

Report Title:	Appropriation of Land
Contains Confidential or Exempt Information?	No- Part I
Member reporting:	Councillor Simon Dudley, Leader of the Council and Maidenhead Regeneration & Maidenhead.
Meeting and Date:	22 nd November 2018
Responsible Officer(s):	Russell O'Keefe – Acting Managing Director
Wards affected:	All

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REPORT SUMMARY

- 1 The report seeks approval for the appropriation of a selection of key council owned sites which have already been approved for redevelopment.
- 2 The sites will deliver over 3,000 new homes (at least 30% affordable) and a range of new community facilities for residents.

1 DETAILS OF RECOMMENDATION

RECOMMENDATION: That Cabinet notes the report and:

- i) Approves the appropriation of the following sites (see appendix A red line plans);
 - a. St Clouds Way, Maidenhead
 - b. West Street, Maidenhead
 - c. York Road, Maidenhead
 - d. Reform Road, Maidenhead
 - e. Maidenhead Golf Course
 - f. Ray Mill Road East, Maidenhead
 - g. Riverside Caretakers House, Maidenhead
 - h. Mokattam, Maidenhead
 - i. Brocket, Maidenhead
 - j. St Edmunds, Maidenhead
 - k. Vicus Way (Car Park), Maidenhead
 - l. Broadway (Car Park), Maidenhead.

2 REASON(S) FOR RECOMMENDATION(S) AND OPTIONS CONSIDERED

2.1 The following sites have all been previously considered and approved by Cabinet for redevelopment as part of the wider regeneration programme for Maidenhead:

- St Clouds Way, Maidenhead
- West Street, Maidenhead
- York Road, Maidenhead
- Reform Road, Maidenhead
- Maidenhead Golf Course
- Ray Mill Road East, Maidenhead
- Riverside Caretakers House, Maidenhead

- Mokattam, Maidenhead
- Brocket, Maidenhead
- St Edmunds, Maidenhead
- Vicus Way (Car Park), Maidenhead
- Broadway (Car Park), Maidenhead.

- 2.2 The advancement of these sites is independent of the Borough Local Plan process.
- 2.3 The total number of homes to be provided across these sites is over 3,000 new homes, with a minimum 900 (30%) for affordable housing for people living and/or working in the borough. The sites will also provide a range of new supporting infrastructure including education facilities on the golf club site.
- 2.4 Public parking provision has been highlighted as essential as part of the wider regeneration of the town, the above named sites will deliver over 1,857 permanent public car parking spaces.
- 2.5 The Council is authorised by legislation to appropriate land within its ownership for any purpose for which it is authorised. Appropriation of land held by a council to a specific planning purpose, engaging the powers in s237 of the Town & Country Planning Act 1990 overrides easements and other rights that might otherwise impede the ability to develop the relevant land. By appropriating the land it makes it easier to resist legal claims against the development.

Table 1: Options

Option	Comments
Appropriate the land Recommended option	This will allow appropriate insurance to be put in place for any potential compensation claims.
Do nothing This is not recommended	This could delay starts on site.

3 KEY IMPLICATIONS

- 3.1 Appropriation of land is required on all projects before an active start on site is commenced. If appropriation is not achieved, this could delay a start on site.

Table 2: Key implications

Outcome	Unmet	Met	Exceeded	Significantly Exceeded	Date of delivery
Appropriation of land	Not achieved	28 th Feb 2019	31 st Jan 2019	31 st Dec 2019	28 th Feb 2019

4 FINANCIAL DETAILS / VALUE FOR MONEY

- 4.1 All costs associated with the appropriation of the land in this report will be met from existing budgets and the project costs for the redevelopment of each site.

5 LEGAL IMPLICATIONS

5.1 The Council is authorised by virtue of Section 122 of the Local Government Act 1972, and Section 227 and Section 237 of the Town & Country Planning Act 1990 and Section 203 of The Housing & Planning Act 2016, to appropriate land within its ownership for any purpose for which it is authorised.

6 RISK MANAGEMENT

- 6.1 The key risk for all sites appended to this report, takes into account potential compensation claims, for elements predominately relating to right of light, day light and sunlight.
- 6.2 The appropriation process is one available to local authorities, which enables this risk to be mitigated and/or substantially reduced. It offers the ability to insure against such risk, therefore making available funds and contingency should any claims arise.
- 6.3 It is prudent and best practice for local authorities when identifying land for redevelopment to appropriate that land as part of the development process.

Table 4: Impact of risk and mitigation

Risks	Uncontrolled Risk	Controls	Controlled Risk
Excessive compensation claims	High	Appropriation of the land.	Low

7 POTENTIAL IMPACTS

- 7.1 Projects will take into consideration all vehicular, pedestrian and cycle access, making sure that appropriate infrastructure is put in place as part of the wider regeneration.
- 7.2 Due regard has been given to the Council’s Equalities Duties, in particular with respect to general duties arising under the Equalities Act 2010, Section 49. Having regard to the need to advance equality in particular involves the need to remove or minimise disadvantages suffered by persons who share relevant characteristics which are connected with the characteristic. The culture community space being provided as part of the wider regeneration will provide educational, entertainment and community activities to a wide selection of the community, with good access close to all public amenities.

8 CONSULTATION

8.1 The report will be considered by the Council’s Corporate Overview and Scrutiny Committee.

9 TIMETABLE FOR IMPLEMENTATION

9.1 Implementation date if not called in: immediately.

10 APPENDICES

10.1 Appendix A – Individual site plans

11 CONSULTATION (MANDATORY)

Name of consultee	Post held	Date sent	Commented & returned
Cllr Simon Dudley	Leader of the Council and Maidenhead Regeneration & Maidenhead	1 November 2018	1 November 2018
Andy Jeffs	Executive Director	21 October 2018	23 October 2018
Rob Stubbs	Section 151 Officer	21 October 2018	23 October 2018
Nikki Craig	Head of HR and Corporate Projects	21 October 2018	23 October 2018
Elaine Browne	Law and Governance	21 October 2018	21 October 2018
Louisa Dean	Communications and Marketing Manager	21 October 2018	22 October 2018



RBWM Joint Venture Opportunity Area
St. Cloud Way
Maidenhead



Royal Borough Of Windsor and Maidenhead

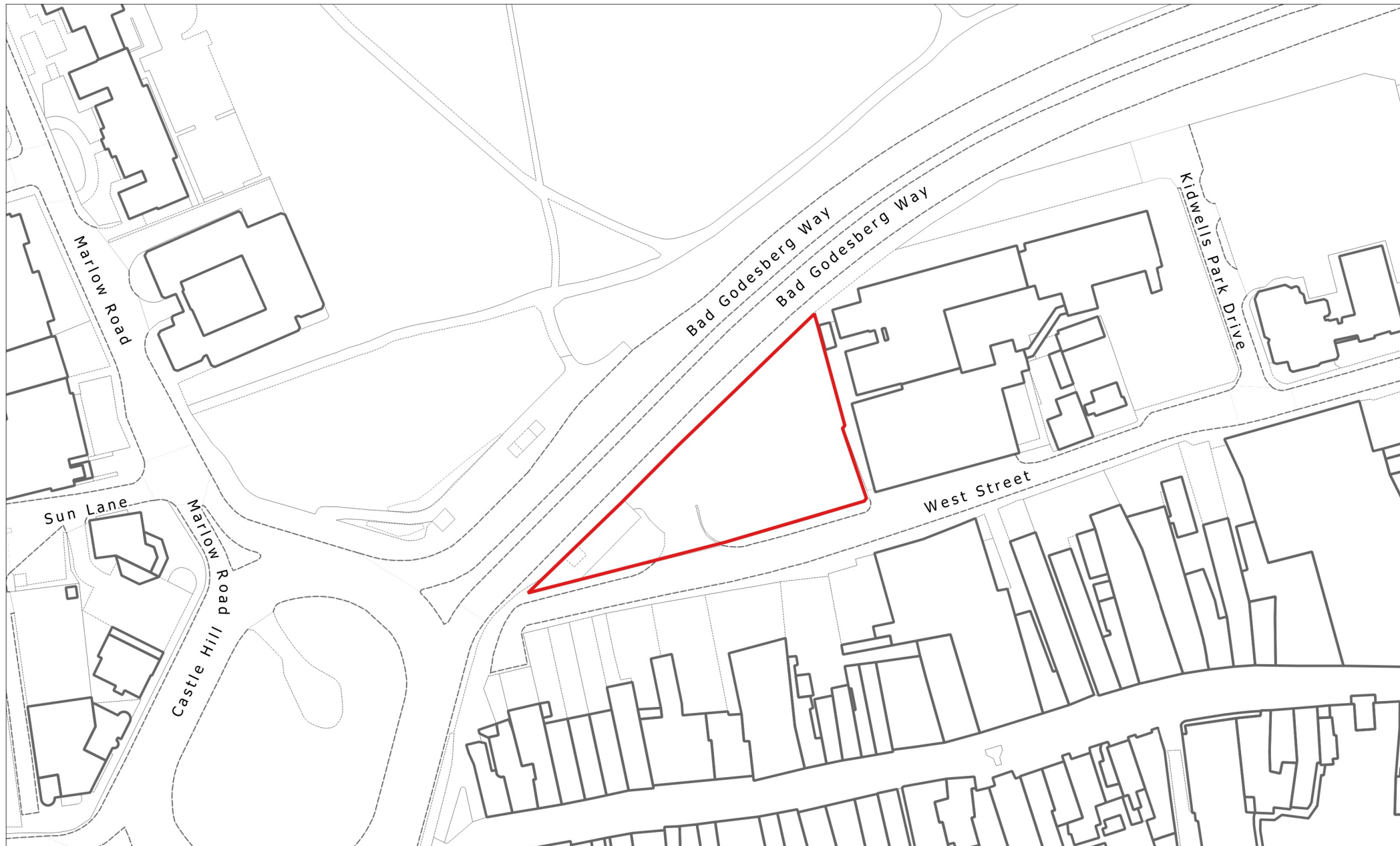
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OS Ref: SU8881 ne

Scale: 1:1250 A4 land

Date: 15/06/2016





RBWM Joint Venture Opportunity Area
West Street
Maidenhead



Royal Borough Of Windsor and Maidenhead

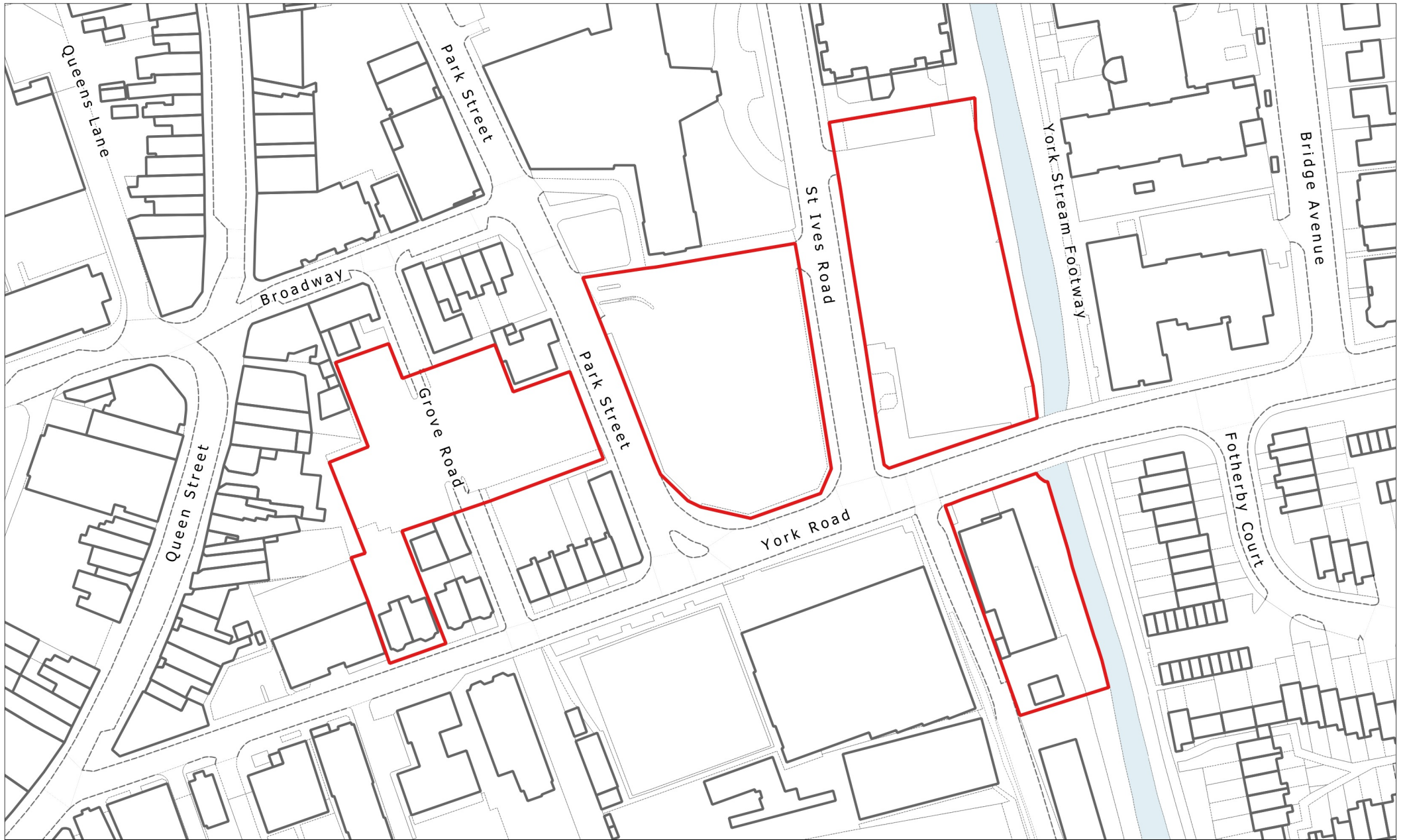
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OS Ref: SU8881 sw

Scale: 1:1250 A4 land

Date: 15/06/2016





RBWM Joint Venture Opportunity Area
York Road/Grove Road
Maidenhead



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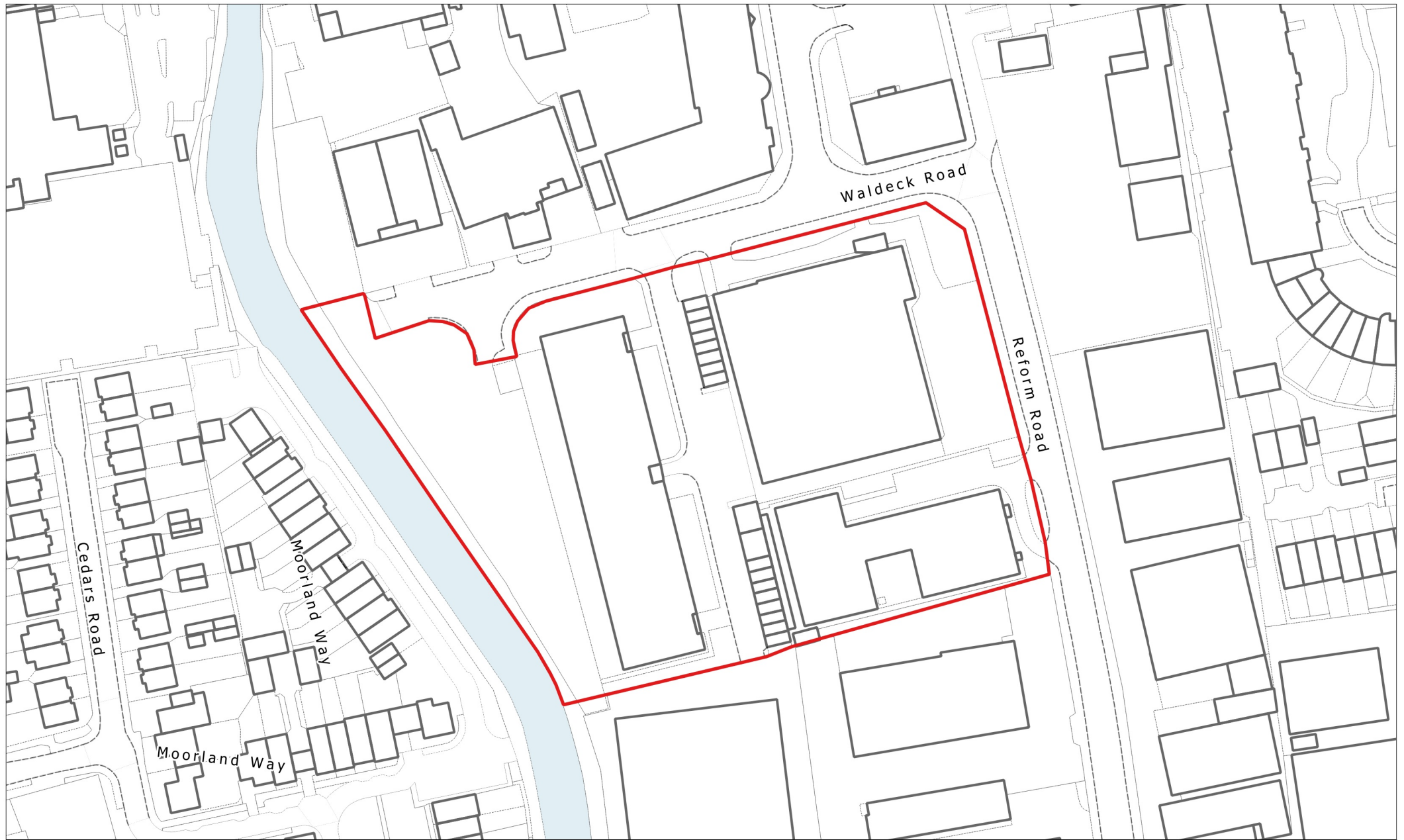
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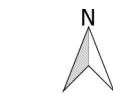
Date: 15/06/2016





RBWM Joint Venture Opportunity Area
Reform Road
Maidenhead

OS Ref: SU8981 se



Scale: 1:1250 A4 land

Royal Borough Of Windsor and Maidenhead

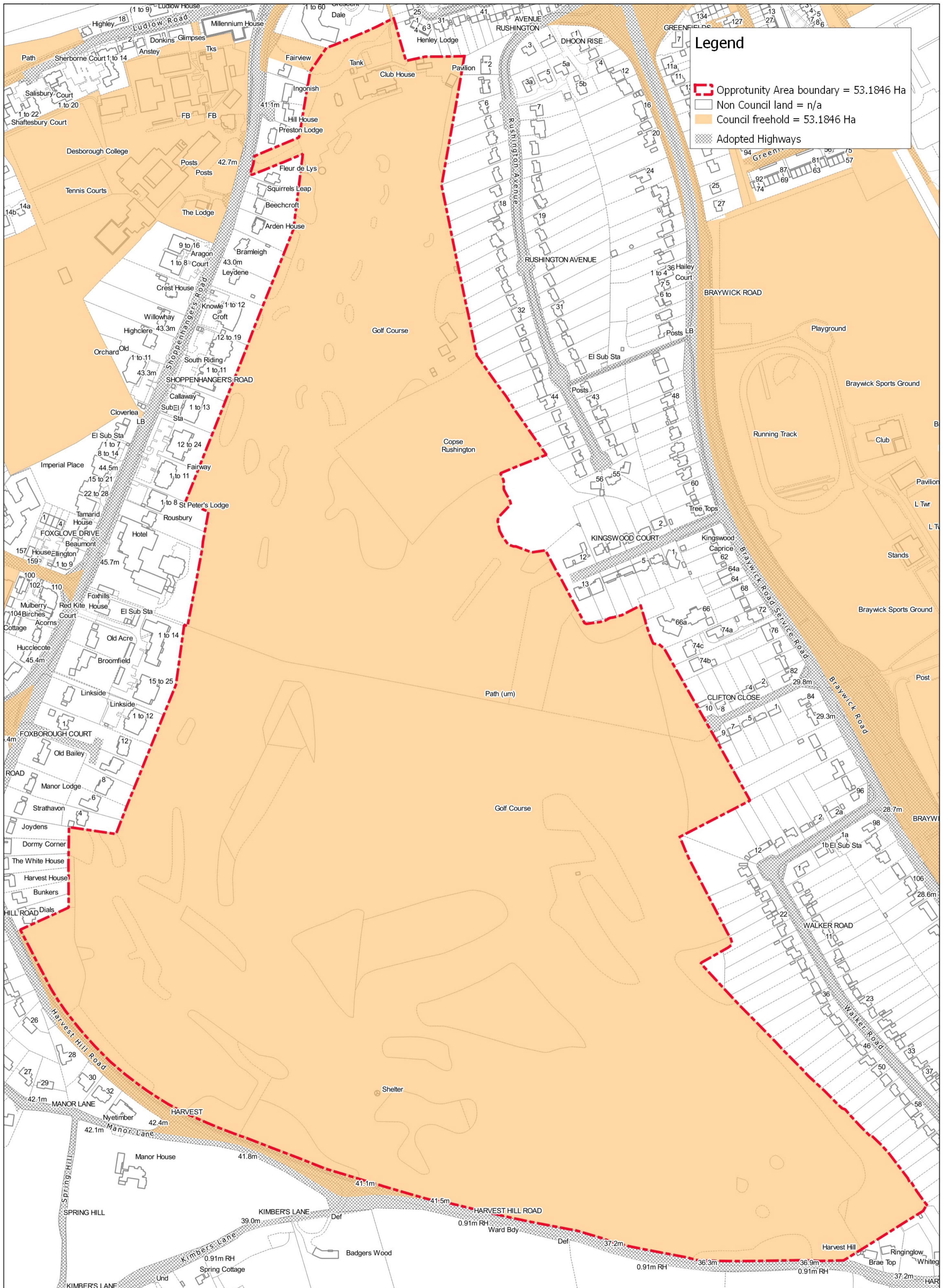
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Date: 15/06/2016

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Windsor & Maidenhead



Legend

- Opportunity Area boundary = 53.1846 Ha
- Non Council land = n/a
- Council freehold = 53.1846 Ha
- Adopted Highways

Description:
**Golf Course
 Maidenhead**

**Drawing No.
 EO2819 E**

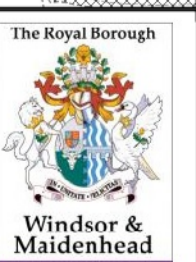


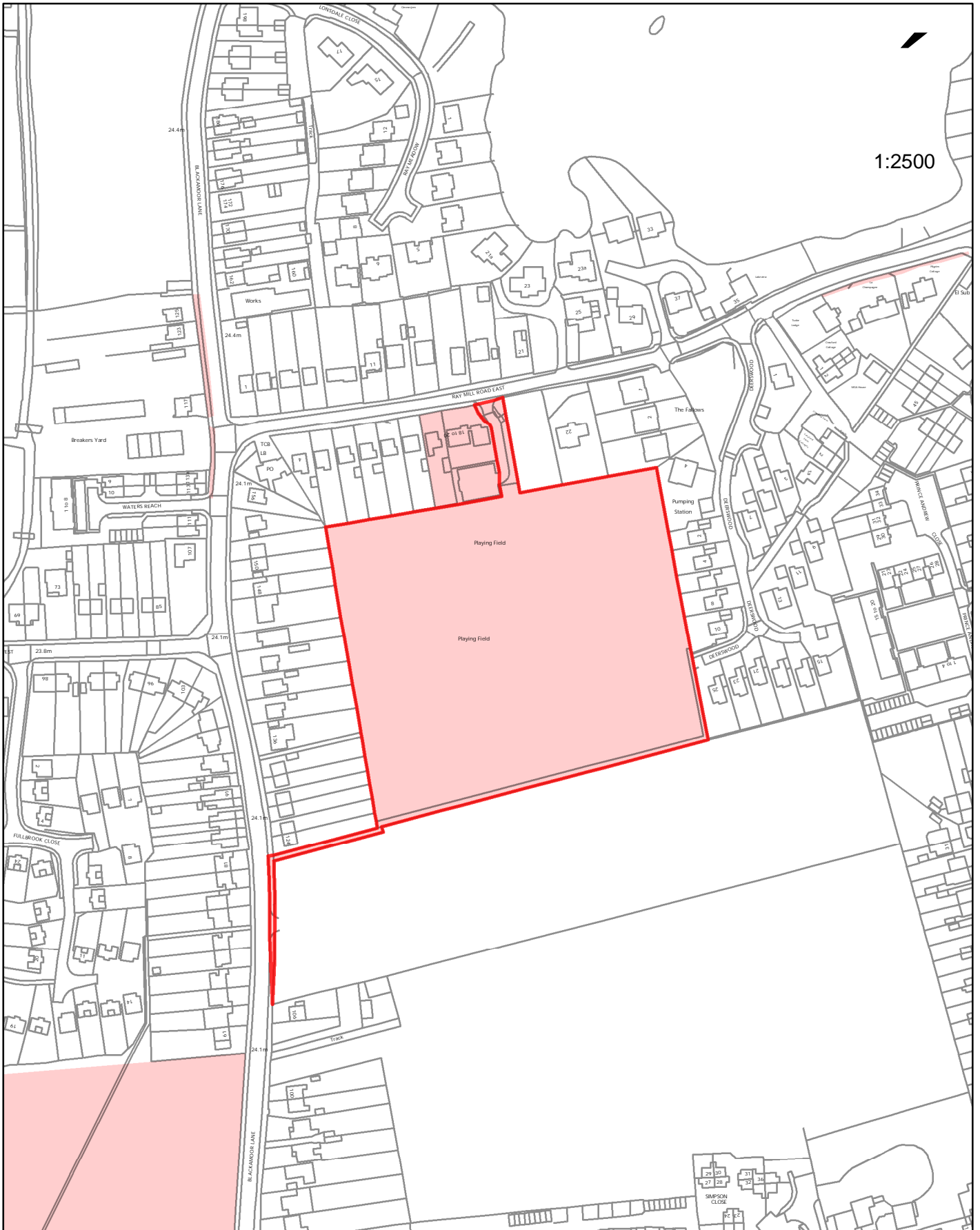
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Scale 1:2500 A3 port

Date: 21/12/2015





1:2500

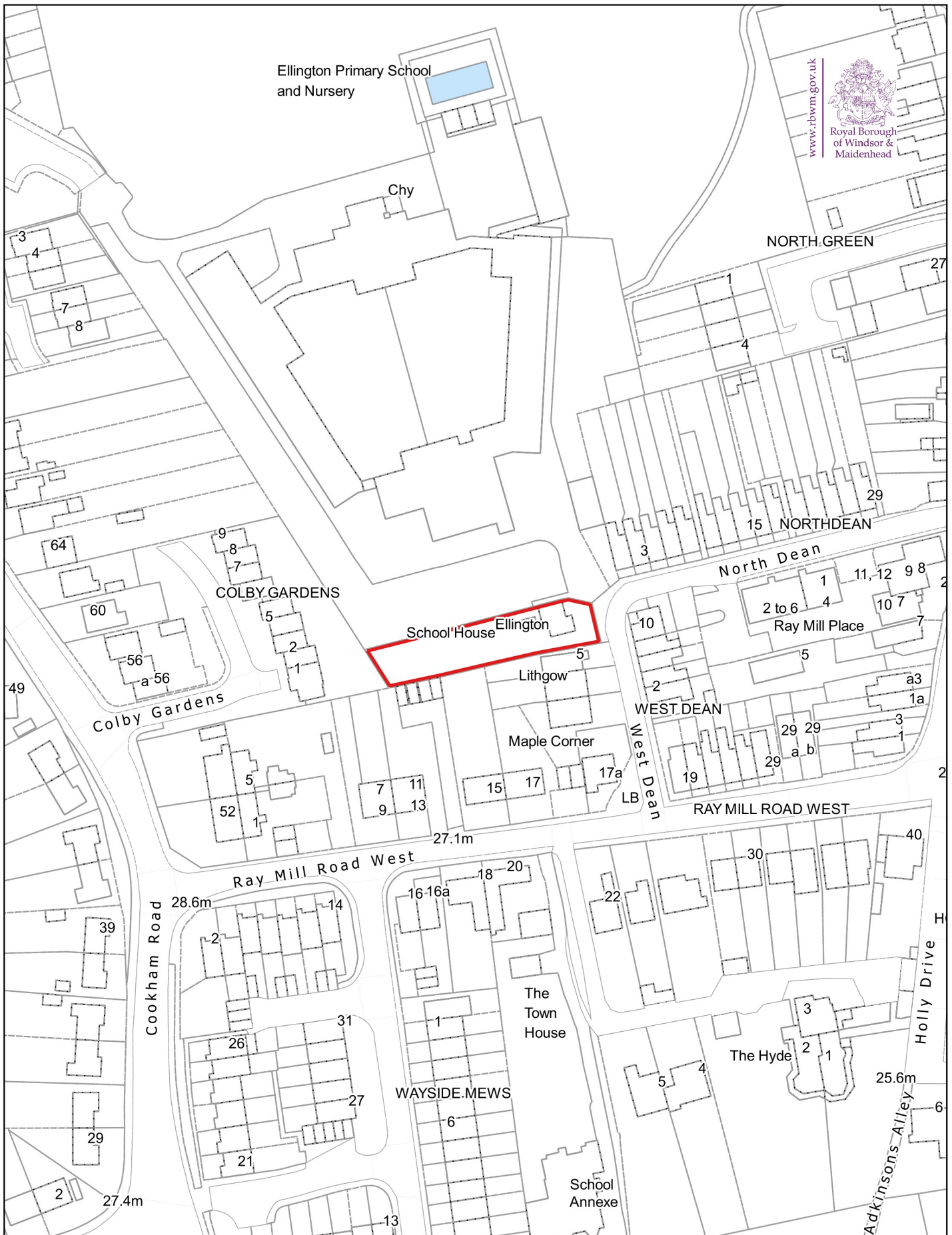
EO 2323 Land at Ray Mill Road East Maidenhead (5.75 acres)

SU8081 sw OS ref 08/07/2010 Date

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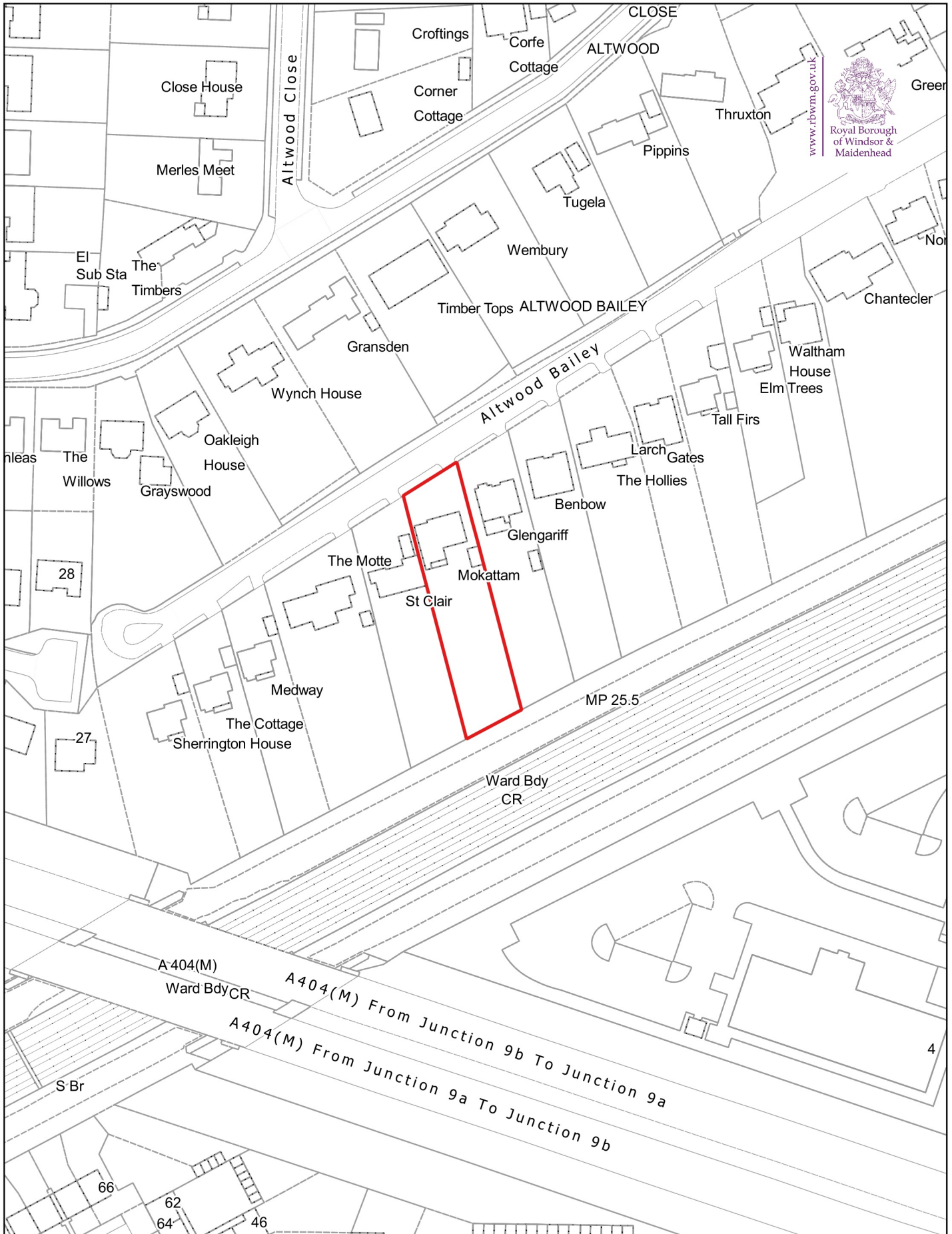




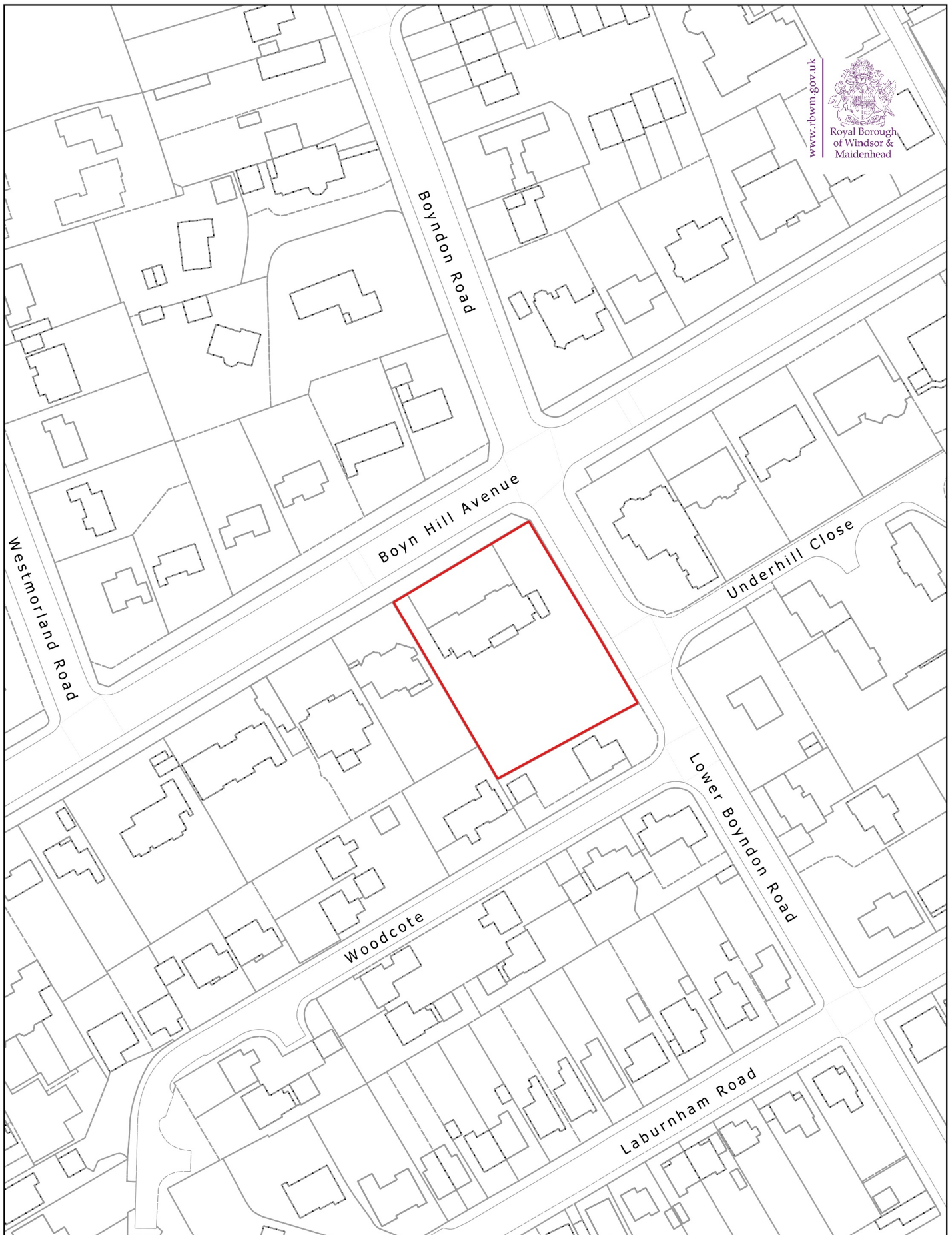
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<p>Description: Riverside Primary Sch School House West Dean Maidenhead SL6 7JB</p>	<p>Drawing No: EO...</p> <p>Date: 11/06/2018</p>	<p>OS Ref: SU8881 ne</p> <p>Scale at A4 Port 1:1,250</p>	<p style="text-align: center;">Royal Borough Of Windsor and Maidenhead</p> <p style="text-align: center;">© Crown copyright and database right 2018. Ordnance Survey 100018817</p>
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


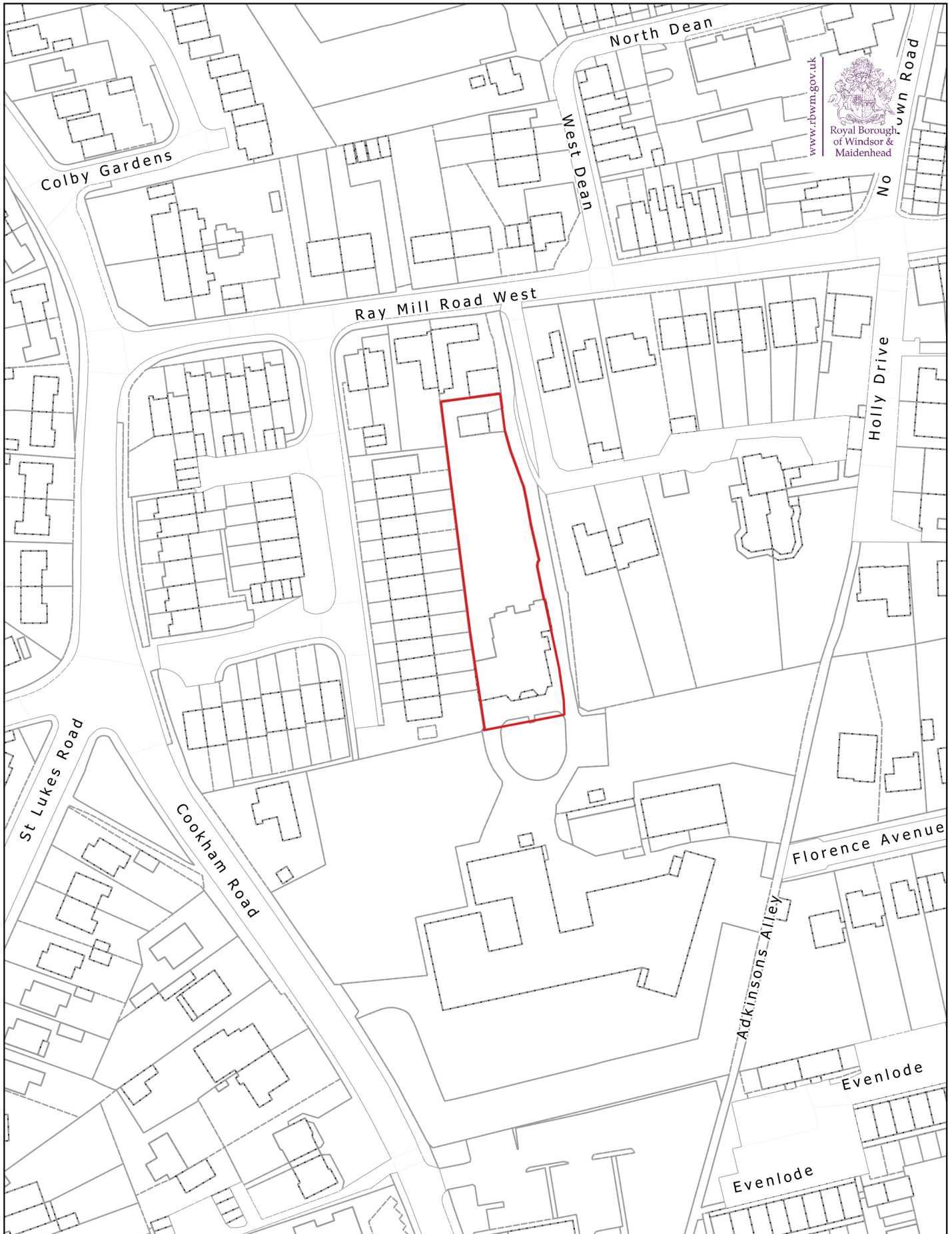
<p>Description: Mokattam Altwood Bailey Maidenhead SL6 4PQ</p>	<p>Drawing No: EO...</p> <p>Date: 18/06/2018</p>	<p>OS Ref: SU8679 ne</p> <p>Scale at A4 Port 1:1,250</p>	<p style="text-align: center;">Royal Borough Of Windsor and Maidenhead</p> <p style="text-align: center;">© Crown copyright and database right 2018. Ordnance Survey 100018817</p>
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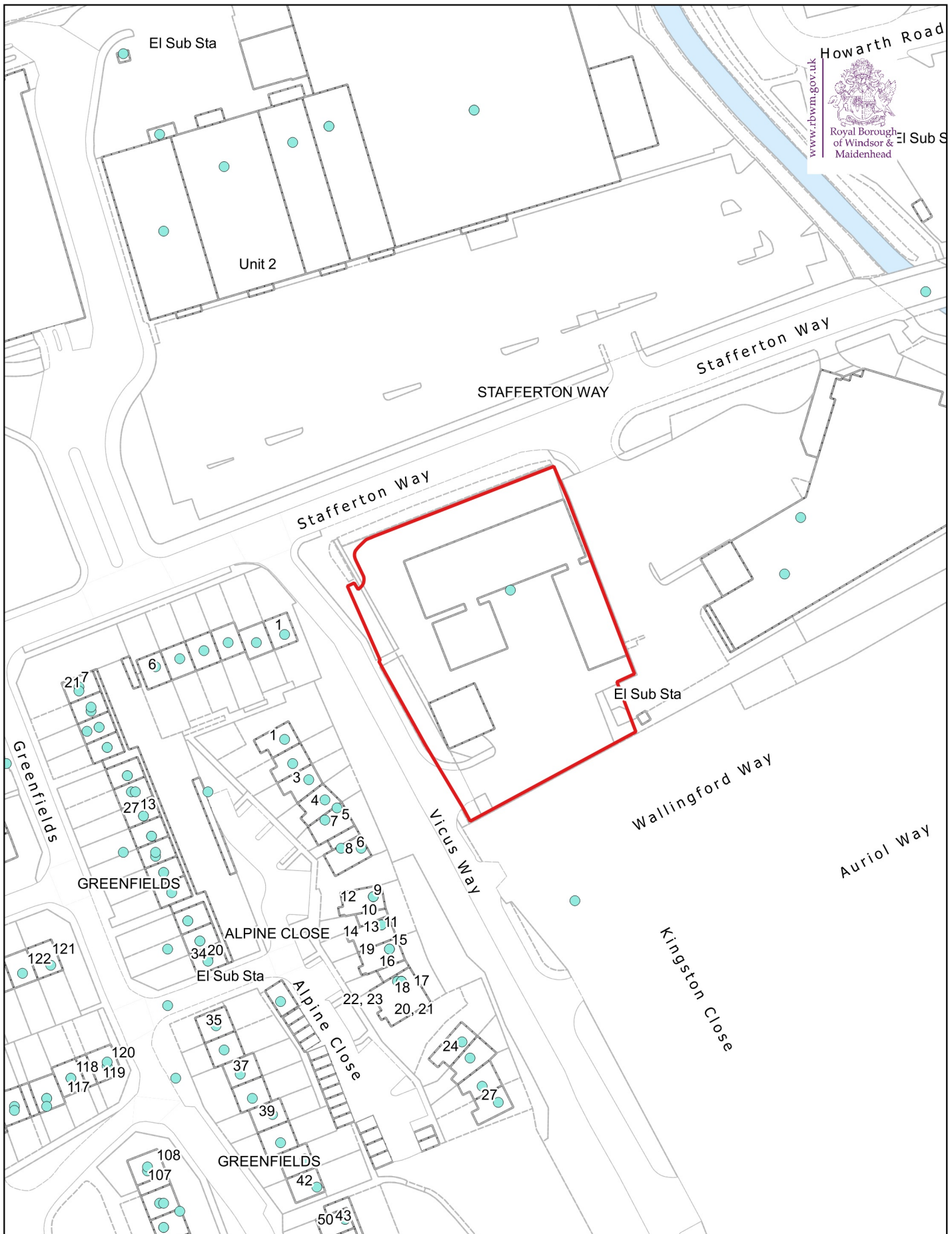
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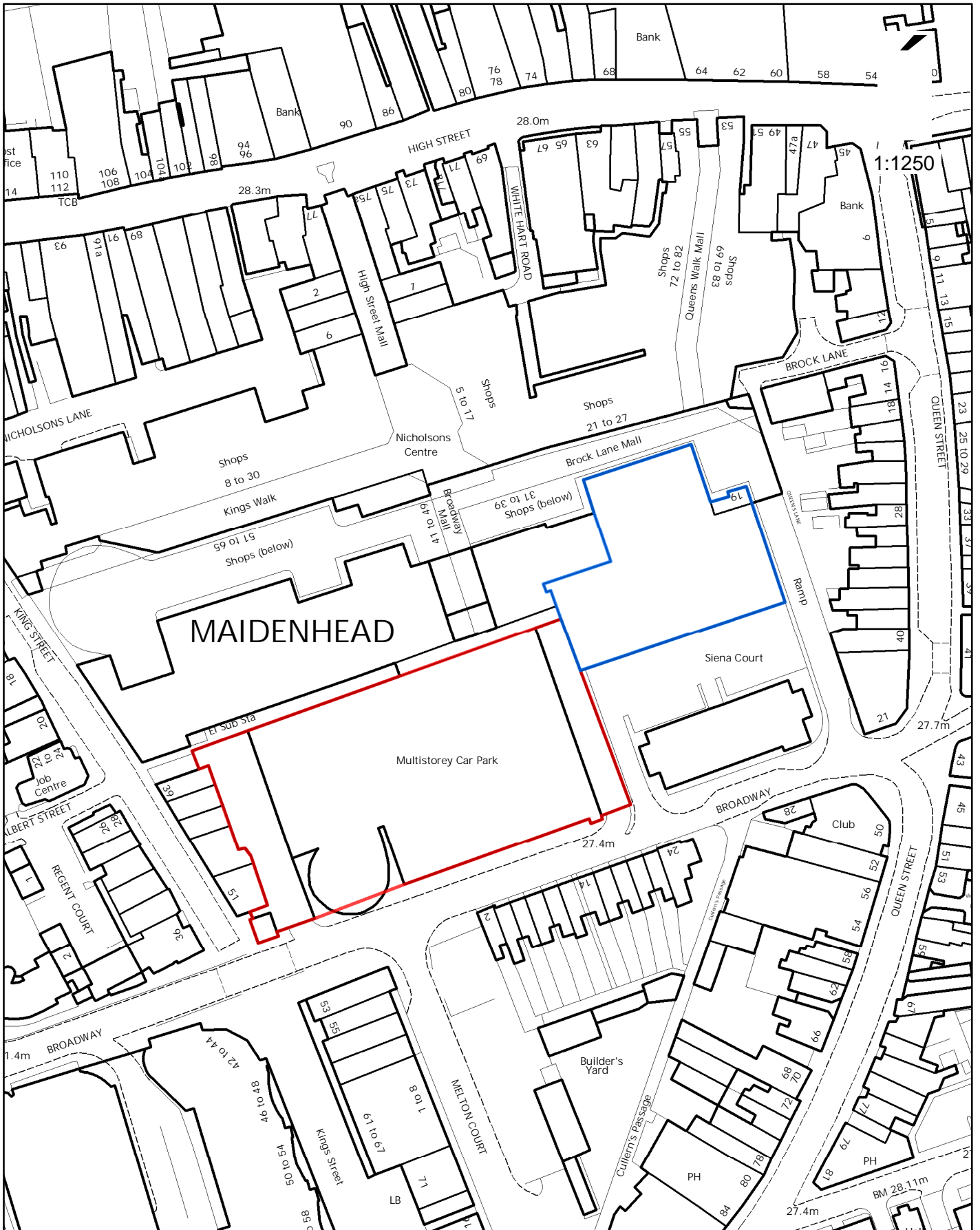
<p>Description:</p> <p>Brocket 15 Boyn Hill Avenue Maidenhead SL6 4EY</p> <p>Site area = 2075 sqm</p>	<p>Drawing No:</p> <p>EO...</p> <p>Date:</p> <p>12/04/2018</p>	<p>OS Ref:</p> <p>SU8780 ne</p> <p>Scale at A4 Port</p> <p>1:1,250</p>	<p style="text-align: center;">Royal Borough Of Windsor and Maidenhead</p> <div style="text-align: center;">  <p>© Crown copyright and database right 2018. Ordnance Survey 100018817</p> </div>
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<p>Description: St. Edmund's House Ray Mill Road East Maidenhead SL6 8SB Site area = 1541 sqm</p>	<p>Drawing No: EO... Date: 12/04/2018</p>	<p>OS Ref: SU8881 ne Scale at A4 Port 1:1,250</p>	<p style="text-align: center;">Royal Borough Of Windsor and Maidenhead</p> <p style="text-align: center;">© Crown copyright and database right 2018. Ordnance Survey 100018817</p>
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<p>Description: Stafferton Way Sites 1 & 2 Maidenhead SL6 1AY</p>	<p>Drawing No: EO...</p> <p>Date: 02/03/2018</p>	<p>OS Ref: SU8980 nw</p> <p>Scale at A4 Port 1:1,250</p>	<p style="text-align: center;">Royal Borough Of Windsor and Maidenhead</p> <p style="text-align: center;">© Crown copyright and database right 2018. Ordnance Survey 100018817</p>
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EO	Pay & Display Nicholson's MSCP Area= 3948 sqm
SU8881 se	22/02/2010
OS ref	Date

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