

Slough Borough Council

Report To:	Council
Date:	22 September 2022
Subject:	Recommendation of the Cabinet from the Meeting Held 18 th July 2022 – Montem Lane Appropriation
Lead Member:	Councillor Anderson, Lead Member for Financial Oversight and Council Assets
Chief Officer:	Richard West, Executive Director Place and Community Steven Mair, Executive Director Finance and Commercial (s151)
Contact Officer:	Dean Tyler, Associate Director Place Strategy and Infrastructure Carmel Booth, Financial Advisor
Ward(s):	All
Key Decision:	YES
Exempt:	No
Decision Subject To Call In:	YES
Appendices:	Appendix 1 – Montem Appropriation Plan

1. Summary and Recommendations

1.1 This purpose of this report is to consider the recommendation of the Cabinet from its meeting held on 18th July 2022 to appropriate the Montem site to planning.

Recommendations:

1.2 The Council is requested to resolve to appropriate the Montem site to planning (shown edged red in the plan at Appendix 1) under section 226 of the Town and Country Planning Act 1990 on the grounds that the acquisition will facilitate the carrying out of development, redevelopment or improvement on or in relation to the land, and the proposed development, redevelopment or improvement is likely to contribute to achieving the promotion or improvement of the economic, social or environmental well-being of the whole, or any part, of their area.

Reason

1.3 Appropriation of the land to planning purposes will aid with the disposal of this key site for residential development.

Commissioner Review

- 1.4 There are no costs or risks associated with the appropriation process and the process de-risks future redevelopment of the land adding to deliverability and land value. The commissioners are therefore content with the report.

2. Report

- 2.1 Full planning permission for the proposed residential development of the Montem Lane site to include 212 new homes has been approved (planning reference: P/07383/010). Planning committee approval was granted in January '21 and the S106 Agreement was executed in April '22.
- 2.2 There are no costs or risks associated with the appropriation of the Montem site to planning (shown edged red the plan at Appendix 1) and the process de-risks future redevelopment of the land adding to deliverability and land value.

3. Implications of the Recommendation

3.1 Financial implications

- 3.1.1 There are no financial costs or risks associated with the appropriation process and the process de-risks future redevelopment of the land adding to deliverability and land value.

3.2 Legal Implications

- 3.2.1 At the Cabinet meeting on 19 July Cabinet considered a report titled 'Slough Urban Renewal - disposals update'. Recommendation 11 (e) of the agreed decisions:

"Noted that those parts of the Montem site which belong to the Council are no longer required for the purposes for which they are presently held, and recommend to full Council that officers be authorised to take all necessary steps to appropriate the site (shown edged red on the plan in Appendix 5) for planning purposes to facilitate the carrying out of development, redevelopment or improvement on or in relation to that land"

- 3.2.2 The Council has a general power to appropriate land under section 122 of the Local Government Act 1972 (LGA 1972).

Section 226 of the Town and Country Planning Act 1990 (TCPA 1990) authorises the Council to acquire compulsorily any land in their area for planning purposes.

This acquisition can take place:

- If the Council thinks:
 - the acquisition will facilitate the carrying out of development, redevelopment or improvement on or in relation to the land (*section 226(1)(a), TCPA 1990*);
 - and

- the proposed development, redevelopment or improvement is likely to contribute to achieving the promotion or improvement of the economic, social or environmental well-being of the whole, or any part, of their area (*section 226(1)(a) and (1A), TCPA 1990*).

A decision to appropriate land for planning purposes under section 226(1) of the TCPA 1990 must indicate that this is the purpose of the appropriation.

Under section 233(1) of the TCPA 1990, the Council can dispose of land appropriated for planning purposes to such person, in such manner and subject to such conditions as appear to the Council to be expedient to secure the best use of that or other land and any buildings or works which have been, or are to be, erected, constructed or carried out on it (whether by the Council or by any other person) (*section 233(1)(a), TCPA 1990*).

A disposal of land under section 233 of the TCPA 1990 includes a sale of the freehold interest, granting a lease, assigning any unexpired term of a lease or the granting of easements.

- 3.2.3 Under section 123 of the Local Government Act 1972 , the Council has a statutory duty to sell land at the best price reasonably obtainable.
- 3.2.4 A decision of the Council relating to the appropriation of land or its subsequent disposal can only be challenged if the Council has acted beyond its powers or has not carried out the correct legal procedures in making the order. Legal advice should be sought on the legal procedures for making the appropriation order, and the subsequent disposal.

3.3 Risk Management

- 3.3.1 There are no financial costs or risks associated with the appropriation process.

3.4 Environmental Implications

- 3.4.1 No environmental implications have been identified as a direct result of this report.

3.5 Equality implications

- 3.5.1 No equality implications have been identified as result of this report.

3.6 Procurement implications

- 3.6.1 No issues have been identified for the Council.

4. Background Papers

- 4.1 Montem Lane Summary for Members