

**WILTSHIRE COUNCIL  
MELKSHAM AREA BOARD**

**SEPTEMBER 2018**

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## **Councillor briefing paper – Canberra site**

The Canberra site was declared surplus as part of the Melksham Campus programme; this was originally approved by council in 2011. The revised proposals have prompted a review of the options available for the site including legal and finance due diligence.

Much of the Canberra site is held by Wiltshire Council in trust pursuant to a Declaration of Trust dated 28 March 1946 and the Council is sole trustee of the Trust pursuant to an Order of Appointment of Trustee dated 21 September 1967. Appendix 1 outlines how the ownership of the Canberra site is split between the land held in trust and the remainder of the site in the Council's ownership.

The due diligence identified that because the Council are holding the site in trust, any funds generated from a sale would have to be used for the purposes of that trust. The funds could not be used to part fund the new Community Campus Centre as there is no certainty that they will be used for the specific purpose below:

‘appropriated and used for the promotion of the social moral and physical wellbeing of boys and girl’s resident in the Parishes of Melksham Within and Melksham Without in the County of Wilts by the provision of facilities for social and physical training’

In addition, disposal of the site would be subject to obtaining planning consent for the site. The presence of an operating community facility will be a material consideration for any consent, as will the loss of the green space at the rear of the site.

The Young Melksham provision meets the purpose of the trust and they, as a community group, would be able to submit a Community Asset Transfer (CAT) application, as approved by Cabinet in 2011.

The conclusion is that although the CAT process is the most appropriate way to progress an application from Young Melksham, the fact the Council hold the land in trust means that the decision cannot not be made by the Area Board; the decision will be a Delegated Member Decision (likely to be a Single Member Decision).

The CAT process is, therefore, being followed to ensure that the necessary due diligence is completed with respect to Young Melksham, but also ensures the decision is made by the appropriate route. The proposed terms under the CAT

approach will be a long lease and the objectives of the trust will be reflected in the terms.

The lease for Children's Centre will be unaffected by the proposal and options for the land outside the trust will be considered, including a declaration to give permission to dispose of surplus land.

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Report Authors:

Rhys Schell, Melksham Community Engagement Manager

Tel: 01225 716752 or e-mail: [rhys.schell@wiltshire.gov.uk](mailto:rhys.schell@wiltshire.gov.uk)

Mike Dawson, Asset Manager (Estates and Asset Use)

## Appendix 1

