the Borough of Woking. The Council's Strategic Housing Market Assessment (carried out in 2009 and updated in 2015) identified a significant need across the Council's housing area for family sized open market and affordable housing. As explained in Section 6 above, the Scheme includes the delivery of a wide range of types of homes by tenure, unit size and for particular needs. This also includes a proportion of larger family sized homes.
- 7.18 Core Strategy Policy CS12 – Affordable Housing. The Council's overall target for affordable housing to 2027 is 35% of all new homes. On land within public ownership, the target is 50% of all new homes. However, the exact make up of any target is site specific, determined in accordance with the Council's Affordable Housing Delivery Supplementary Planning Document. Such delivery will also need to provide an appropriate tenure mix that meets the needs of local residents as well as significant provision of new affordable family homes. The majority of the Order Land is within public ownership and therefore, while the Scheme provides affordable housing at 47%, it is not considered fully compliant with Policy CS12. However, Policy CS12 does recognise that the proportion of affordable housing to be provided by a particular site will take into account a number of factors, including in the case of the Scheme, Policy CS5. Taking this into account, the Scheme is considered by the Council to be compliant with Policies CS5 and CS12.
- 7.19 Core Strategy Policy CS13 – Older people and vulnerable groups. The Council will support the development of specialist accommodation for older people and vulnerable groups in suitable locations. New specialist accommodation should be of high quality design, including generous space standards and amenity space. It should incorporate "lifetime homes" standards and be adaptable to the needs of those with disabilities and the elderly, with a percentage to be fully wheelchair accessible. The Scheme includes an Assisted Living Facility and has been designed to meet the needs of local residents in accordance with this policy.
- 7.20 Core Strategy Policy CS16 – Infrastructure Delivery. This policy sets out how the Council will seek to secure infrastructure to support new development. In order to secure a co-ordinated and consistent approach to the collection of developer contributions, the Council has introduced a Community Infrastructure Levy Charging Schedule. The Scheme attracts both a Community Infrastructure Levy Liability as well as Planning Obligations (and section 6.3 of this Statement of Reasons sets out the structure in place for these). The burden of discharging planning obligations will be passed onto TDL when implementing the Scheme proposals.
- 7.21 Core Strategy Policy CS17 – Open space, green infrastructure, sport and recreation, recognizes the importance of sports and recreation and the role it plays in the wellbeing of communities. New residential development will be required to contribute to the provision of open space and green infrastructure, including children's play areas and outdoor sports facilities. Development involving the loss of open space will not be permitted except in limited circumstances, including where alternative facilities of equal or better quality will be provided as part of the development. As set out elsewhere in this Statement of Reasons, the Scheme will enhance and improve the public realm, open space and leisure facilities within the Order Land and the Sheerwater area and the Scheme has been designed in compliance with this policy objective.
- 7.22 Core Strategy Policy CS18 – Transport and accessibility. The Council will support proposals that deliver improvements and increased accessibility to cycle, pedestrian and public transport networks. The existing highway network and access routes in and around the Order Land will be improved and enhanced as part of the Scheme. These include improvements to traffic calming measures and pavements complying with current standards. In addition, cycle routes accessing Basingstoke Canal have been included to encourage car free access to the town centre and nearby railway.
- 7.23 Core Strategy Policy CS19 – Social and community infrastructure. The Council seeks to provide accessible and sustainable social and community infrastructure to support growth. The loss of existing facilities will be resisted unless there is no established need, or alternative provision can be made which have equal or greater accessibility for the community it serves. The provision of new

community facilities will be encouraged where well served by public transport, pedestrian and cycle infrastructure. The Scheme will deliver improved and enlarged community facilities, with enhanced pedestrian and cycle infrastructure as part of an overarching scheme to improve both the quality of and access to social and community infrastructure.

- 7.24 Core Strategy Policy CS21 – Design. The Council’s Core Strategy aims to create buildings and places that are attractive with their own distinct identity, respecting and contributing positively to the street scene and the character of the area. The design should be inclusive so as to be accessible to all members of the community and encourage sustainable means of travel. Development should incorporate landscaping to enhance the setting and provide appropriate levels of private and public amenity space. The Scheme has been designed to comply with this policy, incorporating all Council requirements and representing a wholesale improvement to the current conditions of the Order Land.
- 7.25 Core Strategy Policy CS22 – Sustainable construction. The Council requires new residential development to meet the energy and CO2 and water components of the Code for Sustainable Homes Level 5 from 1 April 2016. New non-residential development of 1,000 square metres or more is required to comply with BREEAM “very good” standards. The residential units will be designed to maximise solar thermal opportunities.

*Note: Since the publication of the Core Strategy, a written Ministerial Statement was delivered to Parliament (25<sup>th</sup> March 2015) effectively repealing the Code for Sustainable Homes. Therefore, in applying Policy CS22, the Council has modified its approach. The Council considers that the Scheme is compliant with Policy CS22 (as now being applied).*

### **Planning Permission**

- 7.26 Alongside the planning policy framework in support of the regeneration of the Order Land which is outlined above, the Scheme has the benefit of the Planning Permission. The Planning Permission is a hybrid planning permission (a combination of the detailed elements of the 2015 Permission and the 2019 Permission, itself a hybrid planning permission). The Planning Permission operates to provide detailed planning consent for the early phases of the Scheme and outline planning consent for the Scheme as a whole.
- 7.27 The Planning Permission authorises:-
- (a) the demolition of 573 residential units, existing non-residential buildings and sports facilities upon the Order Land; and
  - (b) the comprehensive phased redevelopment of the Order Land to deliver approximately 1,142 new high quality residential dwellings which will include approximately 619 dwellings for sale on the open market dwellings and approximately 523 'affordable' dwellings (of which 134 are specialist residential dwellings);
  - (c) the provision of up to 134 specialist residential dwellings within Use Classes C2 and C3 of the Use Classes Order. These units will be self-contained affordable assisted living units, all of which will be compliant with Part M of Schedule 1 to the Building Regulations 2010, with 23 units being fully wheelchair accessible;
  - (d) the provision of:-
    - a. a community/youth centre;
    - b. a nursery/children’s centre;
    - c. a Leisure Centre and artificial grass pitch with spectator seating;
    - d. flexible Retail Units;
    - e. a Health Centre;
    - f. significantly improved and enhanced public open space and public realm;
    - g. a new Sustainable Drainage (SUDs) scheme throughout the Order Land, enhancing and improving the drainage network and flood prevention infrastructure within the adjacent area; and
    - h. landscaping, improved pedestrian routes, car parking spaces and associated highway and other infrastructure, drainage, servicing and works

## 8. IMPLEMENTATION AND FUNDING OF THE SCHEME – BASED ON “OLD SCHEME” AND NEEDS UPDATING

- 8.1 The Council owns the Thamesway group of companies. Within the Thamesway group, there are a number of subsidiary companies with specific roles and responsibilities. The Council has resolved that THL should acquire the properties within the Order Land. THL will transfer the Order Land (or relevant parts of it) to TDL as and when required for the delivery of the Scheme. TDL will be responsible for the development of the Order Land and delivery of the Scheme. THL will acquire the affordable housing units upon the Order Land once completed.
- 8.2 As set out above, the Planning Permission provides detailed planning consent for early phases of the Scheme and outline planning consent for the Scheme as a whole. TDL will be responsible for obtaining detailed planning permission for the remainder of the Scheme as the appropriate time. As set out in Section 7 above, the Scheme has been designed to be fully compliant with the Council's core strategy and applicable national planning policy.
- 8.3 The projected costs of the Scheme are £491,657,023, including the costs of land assembly, demolition and construction, assessed over the phased build programme for the Scheme.
- 8.4 Funding for the scheme will be provided by the Council through loan facilities specifically established for the delivery of the Scheme. The Council approved the following loan facilities on 13<sup>th</sup> February 2020.

	Facility £m	Term	Type	Rate	Arrangement fee
Thamesway Developments Ltd (during construction)	115	Up to 5 years	Maturity	relevant PWLB rate	No
Thamesway Housing Ltd (until construction complete)	290	Up to 5 years	Maturity	relevant PWLB rate	No
Thamesway Housing Ltd Operational	290	50 years	Annuity	relevant PWLB rate	No
Thamesway Housing Ltd Revolving Loan facility	116	Up to 30 years	Maturity	relevant PWLB rate	No
Thamesway Energy Ltd	5.25	20 years	Annuity	relevant PWLB rate	No

On 30<sup>th</sup> July 2020, the Council's external borrowing limits were approved on the following terms:-

	2019/20 £'000	2020/21 £'000	2021/22 £'000	2022/23 £'000	2023/24 £'000
Revised Operational Boundary for External Borrowing	1,906,409	2,070,420	2,345,504	2,527,313	2,706,404
Revised Authorised Limit for External Borrowing	1,916,409	2,080,420	2,355,504	2,537,313	2,716,404

- 8.5 The financial arrangements set out above will, over the duration of the Scheme, require the Council to borrow in the region of £314,081,000. The level of borrowing will be taken into account by the Council when determining further budgets and borrowing limits of the Council. The Council will also provide a revolving loan facility of up to £116,000,000. The Council net debt including the revolving facility is forecast to peak at £347,370,000.
- 8.6 A profit cap of 1.5% of the total development costs (with a cash cap of £5,000,000) is to be applied to TDL, in all cases to be retained and reinvested within the Council's administrative area. To secure the cap, TDL will be required to pay a grant to THL to enable rent levels for the new affordable homes to be maintained at affordable levels.
- 8.7 Prior to commencing each phase of the Scheme, the Council will have an opportunity to review the progress of the Scheme as a whole and individual phases to ensure that the Scheme remains viable and ensure that overall delivery of the Scheme is managed and monitored within the financial parameters approved by the Council.

- 8.8 As noted elsewhere in this Statement of Reasons, the Council's implementation strategy is to drive forward the regeneration of the Order Land by reducing the risk to delivery of development opportunities - acquiring leasehold and freehold property interests, securing planning permission and passing title to the Order Land to TDL, a wholly owned company as a delivery vehicle, with an obligation to build out within a defined timescale.
- 8.9 As set out above, the capital receipts from disposals in earlier phases and any Scheme profits are reinvested back into later phases in order to secure the delivery of the Scheme and retained within the Council's administrative area generally.
- 8.10 The funding proposals have been prepared using a model originally built by Ernst & Young LLP to ensure the Council that the proposals are sound and affordable. The conclusion of the Council's assessment is that the financial modelling (on the information above) could be prudently authorised by the Council.

## 9. HUMAN RIGHTS CONSIDERATIONS

- 9.1 Section 6 of the Human Rights Act 1998 prohibits public authorities from acting in a way which is incompatible with the European Convention on Human Rights. The parts of the Convention rights which should be considered in the course of the making of the Order and leading up to the confirmation of the Order are set out below: Article 1 of the First Protocol and Articles 6 and 8 of the Convention are of particular relevance.
- 9.2 Relevant parts of **Article 1 of the First Protocol of the Convention** provide that:
- "Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law."*
- "The preceding provisions shall not, however, in any way impair the right of a State to enforce such laws as it deems necessary to control the use of property in accordance with the general interest ...."*
- 9.3 If confirmed by the Secretary of State, the Order will affect the Article 1 rights of the present leaseholders/occupiers resident within the Order Land. However, there will be no violation of those rights where the steps taken are in the public interest and are lawful, as is required by Article 1 of the First Protocol (above) and Article 8 of the Convention (below).
- 9.4 Relevant parts of **Article 6 of the Convention** provide that:-
- "In the determination of 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".*
- 9.5 The Order proposals have been extensively publicised and consultation has taken place with the communities that will be affected by the Order.
- 9.6 All those affected by the Order have been notified of its making and have the opportunity to make objections to the Order and to be heard at a public inquiry before a decision is made on whether or not the Order should be confirmed by the Secretary of State. Those persons directly affected by the Order will also be entitled to compensation proportionate to any losses that they may incur as a result of any compulsory acquisition made pursuant to the Order.
- 9.7 Relevant parts of **Article 8 of the Convention** provide that:
- "(1) Everyone has the right to respect for his private and family life, his home and his correspondence."*
- "(2) 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 national security, public safety or the economic well-being of the country, for the prevention of*

*disorder or crime, for the protection of health or morals, or for the protection of the rights and freedom of others".*

- 9.8 Article 8(1) is a qualified right and interference with it may be justified in appropriate cases by reference to Article 8(2).
- 9.9 The Order has been made pursuant to section 226(1)(a) of the 1990 Act and section 13 of the 1976 Act which authorise the Council to acquire land and new rights compulsorily subject to following the procedures laid down in the Acquisition of Land Act 1981. The Council considers that there is a compelling case in the public interest such that if the Order Land is acquired the public benefit will outweigh the private loss arising from that acquisition. In the circumstances, the compulsory acquisition of the Order Land will not conflict with the rights provided by Article 8(1) of the Convention as the qualifications in Article 8(2) apply.

**Application of the principle that interference with Convention rights must be proportionate and justified in the public interest**

- 9.10 In promoting this Order the Council has carefully considered the balance to be struck between individual rights and the wider public interest.
- 9.11 To the extent that the Order would affect those individual rights, the Council considers that proposed interference with them would be in accordance with the law, necessary in the public interest and proportionate.
- 9.12 All of those persons whose rights under Article 8 of the Convention and under Article 1 of the First Protocol of the Convention would be affected by the Order will have an opportunity to object to the Order and to have their objection considered at a fair and public hearing, in accordance with their rights under Article 6 of the Convention.
- 9.13 Appropriate compensation will be made available to those entitled to claim it under the relevant provisions of the statutory Compensation Code.
- 9.14 In addition, having regard to the provisions of the 1990 Act and the Guidance, the Council considers that the Order Land is both suitable for and will facilitate the carrying out of development, redevelopment and improvement and will, for the reasons explained in this Statement of Reasons, make a positive contribution to the promotion or achievement of the economic, social and environmental wellbeing of its area. The Council therefore has a clear idea of how it intends to use the land which it is proposing to acquire compulsorily. Further, the necessary resources are in place to achieve delivery of the Scheme within a reasonable timescale. Subject to confirmation of the Order (assuming the Order is to be confirmed by the Secretary of State) there are no impediments to its delivery.
- 9.15 It is therefore considered that the Scheme and the Order will not unduly infringe the rights of individuals which are provided by the European Convention on Human Rights. The Council is also satisfied that the requirements of the guidance are met.

## **10. EQUALITY IMPACT ASSESSMENT**

- 10.1 The Council has had regard to the advice in the Guidance regarding the duty it has under section 149 of the Equality Act 2010. The Council has also commissioned the preparation of the EqlA to assess the impacts on groups with protected characteristics arising from its proposals and the Order. Sheerwater is identified as a Priority Place within the Council's Core Strategy. Policy CS5 of the Core Strategy and the Council's Priority Places Action Plan identify the objective of delivering transformational change in Sheerwater as within a Strategic Priority.
- 10.2 The impacts of the Scheme were considered by the EqlA in relation to a number of key themes: Housing development and redevelopment; Community recreational and leisure facilities; Employment and training; Local businesses; Public realm, open space and safety and security; Travel, transport and connectivity; and Community Cohesion.
- 10.3 The conclusions of the EqlA were that:-



- The Scheme is considered overall to have a positive impact on the local population. The phasing of the housing proposals will enable residents to remain in Sheerwater if that is their wish. The Scheme is considered to have a positive impact in stimulating inward investment by transforming the physical fabric of the area to and re-empowering economic and social progress.
- It is recognised that there is a potential issue in regeneration schemes of this nature. Improvements to the urban environment for residents inevitably result in higher house prices for those same residents. The rationale underpinning the Scheme recognises this and it is for this reason that a profit cap has been put in place, alongside a number of compensatory and support measures for home owners, tenants, and private rented tenants to mitigate the potential for negative impact, particularly on low-income groups, among which, groups with protected characteristics are disproportionately represented.
- The Scheme will be led by the community recreation and leisure provision and this is considered to be positive in its impact in providing residents with tangible expressions of progress, prior to the implementation of the housing proposals. The Scheme will deliver a net increase in affordable housing, including provision for some of the most vulnerable residents currently living in Sheerwater. While there will be a limited decrease in the amount of open space, the re-providing open space will be of considerably higher quality, useable and designed in sympathy with measures that are intended to improve accessibility. This is also considered to be positive in terms of its potential impact on the health and future wellbeing of residents. The proposals in relation to employment and training arising from the redevelopment are considered to have the potential for positive impact as they are allied to specific interventions to support local people. These interventions will need to operate in tandem with specific employer and provider positive action measures if they are to be effective, targeting areas such as construction for example, where some groups protected groups are under-represented, to ensure that the benefits of the regeneration are evenly dispersed.
- The consultation underpinning the Scheme has been extensive and intensive. The opportunity arising from the reconsideration of the Scheme (leading to the changes made to the 2015 Permission) also means that the Council has been able to undertake more and varied kinds of consultation with groups that are traditionally harder to hear, and who, through a variety of access needs, may not have been able to engage with the more formal approaches to consultation or the more obvious tools of self-expression. The Action Plan accompanying the EqlA sets out areas for consideration and mitigating actions and will build on the existing good relations between different groups in the area to ensure that effective consultation is undertaken. The process has already started through the face-to-face work of the Housing Needs Assessment Team and also Halo, an independent contractor appointed to deliver statutory housing consultation. The previous EqlA recommended that retail and food outlets operating in the area should be engaged with and this has been completed.
- The implications (politically, legally and economically) arising from the UK's withdrawal from the EU are uncertain. There is a risk that the UK's exit may result in an economic downturn, with attendant social and economic ramifications for local economies, labour markets, opportunities for skills training and community cohesion. Black and ethnic minorities, women and disabled people are generally at a higher risk from economic impacts than the population generally. Brexit may also potentially impede development and the Council's ability to meet regeneration targets. The Council needs to consider these issues to ensure that the Scheme remains deliverable and has included this within its risk analysis for the Scheme.
- The equality implications of COVID 19 relate to concerns about the welfare and well-being of a wide range of vulnerable people and groups who are at risk of major complications and death if they contract the virus. Government advice as to social distancing and quarantine measures will impact regeneration initiatives such as the Scheme. There is a risk of misinformation adding to the existing fears of residents already prone to anxiety about the Scheme and its impact on them. Continuing clear communication with residents remains

key.

- 10.4 Considerations as to the Council's equality duty have formed an integral part of the evolution of the Scheme. The preparation of the EqlA and its supporting documents has been a "live" process and have been prepared alongside plans for the Scheme throughout. The EqlA has been through several iterations, with the Council adopting measures to address the recommendations within it as the Scheme has progressed.
- 10.5 The EqlA contains a number of recommendations for the Council to adopt as the plans for, and delivery of, the Scheme progresses. These are set out in full within the EqlA.
- 10.6 Accompanying the EqlA is a summary table setting out recommendations from the EqlA to mitigate any adverse impacts. The Council has put in place measures and strategies to mitigate the impacts identified within it.
- 10.7 The EqlA (and previous iterations of it) was presented to meetings of the full Council on 5<sup>th</sup> April 2018 and 13<sup>th</sup> February 2020 and to the Sheerwater Regeneration Delivery and Oversight Panel at its meeting on 27<sup>th</sup> June 2018. At all meetings the EqlA and its recommendations were endorsed, together with all of their recommendations.

## **11. SPECIAL CONSIDERATIONS AND SPECIAL CATEGORY LAND**

- 11.1 There are considered to be no special considerations affecting the Order Land. There are no listed buildings or consecrated land within the Order Land.
- 11.2 The following statutory undertakers have been identified as having services within the Order Land and which will be affected by the Scheme:-
  - 11.2.1 South Eastern Power Networks plc;
  - 11.2.2 EE Limited;
  - 11.2.3 Orange Personal Communications Services Limited;
  - 11.2.4 British Telecommunications Public Limited Company;
  - 11.2.5 UK Power Networks (Operations) Limited;
  - 11.2.6 National Grid Gas plc;
  - 11.2.7 EDF Energy Limited;
  - 11.2.8 Transco Limited
- 11.3 Appropriate diversion and relocation schemes and budgets have been obtained from the relevant statutory undertakers. Detailed diversion and relocation schemes will be agreed with statutory undertakers in parallel with detail planning for the Scheme. The Council will continue to negotiate with statutory undertakers to resolve any objections.
- 11.4 There is a Crown Estate interest within the Order Land to which special procedures apply. Negotiations will continue between the relevant parties so that the interest can be acquired.
- 11.5 There are Local Authority interests within the Order Land to whom special procedures apply. Negotiations will continue between the relevant parties so that the interests can be acquired.
- 11.6 Ecclesiastical Land lies within the Order Land and will be dealt with in accordance with Section 12(3) of the Acquisition of Land Act 1981.

## **12. DETAILS OF HOW THE AUTHORITY SEEKS TO OVERCOME ANY POTENTIAL IMPEDIMENTS TO**

## **THE IMPLEMENTATION OF THE ORDER**

- 12.1 The Council believes that it has a strategy in place to manage and mitigate all of the reasonably foreseeable risks that could potentially impede the implementation of the Order and the delivery of the Scheme. The purpose of the strategy is to bring about regeneration of the Order Land in a timely manner.
- 12.2 Subject to confirmation of the Order to enable site assembly to be achieved, the Council considers there are no impediments to implementation of the Scheme.

## **13. CONCLUSION**

The Council believes there is a compelling case in the public interest that decisively justifies the proposed compulsory acquisition of the Order Land and the Council respectfully requests the Secretary of State to confirm the Order accordingly.

## **14. INQUIRIES PROCEDURE RULES**

- 14.1 This Statement of Reasons for making the Order is not intended to discharge the Council's obligations under the Compulsory Purchase (Inquiries Procedure) Rules 2007 (SI 2007 No.3617), should a public inquiry be held.
- 14.2 In the event of a Public Inquiry, a Statement of Case, further supporting material, plans and documents will be put in evidence by the Council. A list of these, together with the addresses at which they can be inspected, will be notified to the public in accordance with the relevant Rules.

## **15. INFORMATION OF INTEREST TO PERSONS AFFECTED BY THE ORDER**

Under the current restrictions in place in respect of the COVID 19 global pandemic, the Council is making a copy of the Order, Order Map and Schedule, this Statement of Reasons and the documents referred to within this Statement of Reasons available online, at the following link:-

<http://www.woking.gov.uk/sheerwatercpo>

In light of the COVID 19 pandemic many public buildings remain closed, or access to them limited. Accordingly, a copy of the Order, Order Map and Schedule can be inspected by prior appointment (using the telephone numbers set out below) at:-

Civic Offices Gloucester Square, Woking Surrey GU21 6YL between the hours of 9.00am and 5.00pm Monday to Friday. Please contact Peter Bryant on 01483 743030.

and at

Parkview Centre for the Community Blackmore Crescent, Sheerwater, Woking GU21 5NZ between the hours of 9am and 3pm Monday to Friday, using telephone number 01483 743974.

Individuals seeking advice regarding the Order should in the first instance contact one or other of the persons listed below, depending on the nature of the query:

### **For general queries about the Order and process**

Peter Bryant  
Direct Line: 01483 743030  
Email [peter.bryant@woking.gov.uk](mailto:peter.bryant@woking.gov.uk)

### **For general queries about re-housing**

Louise Strongitharm  
Direct Line: 01483 743599  
Email [louise.strongitharm@woking.gov.uk](mailto:louise.strongitharm@woking.gov.uk)

**For queries about legal issues**

Peter Bryant  
Direct Line: 01483 743030  
Email [peter.bryant@woking.gov.uk](mailto:peter.bryant@woking.gov.uk)

**For queries about planning issues**

Joanne Hollingdale  
Direct Line: 01483 743449  
Email [joanne.hollingdale@woking.gov.uk](mailto:joanne.hollingdale@woking.gov.uk)

**For queries relating to Private Owners' interests**

Peter Bryant  
Direct Line: 01483 743030  
Email [peter.bryant@woking.gov.uk](mailto:peter.bryant@woking.gov.uk)

**For queries relating to Commercial Leaseholders' interests**

Ian Tomes  
Direct Line: 01483 743030  
Email [ian.tomes@woking.gov.uk](mailto:ian.tomes@woking.gov.uk)

**For queries relating to Secure Tenants' interests**

Louise Strongitharm  
Direct Line: 01483 743599  
Email [louise.strongitharm@woking.gov.uk](mailto:louise.strongitharm@woking.gov.uk)

**16. RELATED ORDERS**

The Council will be seeking powers to stop-up highway land under the Town and Country Planning Act 1990, pursuant to the planning permission for the Scheme, to enable the development pursuant to the Scheme to proceed in the event that the Order is confirmed. The following orders will be required:-

Stopping Up Orders for the entirety of the following roads:-

- Heron Walk, Woodlands Park, Kingfisher Court, Murray Green, Falcon Court, Spencer Close, Forsyth Path, Loder Close, St Luke's Court and Hennessey Court

Stopping Up Orders for parts of the following roads:-

- Bunyard Drive, Blackmore Crescent and Devonshire Avenue.

**17. RELEVANT DOCUMENTS FOR INQUIRY**

The Council intends to refer to, or to put in evidence, the documents (or relevant extracts from those documents) which are listed below and which are referred to in this Statement of Reasons.

**Planning and Policy Documents**

The National Planning Policy Framework ("NPPF")

South East Plan 2009

Saved Policy NRM6 - Thames Basin Heaths Special Protection Area

Woking Core Strategy 2012

CS1 – A Spatial Strategy for Woking Borough Council

CS5 – Priority Places

CS10 – Housing provision and distribution

CS11 – Housing mix

CS12 – Affordable housing

CS13 – Older people and vulnerable groups

CS16 – Infrastructure delivery

CS17 – Open space, green infrastructure, sport and recreation

CS18 – Transport and accessibility

CS19 – Social and community infrastructure

CS21 – Design

CS22 – Sustainable construction

Development Management Policies Development Plan Document (2016)

Draft Site Allocations DPD (Regulation 19 version with proposed modifications, July 2019)

Priority Places Action Plan (2010)

Sheerwater Local Community Action Plan (2008)

Surrey Strategic Partnership Plan 2010-2020

Planning Permission PLAN/2015/1260 (relating to the Scheme)

Planning Permission PLAN/2016/0247 (relating to the Hoe Valley School project)

Planning Permission PLAN/2017/0703 (relating to the Hoe Valley School project)

Planning Permission PLAN/2018/0374 (relating to the Scheme)

Planning Permission PLAN/2018/0337 (relating to the Scheme)

Section 106 Agreements relating to the above Planning Permissions dated 17<sup>th</sup> April 2019

Planning CPO Statement Open Space Justification – June 2019

Phasing Plan

Sheerwater Masterplan

### **Legal documents/excerpts**

Town and Country Planning Act 1990 – s.226(1)(a) and s.226(1A)

Acquisition of Land Act 1981

European Convention on Human Rights, Article 1 to the First Protocol and Article 6 and Article 8 of the Convention

Local Government (Miscellaneous Provisions) Act 1976, sections 13 and 16

Human Rights Act 1998, s.6

Local Government Act 1988, s.25

Compulsory Purchase (Inquiries Procedure) Rules 2007 (SI 2007 No.3617)]

Guidance on Compulsory purchase process and The Crichel Down Rules

#### **Other Relevant Documents**

Indices of Multiple Deprivation 2007

Council Community Charter for Sheerwater Regeneration

Sheerwater Regeneration Community Value Plan

Sheerwater Regeneration Statement of Community Engagement

Sheerwater Community Needs Assessment

Section 105 Housing Act 1985 consultation letter and summary of responses

Sheerwater Regeneration Delivery and Oversight Panel Terms of Reference

Equality Impact Assessment and summary table dated 1<sup>st</sup> July 2020

## **18. APPENDICES**

The following documents are attached to this Statement of Reasons:-

Appendix A      Order Map

Appendix B      Schedule and plan of properties owned by the Council or THL (as at 4<sup>th</sup> September 2020 in respect of the schedule and as at 18<sup>th</sup> September 2020 in respect of the plan)

Appendix C      Sheerwater Masterplan