

WOKING BOROUGH COUNCIL

WOKING BOROUGH COUNCIL  
(SHEERWATER REGENERATION)  
COMPULSORY PURCHASE ORDER 2020

**PROOF OF EVIDENCE**

**OF**

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25 May 2021

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## 1. INTRODUCTION

- 1.1 My name is Peter Bryant and I am the Director of Legal and Democratic Services at Woking Borough Council (the “**Council**”), and a Director of ThamesWey Developments Limited and ThamesWey Housing Limited, its wholly-owned joint venture partners. I have worked at the Council, in a number of legal roles, since 1988.
- 1.2 I am the senior officer at the Council responsible for the operational delivery of the Sheerwater Regeneration Scheme (“the **Scheme**”), and I have led or been closely involved in it for approximately 8 years.
- 1.3 This has entailed oversight of the regeneration strategies and the implementation of key development opportunities and land assembly negotiations comprised in this Scheme. I am the lead in-house legal adviser for the Scheme, and either chair, or report to, the Council’s governance/delivery bodies for the Scheme.

### *Scope of Evidence*

- 1.4 My evidence will demonstrate there is a compelling case in the public interest to confirm the compulsory purchase order. My evidence will address:
- (a) A description of Sheerwater and the Order Land;
  - (b) Background to the Scheme;
  - (c) The need for the Scheme;
  - (d) The need for Compulsory Purchase;
  - (e) The justification for the Order;
  - (f) Funding and delivery;
  - (g) Approach to negotiations;
  - (h) Response to remaining objections;
  - (i) Section 19 Certificate Application
  - (j) Conclusions
- 1.5 My evidence does not include a comprehensive statement on the planning context and policy for the Scheme, but this is dealt with in a statement by Joanne Hollingdale, Principal Planning Officer for the Scheme, which is Appendix 1 to my proof.
- 1.6 My evidence also does not provide detail on the phasing and delivery of the Scheme, but this is dealt with in a statement by Mark Rolt of ThamesWey Group, the Council’s regeneration vehicle, which is Appendix 2 to my proof.
- 1.7 References in my proof to documents beginning with ‘CD’ are references to documents in the Core Document list.

### *Overview of the Scheme*

- 1.8 The regeneration of Sheerwater has been an ambition of the Council for well over [10] years. 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.
- 1.9 The Sheerwater Regeneration Scheme will deliver on the Council’s vision of a contemporary and sustainable ‘Garden Suburb’ in the centre of Sheerwater that will provide 1,142 high-quality homes, improved open green spaces and superb new leisure and community facilities. Enhanced employment, recreational and retail opportunities will further serve existing residents, and attract new residents, to remedy the socio-economic

disadvantage that has beset this area.

- 1.10 The Scheme first received planning permission in 2015, and since that time the detailed design has evolved to respond to residents' calls for more open space, increased parking and a greater number of specialist residential units. Detailed planning consents were granted for the earlier phases of the Scheme in April 2019 as part of a hybrid planning permission, with matters for the later stages reserved.
- 1.11 The first stage of the Scheme (the Purple Phase) has been implemented; works on the community leisure centre and swimming pool have been completed and handed to the Council for fit-out, with the entire first phase due to be completed by June 2021.

#### *Promotion of the Order*

- 1.12 The Council at a Full Council meeting on 30 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.
- 1.13 The purpose of the Order is to assemble in the Council's ownership all of the land and interests included in the Order, so as to continue the implementation of the Scheme and ensure the comprehensive regeneration of Sheerwater.
- 1.14 The Council has a clear, well-defined and detailed plan for the land it intends to acquire with the Order, which will provide a catalyst for the wider rejuvenation of the area and create a new sustainable place to live and work.

## **2. SHEERWATER AND THE ORDER LAND**

#### *Location and Context*

- 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.
- 2.2 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.
- 2.3 The Order Land is located within the area covered by the Sheerwater Masterplan (**CDA17**). 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.
- 2.4 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.

- 2.5 Sheerwater Recreation Ground is registered as an Asset of Community Value under the Localism Act 2011. Notwithstanding this designation, the Council, as local planning authority and acquiring authority remains of the view that the compelling public interest in the Scheme 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.
- 2.6 The Order Land includes a number of areas of open space, as shown on the Order Map. 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.

#### *Overview of Land Ownerships*

- 2.7 A large proportion of the Order Land is already within Council ownership. A plan showing the extent of Council owned land was attached to the Statement of Reasons as Appendix B (CDD3).
- 2.8 As at 21 May 2021, the Council has secured, by agreement, 112 of the 120 properties within the Order Land which are in individual private third party ownership. Negotiations to secure all other lands and interests required are on-going.
- 2.9 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 optimal boundary for the Order Land.
- 2.10 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 Scheme so as to include as much Council owned property as possible and minimise the necessary interference with third party/privately owned land.
- 2.11 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.
- 2.12 There are no remaining objections to the Order by a landowner whose freehold interest is being acquired for the Scheme. I cover this further in section 14 of this proof.

### **3. BACKGROUND TO THE SCHEME**

- 3.1 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.
- 3.2 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.

- 3.3 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.
- 3.4 Sheerwater was therefore identified as a Priority Place within the Council's Core Strategy 2012, meaning the area is the subject of targeted intervention by the Council and its partner bodies.
- 3.5 The Council has since 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.
- 3.6 The Council's housing management partner at the time (New Vision Homes) was appointed by the Council in mid-2013 to develop a Masterplan for the regeneration of Sheerwater. The Initial Sheerwater Masterplan was an illustrative plan, showing how the quantum of proposed development could be accommodated within the Order Land.
- 3.7 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. It 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 November 2015.
- 3.8 The 2015 Permission granted consent for the detailed element of a hybrid planning permission, on 27 July 2016 (**CDA9**).
- 3.9 This was subject to a Section 73 Application approved on 18 April 2019, also a hybrid permission (**CDA13**). Together the detailed elements of the 2015 Permission and the 2019 Permission are referred to as the "Planning Permission".
- 3.10 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, which is discussed further in the statement by Joanne Hollingdale, Principal Planning Officer for the Scheme, which is at Appendix 1 hereto.

#### *Description of the Scheme*

- 3.11 The plans submitted and approved as part of the 2019 Planning Permission comprise a new masterplan for the Scheme (**CDA17**) that built upon and superseded the 2015 Permission and Initial Sheerwater Masterplan and which reflect the evolution of the Scheme.
- 3.12 The Council's proposals are set out in more detail in section 7 of this proof, 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)
- (c) the provision of up to 134 specialist residential dwellings within Use Classes C2 and C3. 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;
- (d) the provision of:
  - a. a community 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

together referred to in this Statement as the "**Scheme**".

3.13 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.

#### *Development of the Scheme*

3.14 The first 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.
- 3.15 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 fully engaged with at a very early stage in the design process. The intention behind the regeneration was to target the particular issues identified within the Sheerwater area.
- 3.16 The overriding objective was to address the policy objectives of the Council, which include:
- 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; and,
  - Designing new developments with natural surveillance to reduce crime/fear of crime.
- 3.17 The result of this was the 'Initial Sheerwater Masterplan' developed by New Vision Homes for the comprehensive regeneration of Sheerwater ("Initial Sheerwater Masterplan"). The Initial Sheerwater Masterplan was an illustrative plan, showing how the anticipated quantum of proposed development could be acceptably accommodated within the Order Land.
- 3.18 New Vision Homes continued to develop proposals in consultation with local residents and key stakeholders, progressing to the submission of the Initial Sheerwater Masterplan with a planning application, and the eventual securing of the 2015 Permission (CDA9).
- 3.19 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 which was lower than might properly be considered to make development "viable". The development could not sustain the minimum level of development profit which were required by New Vision Homes, or any other commercial organisation. The Council and New Vision Homes subsequently agreed that New Vision Homes were not in a position to deliver the required outcomes and New Vision Homes' involvement thereafter ceased.
- 3.20 On 6 April 2017, the Council considered how best to progress the development of Sheerwater, given the change in circumstances arising from 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 overwhelmingly likely to be faced by any development partner.
- 3.21 Accordingly, the Council approved a decision to take forward partnership working with



ThamesWey Developments Limited (TDL) and ThamesWey Housing Limited (THL), its wholly owned delivery and investment companies. This was because the Thamesway group of companies are wholly owned by the Council.

3.22 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 secures its objectives and best value and is therefore fit for purpose. After consulting again with the local community, 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; and,
- The proposed duration of the works envisaged.

3.23 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.

3.24 This resulted in the Section 73 Application approved on 18 April 2019, also a hybrid permission (CDA13).

3.25 The Scheme is therefore authorised by implementing the detailed element of the 2015 Permission and the entirety of the 2019 Permission. The Sheerwater Masterplan (**CDA17**) shows the final amalgamated result.

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; and,
- 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; and,
- 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*

- 3.26 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 EqIA (CDC8) sets out the steps taken and the consultation methods employed by the Council in detail. The EqIA has critically assessed the consultation methods used and the Council has adopted the recommendations and actions identified within the EqIA.
- 3.27 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; and,
  - employment of a Community Outreach Support Worker (on secondment from a local mental health charity, Cornerhouse) in order to provide mental health support to residents.
- 3.28 In accordance with the advice on consultation contained within the Guidance, the Council has adopted a Sheerwater Community Charter (CDC2) 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.
- 3.29 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 all of the 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 .
- 3.30 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.
- 3.31 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. Membership of this Panel is cross-party. The Panel meets as often as is required, but no less than once every three months, its first meeting took place on 5 November 2015.

#### 4. THE NEED FOR THE SCHEME

- 4.1 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 (**CDC1**) 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).
- 4.2 Large parts of the Order Land are ranked among the 20% most deprived neighbourhoods in the country. Further detail is provided in the EqIA (**CDC8**) 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.
- 4.3 The Scheme seeks to address the lessons learned from urban policy in the 1960s and 1970s, 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.
- 4.4 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.
- 4.5 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.
- 4.6 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 proof.
- 4.7 As mentioned above, Sheerwater has been identified as a “Priority Place” and Council has approved a Priority Places Action Plan to set out how and where targeted resources are best deployed.
- 4.8 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) (CDC1) and Super Output Area level data.
- 4.9 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.
- 4.10 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.

- 4.11 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.
- 4.12 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.
- 4.13 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).
- 4.14 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)).
- 4.15 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 5.32 above.
- 4.16 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.

4.17 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.

## 5. THE NEED FOR COMPULSORY PURCHASE

5.1 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.

5.2 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 (**CDC2**) and in accordance with the advice contained in the Guidance (**CBD8**).

5.3 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.

5.4 The Council is therefore 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.

- 5.5 The approach to negotiations and my response to the remaining objections are covered in section 7 of this proof.
- 5.6 The Order Land also includes rights, easements, the benefit of covenants, rent charges and options in the Order Land. 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.
- 5.7 In order to maintain the affordability and deliverability of the Scheme and of the wider regeneration of the Sheerwater area, it is vital that the Council has the means to secure all necessary land and property rights to enable the Scheme to be implemented without delay.

## **6. THE JUSTIFICATION FOR THE ORDER**

- 6.1 The following sections of my proof will address the matters identified by the Guidance (**CBD8**) as those which an acquiring authority must demonstrate in order to justify making a compulsory purchase order.
- 6.2 Section 13 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, which must include:
- (a) A clear idea of how it intends to use the land which it is proposing to acquire (section 7); and,
  - (b) That all the necessary resources are likely to be available to achieve that end within a reasonable time-scale (section 8).

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

- 7.1 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);
  - (c) provision of the following affordable housing units:
    - 134no. 1 bedroom units (specialist residential dwellings (further detail of these units is at 7.1(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;

- (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.
- 7.2 Overall, the Scheme delivers residential development that is mixed in tenure with a balance between market and affordable tenures.
- 7.3 All new affordable dwellings will meet Lifetime Homes standards and will be designed to comply with Building Regulations Approved Document Part M(4) category 2.
- 7.4 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.
- 7.5 The Health Centre will include a dentist, surgery and pharmacy, located in close proximity to the specialist residential accommodation.
- 7.6 The Community 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 in this building.
- 7.7 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.

- 7.8 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.
- 7.9 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; and,
  - 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.

- 7.10 Where relevant, all facilities will be supported by appropriate car parking in compliance with the Council's Parking Standards Supplementary Planning Document.
- 7.11 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.
- 7.12 The Council is using its powers for the compulsory purchase of land contained in section 226(1)(a) of the 1990 Act because it has a clear and well-developed vision for the land it wishes to acquire, and 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.
- 7.13 The Council is also 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.

## 8. FUNDING

- 8.1 Funding for the Scheme will be provided by the Council through loan facilities specifically established for the delivery of the Scheme. Those facilities are allocated to Thamesway



Developments Limited (TDL), which is a wholly-owned subsidiary of the Council responsible for the development of the Order Land and delivery of the Scheme. Thamesway Housing Limited (THL) will acquire the affordable housing units upon the Order Land once completed.

- 8.2 Further detail on delivery of the Scheme is covered in the statement by Mark Rolt, the Council's regeneration vehicle, which is at Appendix 2.
- 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 On 13 February 2020, the Council resolved to approved loan facilities for the remainder of the Scheme as follows:

	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 constuction 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 July 2020, the Council's external borrowing limits were approved on the following terms:

	<b>2019/20 £'000</b>	<b>2020/21 £'000</b>	<b>2021/22 £'000</b>	<b>2022/23 £'000</b>	<b>2023/24 £'000</b>
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 The Council permitted the release of each phase, within the total debt approval, to be authorised by Officers subject to a review mid-way through the Scheme. That review will take place after Blue phase (Phasing Plan **CDA16**) has commenced. On 4 December 2020, the Chief Executive, in consultation with the Director of Finance and me, authorised TDL to undertake the Red, Copper and Yellow phases. Red phase commenced in the first week of

March 2021. Copper and Yellow phases are due to start in April 2021 and July 2021 respectively.

- 8.8 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, and factor in all costs of compulsory purchase and compensation. The conclusion of the Council's assessment is that the financial modelling (on the information above) could be prudently authorised by the Council.
- 8.11 Therefore, the Council is satisfied it has the resources to pay all compensation arising out of the Order and all costs associated with the Scheme, including all land acquisition costs, and costs associated with land assembly including for the compulsory purchase order, enabling works and other expenditure required to progress the Scheme.

## **9. DELIVERY**

- 9.1 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.
- 9.2 As discussed above, 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 reached shell stage in March 2021 and construction of the "Purple phase" of the Scheme is due to be completed by June 2021.
- 9.3 The development permitted by the 2019 Permission has begun on parts of the Order Land that lie within Council ownership but the full delivery of the Scheme is dependent upon the confirmation of the Order.
- 9.4 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).
- 9.5 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.
- 9.6 Parts of the Order Land are 'open space' within the meaning of the 1981 Act. An Open Space Certification Application was submitted to the Secretary of State alongside the Order and is addressed in section 15 of this proof.

- 9.7 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 detailed planning for the Scheme. No objections have been received from any statutory undertakers.
- 9.8 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.
- 9.9 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.
- 9.10 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.
- 9.11 The Council will additionally require powers to stop-up highway land (as shown on the Phasing Plan) under Section 247 of 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 as presently planned in the event that the Order is confirmed. The following orders will be required:
- Stopping Up of 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 of parts of the following roads:
- Bunyard Drive, Blackmore Crescent and Devonshire Avenue.
- 9.12 The stopping up of highways in the early phases of the Scheme is ongoing, and at the time of making this Statement:
- 9.12.1 Parts of Bunyards Drive, Devonshire Avenue, Albert Drive and Murray Green were stopped up by order made on 26 April 2019 (Ref NATTRAN/SE/S247/3552);
- 9.12.2 An application for stopping up of part of Dartmouth Avenue and St Michaels Road commenced consultation on 26 February 2021 (NATTRAN/SE/S247/4541).
- 9.13 An application for a stopping up order (NATTRAN/SE/S247/4711) for all remaining highways in future phases of the Order Land was submitted to the Department of Transport on 16 April 2021.
- 9.14 These related orders are required to ensure that the benefits of the Scheme are maximised but the delivery of the Scheme overall (and the merits of this Order) are not dependent upon the related orders being granted.
- 9.15 The Council 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 the comprehensive regeneration of the Order Land in a timely manner.

- 9.16 Other than as referred to 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 insurmountable financial, physical, planning or legal impediments to the Scheme proceeding, subject to confirmation of the order to enable site assembly to be achieved.

## 10. THE SECTION 226(1)(a) TESTS

- 10.1 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:
- (a) whether the purpose for which the land is being acquired fits in with the adopted Local Plan for the area or, where no such up to date Local Plan exists, with the draft Local Plan and the NPPF;
  - (b) 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;
  - (c) 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
  - (d) the potential financial viability of the Scheme (including the timing of any funding, which may be important).
- 10.2 These are each considered in further detail below.

### **(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**

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 Planning Statement of Joanne Hollingdale gives further detail about compliance with the adopted planning frameworks.

**(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 and the benefits that the Scheme will deliver for the locality.

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. 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 21 May 2021, the Council has secured, by agreement, 112 of the 120 properties within the Order Land which are in individual private third party ownership 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. 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 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, 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, and
- (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, and
- (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, 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)**

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.

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.

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.

## **11. HUMAN RIGHTS CONSIDERATIONS**

- 11.1 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.

- 11.2 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 ...."*

- 11.3 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).

11.4 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".*

11.5 The Order proposals have been extensively publicised and consultation has taken place with the communities that will be affected by the Order.

11.6 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.

11.7 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".*

11.8 Article 8(1) is a qualified right and interference with it may be justified in appropriate cases by reference to Article 8(2).

11.9 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**

11.10 In promoting this Order the Council has carefully considered the balance to be struck between individual rights and the wider public interest.

11.11 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.

11.12 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.

- 11.13 Appropriate compensation will be made available to those entitled to claim it under the relevant provisions of the statutory Compensation Code.
- 11.14 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, 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.
- 11.15 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.

## 12. EQUALITY IMPACT ASSESSMENT

- 12.1 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 victimisation; (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 Equality Impact Assessment (“EqIA”)(CDC8) related to the Scheme has been prepared. The Council has had due regard to the recommendations set out within the EqIA and further detail is set out at Section 10 of this Statement. Importantly its recommendations have been accepted in full by the Council.
- 12.2 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 EqIA 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.
- 12.3 The impacts of the Scheme were considered by the EqIA 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.
- 12.4 The conclusions of the EqIA 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 in relation to land values. 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 has been 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-provision of 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 protected groups, such as women, are under-represented, to ensure that the benefits of the regeneration are evenly dispersed.
- 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.

12.5 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.

12.6 The EqlA (and previous iterations of it) was presented to meetings of the full Council on 5 April 2018 and 13 February 2020 and to the Sheerwater Regeneration Delivery and Oversight Panel at its meeting on 27 June 2018. At all meetings the EqlA and its recommendations were endorsed, together with all of their recommendations.

12.7 The findings and recommendations in the EqlA were reviewed again in May 2021, and

found to be appropriate and proportionate (**CDC9**).

### 13. APPROACH TO NEGOTIATIONS

- 13.1 Paragraph 2 of the Guidance 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 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.
- 13.2 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.
- 13.3 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.
- 13.4 On 14 January 2016, the Council adopted a "Sheerwater Community Charter" ("Charter")(**CDC2**), 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.
- 13.5 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.
- 13.6 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.
- 13.7 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.

- 13.8 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 and minimise the disruption to the existing residents so far as possible:

#### **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 was put in place in July 2018 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 learn 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 it 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 a concerns among residents that the Council's appointed valuer was not be fully independent. Whilst that is not accepted, nonetheless in order 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).

13.9 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.

13.10 On confirmation of the Order, the Council intends to expeditiously 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.

#### 14. OBJECTIONS AND THE COUNCIL'S RESPONSE

- 14.1 A total of six objections were received to the Order, with four having been withdrawn.
- 14.2 Unity Schools Trust withdrew its objection on 3 March 2021 after commercial terms were agreed (**CDD7**).
- 14.3 Mr Richard Aubry withdrew his objection on 18 April 2021 after further negotiations with the Council.
- 14.4 Hemali Agrawal withdrew her objections on behalf of both herself and as Director of Parmar Supermarkets on 21 May 2021 after commercial terms were agreed as to relocation and compensation.
- 14.5 One remaining objector, McLagan Investments, is a qualifying objection, and the other, of S Bracken, is a non-qualifying objection.
- 14.6 Commercial terms enabling the withdrawal of the McLagan objection have been agreed, and a final engrossment of the agreement is in circulation for execution.
- 14.7 Negotiations and discussions remain ongoing with S Bracken and the Council is seeking to resolve and minimise the points of objection.
- 14.8 This section summarises the key points of the remaining objections and the Council's response to them.
- 14.9 S Bracken - Table 2: Plot 518 (Access Rights) – Non-qualifying Objection

Summary of Objection	Council's Response
<ul style="list-style-type: none"> <li>• Lack of engagement and clarity on proposals by the AA</li> <li>• Previous construction impacts in 2013 not dealt with adequately</li> </ul>	<ul style="list-style-type: none"> <li>• These matters are not relevant to the merits of the CPO.</li> <li>• As set out in section 13 above, the Council has been engaging extensively with landowners and occupiers in the area since 2016. The Council's dedicated webpage for the project has been regularly updated since 2015 with all key news and decisions.</li> <li>• The Council has granted planning permission for the Scheme which accords with the Sheerwater Masterplan. The Masterplan and the planning applications underwent extensive public consultation.</li> <li>• ThamesWey has extensive supervision and management procedures in place to ensure that its contractors comply</li> </ul>

	<p>with all relevant construction requirements. All construction to date has been in full compliance with planning conditions.</p> <ul style="list-style-type: none"> <li>• Further appropriate safeguards will be provided to protect affected owners. Condition 16 of the 2019 Permission (<b>CDA13</b>) requires a Construction Environmental Management Plan to be approved prior to each phase of the Scheme and thereafter complied with.</li> </ul>
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14.10 McLagan Investments Limited - Table 1: Plot 598, 614, 615

Summary of Objection	Council's Response
<ul style="list-style-type: none"> <li>• Lack of justification for highway works on plot 598/plot not required</li> <li>• Access and mitigation during construction to be secured</li> <li>• CPO/permanent rights are not necessary as rights can be secured by agreement</li> </ul>	<ul style="list-style-type: none"> <li>• Commercial terms enabling the withdrawal of the objection have been agreed, however the next availability of an authorised signatory for signing the agreement is not until 31 May 2021.</li> <li>• I therefore anticipate completion of that agreement and withdrawal of this objection by 4 June 2021.</li> </ul>

## 15. SECTION 19 CERTIFICATE APPLICATION

- 15.1 The Order Land contains Open Space (as defined by the Acquisition of Land Act 1981). At the time of submitting the Order to the Secretary of State for confirmation, the Council submitted an application (**CDD4**) for the relevant certificate under section 19 of the Acquisition of Land Act 1981.
- 15.2 At the time of submission of this proof, the Secretary of State has yet to indicate his intentions with respect to issuing the certificate. Should the Secretary of State be minded to grant the certificate as requested (and as anticipated) then notice will be given and a period for the making of representations will be undertaken in the prescribed manner.
- 15.3 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.
- 15.4 In connection with the Planning Permission, an assessment of the existing open space was commissioned, the Open Space Justification (**CDA15**), 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.

- 15.5 To address these failings, a range of different types and areas of public open space have been incorporated within the Scheme.
- 15.6 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 have been re-provided by the Council as part of the Scheme at The Hoe Valley School and Recreation Centre.
- 15.7 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 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.
- 15.8 The re-provided facilities created as part of this project represent significantly enhanced recreation and sports facilities when compared to the existing Sheerwater Recreation Ground and Athletics Track.
- 15.9 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.
- 15.10 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.
- 15.11 The assessment of the Open Space Justification of the existing open space within Sheerwater against the proposed provision once the Scheme is implemented were 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; and,
  - The quantum and quality of play areas is going to be significantly enhanced.
- 15.12 The proposed redevelopment of the Order land will provide significantly enhanced high-quality public open space, being more than 'equally advantageous' to the existing provision. The re-provisioned open space will be of significantly improved quality and design and offer enhanced accessibility and availability to the residents of Sheerwater.
- 15.13 Accordingly the Council believes that there will be an overall gain in open space provision having regard to qualitative considerations and functionality of the proposals.

## **16. CONCLUSION**

- 16.1 I consider that the Council has demonstrated 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.
- 16.2 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.
- 16.3 The proposals for the Order Land will deliver significant economic, social and environmental benefits to the Sheerwater area. As explained within this proof, the necessary resources are in place now to deliver the Scheme within a reasonable timescale.
- 16.4 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)).
- 16.5 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.
- 16.6 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.
- 16.7 The Secretary of State can therefore be satisfied that the Order is justified and in the public interest, and should be confirmed without modification.