

Slough Borough Council

Report To:	Cabinet
Date:	17th November 2025]
Subject:	Slough Central – Principle Support of a Compulsory Purchase Order
Lead Member:	Paul Kelly – Planning, Parking, Highways & Transport
Chief Officer:	Pat Hayes, Executive Director of Regeneration Housing & Environment
Contact Officer:	Daniel Ray – Chief Planning Officer
Ward(s):	Slough Central
Key Decision:	YES
Exempt:	No
Decision Subject To Call In:	No
Appendices:	<ol style="list-style-type: none">1. Land Transfer Agreement (To Follow)2. Area to be referenced for Proposed Slough Borough Council (Slough Central) Compulsory Purchase Order 20263. Decision Notice P/19689/0004. Indicative Slough Central Masterplan (To Follow)

Summary and Recommendations

1.1 This report seeks authorisation, in principle, for the Council to exercise its compulsory purchase powers pursuant to Section 226(1)(a) of the Town and Country Planning Act 1990 (TCPA 1990) and Section 13 of the Local Government (Miscellaneous Provisions) Act 1976 to make a Compulsory Purchase Order (CPO) over the Proposed Order Land (Appendix 2) to facilitate the delivery of the Slough Central regeneration scheme and to agree a Land Transfer Agreement with Berkeley Homes (the Developer). A further report will be submitted to Cabinet seeking formal resolution to make a CPO in due course should a CPO be required.

Recommendations:

Cabinet is recommended:

- (a) To agree in principle to make a Compulsory Purchase Order (a CPO) for the acquisition of the rights and interests within the areas edged red on the draft plan at Appendix 2 entitled "Area to be referenced for Proposed Slough Borough Council (Slough Central) Compulsory Purchase Order 2026", ("Proposed Order Land") if the Developer cannot acquire the rights and interests by agreement with the owners' of the interests.

(b) That authority be given to the Chief Planning Officer to begin the preparatory work for use of the Council's compulsory purchase powers, including the appointment of land referencing agents and solicitors to investigate all the land interests and rights in the Proposed Order Land including the service of requisition notices, the preparation of a Statement of Reasons and all other necessary documentation. Note that all reasonable costs related to the CPO incurred by the Council will be underwritten by the Developer regardless of whether a CPO proceeds or not.

(c) To approve the Land Transfer Agreement between Slough Borough Council and the Developer for the disposal of the Council interest, in the Slough Central regeneration site to the Developer and to give delegated authority to officers for to appropriate the land for planning purposes in accordance with section 232 of the 1990 Act. Note that all reasonable costs related to the payment of compensation by the Council for any third-party rights and easements overridden in carrying out the development will be underwritten by the Developer.

(d) To note that a further report would come forward to the Cabinet recommending the making of a CPO under Section 226(1)(a) of the TCPA 1990 and Section 13 of the Local Government (Miscellaneous Provisions) Act 1976. This further report will set out:

- how the requirements of section 226 TCPA 1990 and section 13 of the 1976 Act have been met;
- that there is a compelling case in the public interest;
- that there are no planning, funding or other legal impediments to the site being delivered or where impediments exists there are reasonable prospects for overcoming those within a reasonable timescale;
- that all reasonable attempts to acquire all interests by agreement have been made;
- that the interference with the human rights of those with an interest in the Order Land is justified; and
- consideration of the Council's Public Sector Equality Duty under the Equality Act 2010. ,

(e) To note that the Developer will continue to negotiate the acquisition of the property interests in the Proposed Order Land by agreement with the owners of the interests. The CPO shall only be made when all reasonable attempts by the Developer to acquire the property interests in the Proposed Order Land by agreement have not been successful.

Commissioner Review

"Local authorities can use their compulsory purchase order (CPO) powers to acquire land on behalf of a private developer when there is a compelling case in the public interest for the underlying development scheme. This should not be for private gain, but for facilitating projects that deliver significant public benefits, which might not otherwise be achieved. If the Council proposes to use compulsory powers for these purposes, it is essential that any programme of land assembly is set within a clear strategic framework and that it produces robust justification in the same way it would as if it had initiated the process itself.

This should be a last resort after genuine attempts to acquire land by meaningful engagement with the affected parties. The agreement between the council and the third party should explicitly include a clause requiring them to act in good faith, deal fairly and

openly, and have regard to the affected party's interests. The agreement should clearly define the expected behaviours and consequences for breaches, and the developer must be willing to underwrite the associated costs.

The commissioners are content with this report being considered.”

Report

Introductory paragraph

- 2.1 The successful use of compulsory purchase requires a compelling case in the public interest to be demonstrated. This report explains the context and justification for recommending that the Cabinet authorises 'in principle' use of such powers in this case.
- 2.2 In June 2025, Berkeley Homes acquired the Queensmere Shopping Centre from the previous owner. This acquisition injected much-needed focus and momentum into the Slough Central regeneration, prompting significant collaboration between the Council and the Developer to secure the S106 agreement.
- 2.3 In August 2025, following Slough Borough Council's Planning Committee resolution (subject to a number of conditions) to approve the following development in September 2022, Planning permission was granted in August 2025 for:

“Outline application (with all matters reserved) for the demolition of buildings and the phased redevelopment of the Site to provide a mixed-use scheme comprising residential floorspace (C3 use and provision for C2 use); flexible town centre uses floor space (Use Class E and Use Class F), provision for office floorspace (Use Class E (g) (i)), supporting Sui Generis town centre uses (including a range of the following uses: pubs, wine bars, hot food takeaway), Sui Generis leisure uses (provision for a cinema or live music venue); provision for the creation of basements, car and cycle parking (including provision for a Multi-Storey Car Park); site wide landscaping, new public realm including provision of a new town square and public spaces and associated servicing, associated infrastructure, energy generation requirements and highways works”

- 2.4 The delivery of this much needed development is intrinsically linked and is very much a catalyst for positive growth and change within the town centre and Borough as a whole.
- 2.5 The acquisition not only facilitates the delivery of new high quality market and affordable homes, making a vital contribution to addressing the Borough's housing needs, but also unlocks the potential for far-reaching benefits, including:
 - 2.5.1 A walkable, accessible Town Centre with seamless connections to the surrounding areas
 - 2.5.2 Enhanced public spaces focused on sustainability, featuring lush, green, and biodiverse spaces.
 - 2.5.3 Improved community wellbeing through accessible walkable spaces, integrated activities, and vibrant events.

- 2.5.4 Support for the High Street, bolstered by adjacency and meanwhile uses during construction.
- 2.5.6 A balanced urban lifestyle catering to young professionals, families, and retirees.
- 2.5.7 Economic support through strategies that empower local businesses and promote job creation for local residents.
- 2.5.8 Contributions towards improving local amenities and infrastructure, ensuring the regeneration benefits are broadly felt.
- 2.6 The parcels of land not currently within the ownership of the developer are contained within the extent of the red line of the conditional planning permission. The consequence of this is such that there is a significant risk to the delivery of the overall consent as approved by the Local Planning Authority. It is considered *bad planning* should the entirety of the scheme not be deliverable. While the parcels are in themselves quite small in the context of the overall scheme, they would inhibit the developer's ability to bring forward a comprehensive scheme that would lead to the wholesale regeneration of the Queensmere shopping centre.
- 2.7 The inability to deliver all the public realm improvements and enhancements to the betterment of the town and its residents as well as the potential consequence of having to redesign parameter blocks and floor plates for the built form would cause significant time delays and cost implications as well as lead to a compromised form of development.
- 2.8 The Land Transfer Agreement as appended sets out the terms between the Council and the Developer, Berkeley Homes, ensures that the Council is protected against financial loss and costs incurred, both internal resource and any third party and legal expenses as well as costs incurred associated with the procedural requirements of the CPO should one be required. The LTA, or Indemnity Agreement ensures that all costs incurred by the Council in association with the CPO project are underwritten should one be required or not.
- 2.9 While Officer costs will be reimbursed, any external expenditure and the Capital costs associated with any land purchase will be paid to the Council in advance.
- 2.10 The Slough Central regeneration is a pivotal step forward for Slough and sets the stage for a thriving, connected, and sustainable urban development which reflects the Council's future growth agenda.

Options Considered

1. **Do nothing – This option is not recommended;** while the Developer may be able to privately procure the remaining freehold and leasehold titles to be able to deliver the scheme, it is prudent (and recommended) to use the powers provided to local authorities to ensure the delivery of regeneration schemes, which are likely to improve the economic, social or environmental well-being of their area.
2. **Wait until private negotiations avenues have been exhausted – This option is not recommended** as it could significantly delay the demolition and deliverability of the regeneration scheme leading to the proposal potentially becoming unviable.

3. **Proactively progress the CPO – this is recommended** for the reasons set out in this report, this would provide the greatest certainty of the necessary land being acquired and the Slough Central regeneration scheme being able to proceed in line with the timetable envisaged by the Developer and the Council, in an efficient and proactive way. This is an appropriate (and Ministry of Housing, Communities and Local Government (MHCLG) encouraged) approach for local authorities to use their compulsory purchase powers. Implementation of a CPO would be a last resort, and efforts to acquire by agreement will continue in parallel with all the CPO procedural steps

3. Implications of the Recommendation

3.1 *Financial implications*

- 3.1.1 At this stage, the Council is being asked to only make an 'in principle' decision to use its powers. Notwithstanding this the Council is also being asked to agree to a Land Transfer Agreement which sets out that all reasonable costs – legal, CPO specialism and Officer resources would be underwritten by the Developer.
- 3.1.2 It is proposed that Cabinet agree in principle to make a CPO for the identified areas of land within the Slough town centre regeneration sites to support the delivery of new high quality market and affordable homes, making a vital contribution to addressing the local housing needs. All non-officer time expenses relating to the CPO like legal costs, payment of compensation for any third-party rights and easements overridden in carrying out the development will be borne directly by the developer. There will be no costs to the Council.
- 3.1.3 Officers are satisfied that the legal agreement will create the necessary obligation for the developer to cover any costs involved, and that the developer will be able to meet them. In any event the Council will not complete the CPO unless the funds have been provided by the developer.

3.2 *Legal implications*

- 3.2.1 Section 226(1) of the TCPA 1990 grants a power to a local authority, subject to being authorised to do so by the Secretary of State, to acquire compulsorily any land in its area if:
 - (a) *it thinks the acquisition will facilitate the carrying out of development or redevelopment or improvement on or in relation to the land, or*
 - (b) *it is required for a purpose which it is necessary to achieve in the interests of the proper planning of an area in which the land is situated.*
- 3.2.2 The appropriate compulsory purchase power for acquisition of the property interests in the Proposed Order Land will be subsection (a) as the land is required for development, redevelopment and improvement of the Slough Central regeneration area. In order to make an acquisition under section 226(1)(a). The Council must also have regard to section 226(1A) which states that the Council must think that the development, redevelopment or improvement is likely to contribute to the promotion or improvement of the economic, social or environmental well-being of its area.

- 3.2.3 Where a local authority exercises its power under section 226(1), in relation to land, it shall, on being authorised to do so, also have power, under section 226(3)(a), to acquire any adjoining land which is required for the purpose of executing works for facilitating its development or use. Such land might be required for construction purposes, for example.
- 3.2.4 Section 13 of the Local Government (Miscellaneous Provisions) Act 1976 grants a power to a local authority to acquire rights by the creation of new rights. The new rights to be created might include crane oversailing, temporary access rights and rights to carry out works of improvement to public space.
- 3.2.7 Having acquired the land and any rights the Council may dispose of the land under section 233 of the TCPA 1990 for the purpose of bringing it forward for development or otherwise facilitating development. Any such disposal must be for the best consideration that can reasonably be obtained, unless the Secretary of State's consent is obtained. By a combination of sections 226 and 233 of the TCPA 1990, it is open to the Council to compulsorily acquire land for planning purposes and then transfer it to a developer partner should this be decided as the best way forward.
- 3.2.8 As an acquisition under the TCPA 1990 will acquire third party interests and rights, the Council will need to take care that it does not contravene the rights of individuals under the European Convention on Human Rights (the ECHR). Section 6 of the Human Rights Act 1998 makes it lawful for the Council to act in a way which is incompatible with a right under the ECHR in certain circumstances. The use of compulsory purchase powers is compatible with the ECHR and the Human Rights Act 1998 provided it can be demonstrated that the CPO is in the public interest and that it is necessary and proportionate. It is considered that the requirements of section 226 (1) and (1A) of the Act can be fulfilled in this instance as the proposed regeneration scheme will contribute to the promotion or improvement of the economic social or environmental well-being of the Council's area. This will provide a very substantial basis upon which to make the case that the regeneration scheme is policy based and is consistent with statutory objectives.
- 3.2.9 Before making a CPO, the Council must also have due regard to the need to eliminate unlawful conduct under the Equality Act 2010 (the need to (a) eliminate unlawful discrimination, harassment, victimisation; (b) advance equality of opportunity between persons who share relevant protected characteristic and persons who do not share it; (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it). The equalities analysis, proportionate to the potential impact of the CPO on individuals or communities, is considered further below.
- 3.2.10 The making of a CPO should be a last resort and should be preceded (and followed) by reasonable efforts to acquire the land by agreement.
- 3.2.11 The Cabinet has the power to make the decision sought in this report as the making of a CPO is an executive function, by virtue of section 9D of the Local Government Act 2000 and the Local Authorities (Functions and Responsibilities) (England) Regulations 2000.
- 3.2.14 *Equalities Impact Assessment*
- 3.2.12 Section 149 of the Equalities Act 2010 created the Public Sector Equality Duty. Section 149 states that a public authority must, in the exercise of its functions have due regard to the need to:

i eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;

ii advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and

iii foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

3.2.13 In advance of Cabinet approving the making of a CPO an Equalities Impact Assessment will be undertaken on the potential impact of the proposal and any necessary mitigation strategy. The result of any assessment would be presented to Cabinet to consider before deciding whether to proceed with making the CPO.

3.3 *Risk management implications*

Risk	Summary	Mitigations
Market / Economy	The Developer decides not to proceed with the transaction (or delays matters) due to challenging market conditions.	Continue to receive and react to market intelligence. Continue to liaise with the developer and not progress as appropriate.
Change to CPO targets	CPO Property targets change during the design development process.	Ensure regular liaison with the Developer during design development and seek regular confirmation of CPO targets to maintain alignment.
CPO Programme	The current CPO programme not being maintained in accordance with Developer requirements.	Ensure regular alignment with Developer programme with suitable internal and external resources as might be required to facilitate timely completion.
Skills / Capability	Timely outcome limited by the capacity and capability of resources	Seek to assign qualified, experienced officers to ensure timely execution.

3.4 *Environmental implications*

3.4.1 There will be short to medium term negative environmental implications associated with the demolition of the Queensmere shopping centre and construction of a

significant regeneration scheme. Notwithstanding this, it is accepted that such disruption and affects are required for significant long term environmental improvements. Social, economic and environmental demerits and merits were thoroughly considered through the determination of the Planning application that enables this development to take place and such impacts are mitigated through the use of Planning Conditions and the requirements of appropriate schedules within the accompanying Section 106 Agreement.

- 3.4.2 Overall the delivery of this regeneration scheme will lead to significant economic, social and environmental improvements as well as the delivery of housing, employment and town centre uses within the heart of Slough.

4. Background Papers

- 1. Post Section 106 Report