

**CABINET MEMBER FOR WASTE, PROPERTY AND ENVIRONMENT AND DEVELOPMENT
CONTROL SERVICES - CLLR TOBY STURGIS**

STRATEGIC PROPERTY SERVICES

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REFERENCE: **WPED-006-12 Approved**

**WPED-006-12 - MELKSHAM COMMUNITY CAMPUS - LAND SOUTH
OF CLACKERS BROOK**

Purpose of Report

- 1.1 To seek Cabinet Member delegated authority to acquire an option to purchase land to the south of Clacker's Brook, Melksham in order that vehicular access can be obtained for the proposed outdoor recreation facilities in connection with the Melksham Community Campus.
- 1.2 Following public consultation, the Council has acquired Melksham House for the provision of Melksham Community Campus as the overwhelming response indicated a preference for a town centre location.
- 1.3 Whilst feasibility studies are currently being undertaken, it is unlikely that the site is large enough to accommodate outdoor sports pitches. Therefore the Council owned land lying to the north of Melksham Oak School would appear to be suitable as it is allocated in the former West Wiltshire District Council Recreation & Leisure DPD.
- 1.4 Access would need to be secured over the land to the south of Clacker's Brook to avoid conflict with the existing school access.
- 1.5 Officers have been in discussion with the land owner and have provisionally agreed Heads of Terms for an option. These can be summarised as follows:
 - A. The Council will be granted an Option for a period of 5 years to acquire the freehold of the land verged pink and rights over that shaded yellow on the plan in Appendix A to construct and use a vehicular and pedestrian access.
 - B. The Council will pay, on the grant of planning consent for the proposed recreational facilities, agricultural value for the amount of land required for the access other than that within the yellow land.
 - C. In return the Council will grant the landowner a 999 year lease of the land verged blue.

- D. The land owner will pay the Council agricultural value for the 5.32 hectares (13.15 acres) of land.
- E. The lease will contain an overage clause in the event that at some time in the future the land owner obtains planning consent for development.
- F. The lease will reserve rights for the Council to build/use the access road.
- G. Both parties will be responsible for their own professional fees.

Consultation

- 1.5 The proposal has been discussed at the informal 21st March 2012 meeting of the Council's Cabinet Capital Assets Committee.
- 1.6 It was included in the 'Picture of Melksham' Presentation to the Melksham Area Board on 6th June 2012.

Options Considered

- 1.7 The Council could take access from the south, using that serving the school. This would have Health and Safety implications during construction and the future use of the facility and therefore is rejected.
- 1.8 The Council could propose the exclusion of the grant of the lease from the Heads of Terms. The land owner has been clear that a transaction would not be contemplated in such circumstances. Therefore this option has been rejected.
- 1.9 The Council could look for an alternative site. This remains a possibility if that is the wish of the community, and in such circumstances the Council would not exercise the option. If the Council conducts public consultation on the outdoor recreation provision without securing the option then it could build up expectations without being able to deliver, thereby leading to reputational damage

Reason for Decision

- 1.10 The acquisition of the option to acquire the land will enable the Council to offer a wider range of sites for the sports pitches associated with the Melksham Community Campus.
- 1.11 The capital receipt from the transaction will exceed the cost of acquisition of the option.

DECISION MADE

Following consultation with officers I confirm that I have resolved to:

Approve the Heads of Terms for the acquisition by the Council of an option over land to the south of Clacker's Brook, Melksham

This decision was published on the 18th September and will take effect from the 26th September

The following supporting documents are attached:

WPED-006-12 - Map

The following supporting documents are available from the officer named above:

Picture of Melksham presentation to the Area Board on 6th June 2012

The full Heads of Terms have been made available to the Cabinet Member. These are of a confidential nature as they contain contractual terms relating to a third party. If these are requested, the Cabinet Member will use his discretion as to whether they should be released on a case by case basis.

Date: ...17th September, 2012.....

Cllr Toby Sturgis
Cabinet Member for Waste, Property and
Environment and Development Control Services