

# **Somerset West and Taunton Council**

## **Full Council – 7 December 2021**

### **North Taunton Woolaway Project - Authorisation to make a Compulsory Purchase Order in relation to the North Taunton Woolaway Project**

**This matter is the responsibility of Executive Councillor Member Francesca Smith**

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#### **1 Executive Summary / Purpose of the Report**

- 1.1. To reinforce the Council's willingness to progress a Compulsory Purchase Order (CPO) to achieve vacant possession of the North Taunton Woolaway Project (the Project) development area to achieve the successful regeneration of North Taunton. The Council throughout the CPO process enthusiastically attempt to purchase by mutual consent wherever possible.
- 1.2. To ensure a smooth transition between all future phases and to ensure vacant possession by the date at which demolition needs to commence, this Report seeks a resolution to make a Compulsory Purchase Order (CPO) to assist with the site assembly required to facilitate the implementation of the regeneration proposals of the North Taunton Woolaway Project as edged red on the plan at Appendix 1. The Report is also asking for authorisation for officers to make the CPO and to carry out all necessary steps in conjunction with the CPO to secure its confirmation and subsequent implementation.
- 1.3. The Project is the flagship regeneration project of the Council's housing development programme and tackles some of the Council's worst performing homes in one of the most socially deprived areas in our County.
- 1.4. The Project will deliver two hundred and twenty-seven (227) new Council homes and comprehensively refurbish twenty-seven (27) Council homes in five (5) phases over an eight and a half (8.5) year period, a phasing plan is attached at Appendix 2. The Project will also provide a community facility/project office in the first phase which can be converted into 2 homes should a sustainable business plan not be achieved at the end of the Project. This would increase the number of new homes to 229.
- 1.5. The Project is an essential part of the Council's commitment to offer a choice of good quality homes for our residents, whatever their age and income, in communities where support is available for those in need. The proposals identified in this Report will assist the progression of the remaining Phases (B–D) in a timely manner and provide certainty and security to the North Taunton Woolaway Project tenants.

#### **2 Recommendations**

- 2.1 To resolve, subject to consideration of the matters set out in this Report, to make a Compulsory Purchase Order pursuant to powers under section 17 of the Housing Act 1985 and section 13 of the Local Government (Miscellaneous Provisions) Act 1976 and all other enabling powers as deemed necessary for the acquisition of the private properties in Phases B – D and any new rights for the purposes of securing both a quantitative and qualitative gain in housing by the delivery of the comprehensive redevelopment of the Woolaway properties on the land.
- 2.2 To delegate authority of all matter relating to this CPO activity to the Director of Housing and Communities in consultation with the Portfolio Holder for Housing and Section 151 Officer. Matters include:
  - 2.2.1 To take all steps to secure the making, confirmation and implementation of the Compulsory Purchase Order (“Order”) including the publication and service of all notices and the promotion of the council’s case at any written representations procedure, public hearing or public inquiry.
  - 2.2.2 To approve the draft Statement of Reasons for making the Compulsory Purchase Order as set out in Appendix 3 in consultation with the Solicitors acting for the Council.
  - 2.2.3 To amend the Statement of Reasons referred to in paragraph 2.3.2 above as required in consultation with the Solicitors acting for the Council.
  - 2.2.4 To make any amendments, deletions or additions to the land identified in this Report to be subject to the Order (“Order Land”) as to include and describe all interests in land and rights required to facilitate the carrying out of the redevelopment and regeneration of the Project and surrounding area;
  - 2.2.5 To identify and acquire interests and new rights required to facilitate delivery of the redevelopment and regeneration of the Project and surrounding area either by agreement or compulsorily pursuant to the Order (including pursuant to any blight notices as appropriate) including conduct of negotiations and making provision for the payment of compensation;
  - 2.2.6 To negotiate, agree terms and enter into agreements with interested parties including agreements for the withdrawal of blight notices and/or the withdrawal of objections to the Order and/or undertakings not to enforce the Order on specified terms, including where appropriate removing land or rights from the Order, making provision for the payment of compensation and/or relocation;
  - 2.2.7 If the Order is confirmed by the Secretary of State, to advertise and give notice of confirmation and thereafter to take all steps to implement the Order including, executing General Vesting Declarations and/or to serve Notices to Treat and Notices of Entry in respect of the acquisition of interests in and rights over the Order Land;
  - 2.2.8 To take all steps in relation to any legal proceedings relating to the Order including defending or settling claims referred to the Lands Tribunal and/or applications to the courts and any appeals; and
  - 2.2.9 To retain and/or appoint external professional advisers and consultants to

assist in facilitating the promotion, confirmation and implementation of the Order, the settlement of compensation and any other claims or disputes.

- 2.3 To approve the service of a Final Demolition Notice and the demolition of the buildings and structures in Phase B and C(i) as shown in Appendix 2.

### 3 Risk Assessment

- 3.1 A risk assessment can be found at Confidential Appendix 6 however the main risks in relation to vacant possession are set out in Table 1 below:

**Table 1: Main Scheme Risks**

Risk	Score out of 25 based on probability x impact	Mitigation
SWT fail to achieve the purchase of the remaining privately owned dwellings in NTWP phases B, C & D	10 (probability 2 x impact 5)	To date 15 of the 22 privately owned properties have been purchased and 2 properties are in final stages of negotiation. SWT provides an enhanced offer to owners to encourage purchase by mutual consent, the Council have introduced an equity share loan removing barriers to owners purchasing an alternative home from the market, the Council apply all statutory compensations as outlined in SWTs Decant Policy and in accordance with current legislation governing the use of Compulsory Purchase Orders under the Town and Country Planning Act 1990 (as amended) and the payment of compensation in accordance with the Land Compensation Act 1973 and the Planning and Compensation Act 1991. SWT resource the NTWP and staff are equipped to negotiate with private owners.
SWT fail to gain vacant possession of NTWP private dwellings in a timely manner.	8 (probability 2 x impact 4)	There remains one single private dwelling in Phase B, 2 in Phase Ci, one in Cii, none in Ciii and 3 in Phase D. SWT encourages negotiation with private owners at any time regardless of phase. The request to commence a CPO allows a parallel approach to gain vacant possession.
The CPO is contested	8 (probability 2 x impact 4)	A contested case could delay the progress of one or more phases. The impact of delays in the delivery of phases impacts on the potential contract costs (as the contractor will be less able to deliver contract efficiencies by remaining on site) and the Council's HRA account would extend the period of rent loss due to new homes not

		being let in a timely way.
SWT fail to be awarded possession of the dwellings through CPO activity.	5 (probability 1 x impact 5)	SWT believes the rationale for CPO activity is proportionate to allow much needed regeneration of the area and the required investment in the properties. SWT believe that there is a compelling case in the public interest. SWT has appointed expert advice to guide SWT through this process, SWT has involved residents over a long period of time in developing the regeneration plans and has appointed contractors to deliver a new offer in the area which reflects the consultation, SWT has followed policy when negotiating with private owners and has provided a generous offer to encourage private owners to sell by mutual agreement, The council has approved the funds to deliver the new scheme.

#### 4 Background and Full details of the Report

- 4.1 In February 2019 the Shadow Full Council approved the redevelopment of the North Taunton Woolaway Project area and approved the principle of using Compulsory Purchase Powers set out in Section 17 of the Housing Act 1985, should vacant possession not progress to acquire the properties under the regeneration initiative detailed in the Report. It delegating such decision making to the Executive.
- 4.2 The existing site comprises of 212 Woolaway homes of which the Council retain ownership of 162 and 45 have been purchased through the Right to Buy and are now in private ownership.
- 4.3 In total the Council have decanted eighty-three (83) out of the one hundred and sixty- seven (167) tenants and purchased fifteen (15) of the twenty-two (22) private homes within the Project area. A breakdown of the properties is set out below in Table 2:

**Table 2: Tenure of North Taunton Woolaway Project Area**

Phase	No. of Existing homes	No. of Tenants	No. of Private Home	No of Private homes left to purchase
Phase A	26	23	3	0
Phase B	22	21	1	1
Phase Ci	16	12	4	2
Phase Cii	18	17	1	1
Phase Ciii	22	20	2	0
Phase D	58	47	11	3
<b>TOTAL</b>	<b>162</b>	<b>140</b>	<b>22</b>	<b>7</b>
<b>REFURBISHMENT ONLY</b>				
Phase E –	50	27	23	0 – none to

				purchase
<b>TOTAL</b>	<b>212</b>	<b>167</b>	<b>45</b>	<b>7</b>

- 4.4 Detailed planning permission for Phase A has been granted. The Council's Planning Committee has resolved to grant outline planning permission for Phases B–E (in March 2019 and again in November 2019). Phase A will deliver 47 new social rented homes and a community facility. The outline planning permission for Phases B–E will deliver up to 180 new build Council homes and refurbish 27 existing Woolway Council homes. The indicative scheme will provide a net increase of 65 affordable Council homes.
- 4.5 The Outline Planning Permission for the redevelopment of Phase B – E is being held pending phosphates mitigation. In the meantime, a full detailed planning application has been submitted for Phase B – D to ensure the development is not affected by the current phosphate mitigation delays as there is no increase in housing numbers. A separate planning application for the refurbishment of SWT properties in Phase E will be submitted.
- 4.6 **NTWP Update**
- 4.7 The contract for the construction of Phase A has been signed and Engie took possession of the site on 30<sup>th</sup> June 2021. The programme is on track with the site set up complete and Welfare Offices are situated in Durham Place. The enabling groundworks have been completed and the new road in Wells Close installed, foundations have been poured in Bodmin Road. Site signage is being installed.
- 4.8 The Project is currently in five phases, A – E with delegation to the Director of Housing and Communities and the Portfolio Holder for Housing granted on 3 December 2020 to agree the timely decanting of Phases C - E. Table 3 (4.10) is an indicative timeline for the five phases, however once the sequence of refurbishment is known Phase E will be sub divided into smaller phases to allow timely decanting in line with the required refurbishment sequence.
- 4.9 Phase C has been sub divided to enable the development of M4(3) adapted properties to ensure vulnerable tenants only have to decant once.
- 4.10 **Table 3: Indicative Timeline by Phases**

Phase	Estimated Date of Decanting Priority	Estimated Start on site	Estimated Practical completion
A	Complete	<b>ACTUAL</b> February 2020 – Hoarding July 2020 – demolition June 2021 - construction	June / July 2023

B	<b>ACTUAL</b> December 2020	Apr 2022	July /August 2023
C(i)	October/November 2021	May 2022	December 2023
C(ii)	March 2022	August 2023	July 2025
C (iii)	June 2022	Sept 2023	April 2026
*D	January 2024	February 2025	November 2027
E	Phased Comprehensive Refurbishment	November 2021	**November 2025

*\* Estimated as pending outcome of phosphate mitigation.*

*\*\* Refurbishment could run into Phase D timeline depending on the number of owner occupiers who wish to participate.*

- 4.11 Negotiations are continuing to purchase the remaining private properties which are not held in Council ownership. It is the aim of the Council to make sure all private owners are made suitable offers based on their requirements and within a reasonable timescale to enable the regeneration works to proceed. The remaining private owners are being advised of the revised phasing schedule and being encouraged to enter into negotiations to sell their homes by mutual agreement to the Council.
- 4.12 Negotiations are entered into sensitively and taking each individual owner's circumstances into account. Owners may be given assistance to find alternative accommodation, the options available to them are dependent on their individual circumstances and the equity available to them. Where an owner agrees to sell their property to the Council, the Council will offer support with the process to help the owner to purchase their new home. In addition to the Home Loss Payment and Disturbance Compensation, the Council can provide additional financial assistance to owner/occupiers looking to purchase a new home. The Council operates an equity loan scheme which can be made available to qualifying households to provide financial assistance to help an owner/occupier purchase an alternative property. Additional services are offered for any vulnerable private owner such as assisted packing service and reinstallation of any disabled adaptations.
- 4.13 Under Homefinder Somerset policy, a home owner who has significant difficulties in meeting their ongoing housing need through their own means, can apply for rehousing. The home owner's application will be considered against the eligibility criteria for Council housing.
- 4.14 To ensure the redevelopment of the Project can be guaranteed within the timeframes set out above in Table 3, it is necessary for authority to be obtained for a Compulsory Purchase Order to enable the acquisition by the Council of any remaining properties.

#### **4.15 Compulsory Purchase Order (CPO)**

- 4.16 If the Council pursues a CPO, then subject to the projected dates for the phases to obtain planning permission it should incorporate into the CPO all interests it believes it will need to complete the whole development.
- 4.17 Whilst there is no absolute legal bar to making a CPO without having planning permission in place, the lack of planning permission is considered to be an impediment to delivery. It is therefore recommended that, at the latest, planning permission is in place by the time of any consideration of the Secretary of State as to whether to confirm the Order. If it is not, then the Council will need to show that there is no reason that it is aware of as to why planning permission should not be granted.
- 4.18 If a CPO is confirmed over future phases, the Council does not have to exercise it if it is no longer needed (for example because negotiations eventually lead to a negotiated settlement). Negotiations can continue and provided they move in the right direction the CPO may not be needed. However, national guidance on CPO in the form of 'Guidance on compulsory purchase process and the Criche Down Rules' (MHCLG, July 2019) ('the Guidance') recognises the benefit of beginning the CPO process and securing a CPO even if in slightly speculative circumstances in terms of its use.

*“Compulsory purchase is intended as a last resort to secure the assembly of all 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, valuable time will be lost. Therefore, depending on when the land is required, it may often be sensible, given the amount of time required to complete the compulsory purchase process, for the acquiring authority to:*

- plan a compulsory purchase timetable as a contingency measure; and*
- initiate formal procedures This will also help to make the seriousness of the authority’s intentions clear from the outset, which in turn might encourage those whose land is affected to enter more readily into meaningful negotiations.”*

There is therefore recognition that the CPO process can be begun as a contingency measure.

#### **4.19 Factors for Granting CPO**

- 4.20 The Shadow Council resolved to support in principle the use of CPO powers, with further decision making delegated to the Executive. That in principle decision did not consider in full the various tests and requirements that need to be met to secure a confirmed CPO. In general terms, before pursuing a CPO, the Council should consider the case for using the powers, and then those matters which the Secretary of State will wish to be satisfied of before confirming a CPO. The issues include:

:

- What power will it use.
- How is the particular power used justified in these circumstances?
- The general requirements for using CPO powers, including whether there is a compelling case in the public interest;
- What land and interests are required, and do any rights need to be created?
- The relevant power for the compulsory acquisition of land or buildings for the provision of housing requires a qualitative or quantitative gain;
- the scheme should be deliverable and have funding in place for such delivery;

- there should be no impediments (other than the need for a CPO) to delivery of the scheme.

4.21 The draft Statement of Reasons appended to this Report addresses each of the above in full. Brief detail on each is included in the following paragraphs.

#### **4.22 What power should be used**

4.23 The in principle resolution already identifies the most appropriate power that can be used in this case, which is section 17 of the Housing Act 1985 which allows an authority to acquire land, houses or other properties for the provision of housing accommodation. There must be a qualitative or quantitative gain (the gain of one dwelling is sufficient). The draft Statement of Reasons expands on the remit of this power.

#### **4.24 How is the particular power used justified in these circumstances, including there is a compelling case in the public interest.**

4.25 The Guidance sets out what information must be compiled by way of evidence regarding the need for further housing accommodation. This includes matters such as: the total number of dwellings in the district; the total number of substandard dwellings, the total number of households for which provision needs to be made, and information on the authority's housing stock. This information set out in the Statement of Reasons – the document that justifies the use of CPO powers.

4.26 Note also that the Guidance provides that for housing development acquisitions, the CPO will not be confirmed unless the land is likely to be required within 10 years from when the CPO is confirmed. In this case the land will be required within 10 years.

4.27 The draft Statement of Reasons for making the Compulsory Purchase Order at set out in Appendix 3. This will be amended as appropriate by the Solicitor acting for the Council in accordance with the recommendations above.

#### **4.28 The general requirements for using CPO powers, including whether there is a compelling case in the public interest.**

4.29 Putting aside the specific Housing Act requirements, there are also a series of general tests or requirements that the Secretary of State will consider when deciding whether to confirm a CPO. These are set out in the Guidance under Tier 1 General Overview.

4.30 The first is that the Council should only use its CPO powers when there is a compelling case in the public interest. Satisfying that includes demonstrating that all reasonable steps have been taken to acquire the interests by agreement. The compelling case test also requires the Council to consider interference with human rights (in particular the Article 1 right to peaceful enjoyment of possessions and the Article 8 right to respect for private and family life and home) and whether that is justified. It must also carry out an equality impact assessment (or similar), to show that it has taken into account the public sector equality duty.

4.31 Other considerations are:

- Does the Council have a clear idea of how it intends to use the land and interests acquired? In this case, given the ongoing development and the existence of planning permission and planning applications, this would not be difficult to satisfy; and
- Are all necessary resources available within a reasonable timeframe? Again, given the progress of the development this should not be difficult to demonstrate, though it is always crucial to show that a scheme has funding (which in turn helps show deliverability).

#### **4.32 Are there any impediments to delivery**

- 4.33 It is important to demonstrate that should a CPO be confirmed and the Council use those powers, that there is no reason thereafter why the scheme should not go ahead, i.e. there are no impediments. Examples of impediments include the need to obtain planning permission, highway diversions or closures, habitat licenses, etc.
- 4.34 Planning is in place to an extent, but the outline planning application for the phases after Phase A is yet to be granted despite benefitting from a resolution to approve due to the phosphate mitigation.
- 4.35 A new detailed planning application has been submitted for Phases B – D which does not increase housing numbers and should not be affected by the phosphate mitigation. Before starting a CPO process a review would need to take place to consider what matters might need to be settled before a spade can go into the ground on the relevant phase, and whether those can be seen as impediments to delivery.
- 4.36 As above, it is not an absolute requirement, and a CPO can be made without a planning permission in place, but justifying the CPO with a planning permission granted by the time of an inquiry (or by the time the Secretary of State considers the CPO) significantly de-risks the process and it is not recommended to seek the confirmation of a CPO without planning permission.

#### **4.37 What land and interests are required, and do any rights need to be created.**

- 4.38 A detailed exercise of scoping what land and rights are needed for the development is current being carried out, albeit in this case there is a relatively limited number of properties outstanding. New rights, such as crane oversailing, would need to be considered, and indeed any other rights felt necessary for the development to be delivered.

#### **4.39 Timescale**

- 4.40 It is difficult to accurately predict how long the CPO process will take, from start to vesting of title in the Council. Please refer to Appendix 4 which estimates a period of 8 months should there be no need for a public inquiry, and 15 months if an inquiry is required.
- 4.41 The table shows the specific steps and time periods for each so overall timescales can be extrapolated.
- 4.42 It concludes that if no public inquiry is needed and assuming the preparation process begins in earnest in October 2021, the process from starting to vesting title

in the Council would be circa 8 months (to June 2022), and with a public inquiry circa 15 months (to January 2023). Note that 3 months (minimum) of this are the post confirmation steps. Even with a confirmed CPO, that period is required to allow the challenge period to expire and allow for the relevant notice periods.

- 4.43 The period of 8 months could be shortened, in the sense that it assumes that some work needs to be done before objections are withdrawn and that period is unknown. However, any time saving at that time is likely to be limited.
- 4.44 The Phase C properties in Phase Ci in the new phasing plan (meaning it is required by May 2022), then if a CPO is not contested it could be acquired in time. However, if contested our estimate is January 2023. Whilst time savings could possibly be made, it is noted that CPOs tend to take longer than expected, rather than be quicker. The Phase C (ii) and Phase D properties (start on site August 2021 and February 2025) do not pose a problem timing wise.
- 4.45 If a CPO that includes the Property (Phase B) is objected to and objections are not negotiated away, the inquiry process begins and the timescale to secure title is pushed out to January 2023. That would mean the deadlines for securing any property in Phase Ci would also be difficult to meet.
- 4.46 For phases Cii onwards, even if a CPO is contested and an inquiry held, we would expect that process to be completed circa January 2023, which would be before the time those properties are needed.
- 4.47 Once a CPO is confirmed:
- the time it takes to secure ownership of the land acquired is now relatively fixed.
  - a legal challenge period of 6 weeks will begin.

## 5. Links to Corporate Strategy

- 5.1 The scheme compliments the Council's Corporate Strategy 2020 - 2024 - Homes and Communities – to offer a choice of good quality homes for our residents, whatever their age and income, in communities where support is available for those in need.
- 5.2 The Project significantly increases the number of affordable and social homes in Taunton and will be built by the Council including a range of housing types to cater for single person, family, vulnerable and elderly households.
- 5.3 The Council's Housing Revenue Account Business Plan sets out the financial model for the Housing Service over a 30 year period. The Council has agreed a number of priorities in its updated Housing Revenue Account (HRA) Business Plan 2020-2050, which are included in the vision statement "*Great Homes for Local Communities*" that accompanies the business plan ('the **Action Plan**'). Its overarching mission statement is: "*Our homes will be safe and secure and we will build many more in which our tenants will thrive. To do this we will develop a great team to provide excellent and modern services...*" The Project compliments these strategy objectives;
- 5.4 **Deliver more new homes** – including a commitment that the Council will deliver 1000 new homes over the next 30 years; build new homes that help combat climate change; and implement exemplar regeneration in North Taunton (including the

Scheme). The Action Plan also explains that when having their community regenerated, customers will have the opportunity to relocate or move back into new homes that will be more comfortable and cheaper to run.

5.5 **Provide great customer service** – the Council is committed to ensuring that the voices of their customers are heard and they influence the services offered, and also to improving how customers are kept up to date on what is happening.

5.6 **Improve our existing homes and neighbourhoods** – the Council will continue to invest in the safety of its homes, investigate ways to increase investment in the energy efficiency of its stock, and look after the Council's estates. This will mean customers can expect: to live in good quality homes where they feel safe, warm, and secure and where they can thrive; that their communities can be attractive places to live, work and stay; and to live in homes that are cheaper to run and that reduce environmental impacts.

5.7 Engaging and listening to our residents has been the primary driver and embedded in the Project principles established at the initiation of this project. The key Project principles are:-

5.7.1 Existing SWT residents within the scheme will be given the opportunity to remain on a social rent level.

5.7.2 Existing SWT residents within the scheme will be supported to downsize through the scheme design but retain the right to return to an equivalent size property within the new scheme.

5.7.3 The Project is underpinned by the SWT development aspirations and provide new, high quality and energy efficient homes.

5.7.4 The new development compliments The Vision for Taunton as a Garden Town, specifically the themes:

5.7.5 Growing our town greener – quality of the environment. The scheme incorporates green spaces and play spaces and provides more street trees.

5.7.6 Growing Quality Places – quality of our places and neighbourhoods. The design of the scheme focuses on places and spaces with high quality homes, green streets and public spaces. The homes will be energy efficient and aim to incorporate sustainable technologies.

## 6. **Unitary Authority Considerations**

6.1 The Report has reflected on the potential consequences of the impact of unitary authority status when considering its recommendations. The following statements provide comfort that the recommendations of the Report are appropriate:

- The increased supply of affordable housing is a district priority and a Somerset wide priority. This is evidenced in the Somerset wide Housing Strategy and through the demand recorded through the Somerset wide Homefinder Somerset lettings system.
- The HRA Business Plan is a thirty (30) year Business Plan approved in February and set out an ambition to build homes to increase the supply of affordable homes in the district and in the county. The HRA Business Plan is

ring fenced and therefore applies HRA rules and the Council's HRA Business Plan discipline.

- The four District authorities have different structures to manage their housing responsibilities including stock transfer organisations, ALMO and SWT has retained its stock. It is difficult at this moment to make assumptions of how a unitary authority(s) would manage its housing duties or the emphasis it would place on new development. We therefore consider the Business Plan is a relevant guide to support the Council's decision making.
- All authorities within the unitary proposal are subject to the government climate change policies and targets including net carbon zero by 2050.

## **7. Finance / Resource Implications**

7.1 The cost of staff time will be met from existing resources or charged to the capital scheme as appropriate.

## **8. Legal implications**

8.1 Statutory Home Loss and Disturbance Payments will be made in line with legislative guidance and the North Taunton Woolaway Decant Policy. As properties are anticipated to be purchased under, or 'under the threat of' the exercise of CPO powers there is scope for utilisation of the HMG guidance on compensation payments.

8.2 Whilst the Council intends to work closely with each household and seek agreement to achieve vacant possession in the event an acceptable agreement cannot be sought the contingency of a CPO is beneficial. In recommending the making of a CPO the rights of third parties that may be affected (including the property rights of the current property owners of the sites) have been balanced against the public interest in acquiring the land.

8.3 It is recommended that the Council can be satisfied that the proposed CPO is necessary and proportionate having regard to the provisions of the Human Rights Act 1998 and is in the public interest having regard to the both the need to provide good quality, energy efficient homes in areas where people wish to reside now and in the future and the need to regenerate the Project area.

8.4 If vacant possession cannot be provided to a contractor by the long stop date in the build contract, the Council will be at risk of litigation for specific performance under the contract and this will potentially have associated financial implications.

8.5 Section 11 (6) of the Local Government Act 2003 relates to the Council's ability to retain and use Right to Buy receipts to fund affordable housing.

## **9. Climate and Sustainability Implications**

9.1 New build homes will be constructed to a minimum of Part L of the Building Regulations which will substantially improve the thermal performance of the dwellings compared to the existing dwellings. In addition, the contracted specification for phase A has increased insulation, air tightness and reduced cold bridging. The units will also have Air Source Heat Pumps, PV, Batteries, and water reduction measures. The properties will have no gas and are zero carbon 2050 ready. The carbon and fuel efficiency is 12 times better than the Woolaway homes being demolished. On the first let carbon saving and tenant fuel costs are

anticipated to be 70%-80% less than current Woolaway homes.

- 9.2 The new development has been designed to take advantage of biodiversity opportunities in the neighbourhood such as planting trees and creating a new public open space.
- 9.3 The Project has enabled the Council to embrace and design a new garden community to incorporate the Garden Town Principles and safeguard the natural environment, providing areas of planting and open space whilst ensuring residents have access to suitable homes and facilities.
- 9.4 Phosphates and housing development within the hydrological catchment of the Somerset Levels and Moors Ramsar Site - This scheme falls within the water catchment area of the Somerset Levels and Moors Ramsar Site. The new planning application for Phases B, C and demolition of Phase D assumes a mitigation strategy is not required. However, a mitigation strategy is required to build homes in phase D and the HRA and council are exploring options for mitigation. Phase D planning permission is not required until 2025 which allows significant time for a phosphate mitigation strategy to be agreed.

## 10. **Safeguarding and/or Community Safety Implications**

- 10.1 Through the design of the Project, tenants and residents will feel safe in the public realm and feelings of safety and security in the home due to the adoption of crime prevention measures in the new development.
- 10.2 Consultation with Police and other statutory authorities has already been undertaken as part of the planning application process. No implications arose thanks to the meticulous design and resident consultation that was undertaken to achieve planning permission.

## 11. **Equality and Diversity Implications**

- 11.1 An Equality Impact Assessment was first undertaken in relation to the regeneration of the Project in February 2019 (Appendix 5). That assessment concluded that there would either be a positive or neutral effect on any protected groups.
- 11.2 An Equality Impact Assessment ("EIA") has been undertaken to assess the impact on any protected groups of the making of a Compulsory Purchase Order and implementation of the Development, in line with the Equality Act 2010. The assessment concludes that there would either be a positive or neutral effect on any protected groups. Please refer to Appendix 3 – draft Statement of Reasons.
- 11.3 The owners and occupiers of the remaining private homes within the Order Land are likely to be the most affected by the Order. Three of these properties are investments and rented out to tenants. One owner/occupier of one property is considered to have protected characteristics but it is hoped that current negotiations can be concluded shortly to purchase this property by agreement.
- 11.4 In respect of the remaining three owner/occupied properties and the tenants of the investment properties, they are not considered or known to have any protected characteristics.
- 11.5 The public sector equalities duty is a continuing duty and the impacts on any

protected groups will be kept under review should any new information come to light or circumstances change.

## 12. **Social Value Implications**

- 12.1 The resident consultation phase of the Project has delivered social value through providing the opportunity for residents to be actively involved in the scheme design process and provide valued and informed contributions.
- 12.2 Social Value formed part of the selection criteria for the procurement of Phase A main contractor and for future phases.

## 13. **Partnership Implications**

- 13.1 Any Project opportunities for partnership working with different organisations and agencies that enhance the benefits of the scheme will be explored as they arise. For example, NHS Talking Therapies and MIND have worked in partnership with us to provide a local presence for resident mental health and well-being. This has improved our tenant access to services, enabling them to receive support that they might not have otherwise accessed if not for the regeneration of the scheme.

## 14. **Health and Wellbeing Implications**

- 14.1 The Project as a whole has been designed to Nationally Described Space Standards to ensure properties are future-proofed and residents can benefit from some of the principles of lifetime homes and will contribute to the improve health and wellbeing of the residents.
- 14.2 Phase A includes a new community building to provide a focal point for local people to meet and enhance community spirit and interactions.
- 14.3 The new detailed Planning Application for Phases B–D illustrates the provision of public open space for community use which has been informed by public consultation.

## 15. **Asset Management Implications**

- 15.1 The Housing (HRA) Asset Management Strategy 2016 reflects the challenges the Council faces and improving its focus on value for money for the Council and for our residents:
  - 15.1.1 To promote sustainable local communities through coordinated capital investment and housing management.
  - 15.1.2 To work closely with residents to ensure that their homes meet their needs and aspirations.
  - 15.1.3 To invest in stock, to achieve good quality and environmental standards and to ensure that all statutory obligations are met.
  - 15.1.4 To ensure that stock secures and strengthens the financial viability of the business plan and safeguards its long term future and the income stream it generates.
  - 15.1.5 Deliver Value for Money through targeting investment where it will have the

best financial and social return.

15.1.6 To carry out options appraisals on stock that does not meet the above criteria, exploring the widest range of alternative options to improve outcomes for residents and for our Business Plan.

15.1.7 To deliver investment programmes in an effective way, achieving agreed quality and value for money.

15.2 Through the evaluation, the asset management model identified 4% of the total stock with an average Net Present Value which is negative. These were exclusively for the Council's Woolaway constructed properties, reflecting the anticipated need for major works to these properties in the medium term.

15.3 The HRA Asset Strategy 2016 recognised the Woolaway house type as the Council's lowest performing stock with a limited life expectancy and high future maintenance costs. Unless action is taken to address the structural defects, the properties will continue to deteriorate, increasing the problems of a poorly performing dwelling.

15.4 Providing new energy efficient, affordable homes with a range of property sizes will improve the living standards for residents to create a sustainable community of high quality homes. In addition, increasing the scheme density will generate greater income and make best use of the Council's assets.

## **16 Data Protection Implications**

16.1 All personal data is held in accordance with GDPR and Data Protection Act requirements.

## **17 Consultation Implications**

17.1 Community Engagement and supporting the residents affected by the scheme, have been at the forefront of the Project's ethos to regenerate the area.

17.2 Home owners have been consulted regarding the new detailed planning application for Phases B – D. Negotiations will continue with the remaining home owners to agree terms throughout the CPO process.

## **18 Scrutiny Comments / Recommendation(s)**

18.1 The Report was considered by Community Scrutiny Committee on 28 October 2021. There was unanimous support for the measures outlined in this Report, but that the Community Scrutiny Committee highlighted and wished to feedback to the Executive especial concern for supporting individuals who unfortunately found themselves in these circumstances, notwithstanding the fact this was felt to be largely a precautionary measure and it was hoped that the Council would ultimately do the right thing when faced with such a situation.

### **Democratic Path:**

- **Scrutiny / Corporate Governance or Audit Committees – Yes / No** (delete as appropriate) **28 October 2021**

- **Cabinet/Executive – Yes / No** (delete as appropriate) **17 November 2021**
- **Full Council – Yes / No** (delete as appropriate) **7 December 2021**

Reporting Frequency:  **Once only**     **Ad-hoc**     **Quarterly**  
 **Twice-yearly**     **Annually**

**List of Appendices (delete if not applicable)**

Appendix 1	Plan of NTWP CPO area
Appendix 2	Phasing Plan for NTWP
Appendix 3	<b>CONFIDENTIAL</b> CPO - Statement of Reasons
Appendix 4	CPO - Timescales
Appendix 5	Equality Impact Assessment October 2021
Appendix 6	<b>CONFIDENTIAL</b> Risk Assessment

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