

CABINET MEMBER FOR WASTE, PROPERTY, ENVIRONMENT AND DEVELOPMENT CONTROL SERVICES Mr T Sturgis

NEW HOUSING

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REFERENCE: WPED-005-12

Purpose of Report

1. To seek authority to exercise an option held by the council to purchase 4.24 Ha (10.472 acres) of land adjacent to the existing gypsy and traveller site at Thingley near Chippenham.

Background

2. During 2008 and early 2009 options were considered for the provision of a 12 pitch transit site within the north of the county which would enable a more robust response through Highways Enforcement policies to reduce the number of unauthorised encampments occurring within the Chippenham area due to its proximity to the M4.
3. As part of this search a number of sites were considered and land adjacent to the Council's existing site, Thingley near Chippenham, was identified as providing a deliverable route for this additional provision. An option to acquire this land was negotiated and entered into with the landowner to secure it for the Council in the event that its funding bid at the time became successful.
4. The option agreement was entered into on 1st July 2009 and expires on 30th June 2012.
5. The funding application was unsuccessful and central government grants for this purpose were unavailable until 2011.
6. Good practice guidance now recommends that transit pitches are located away from permanent sites.
7. In order to progress and resolve some of the issues previously identified, the Council expressed an interest to the HCA in May 2011 for £3.6m of capital funding to deliver 60 gypsy and traveller pitches in Wiltshire. Of those 60 pitches the bid proposed the refurbishment of the 23 existing pitches on the Thingley site as well as delivering a further 8 new permanent pitches by exercising the option.
8. On 5th January 2012 the HCA announced that the council had been successful in securing £3,420,014 to deliver 60 gypsy and traveller pitches.

Main Considerations for the Council

9. A project team has been brought together to progress the aims identified in the funding bid, overseen by a Project Board. Work is ongoing to look in more detail at the costs and ensure the project will be deliverable within the available budget. An options appraisal is being produced and will be the subject of a separate report. Until that report is submitted and the funding agreement with the Homes and Communities Agency is entered into there is a possibility that the project as a whole will not progress.
10. Without purchasing the land adjacent to Thingley, the council will not be able to deliver 8 of the additional 20 pitches proposed in the bid and identified in the core strategy. This will also affect the procedure for refurbishing/renewal of the 23 existing pitches as the 8 additional pitches would be built to provide a phased approach for relocating the existing residents in order to undertake the work. Without this ability to phase the refurbishments, it will add further cost to the project through extending the length of time that a contractor will require to complete the work.
11. If the option is allowed to lapse, there may be the opportunity to renegotiate the land purchase with the owner at a later date but this will not be enforceable in any way. In addition, the owner is likely to want to secure a far higher price for his land as the success of the grant bid has been publicised, or decide that he does not wish to sell.
12. The option agreement was entered into on a fixed price basis as it was decided at the time that it would only be exercised after planning permission had been granted for a Gypsy & Traveller site.
13. There is a capital budget designated for the purchasing of sites for Gypsies and Travellers from the former NWDC which is available to cover the remaining purchase cost to be paid to the landowner.
14. Although there is currently no planning permission on the option site for the additional pitches, planning officers have indicated that in principle there would be no objections to its development as an extension to the existing site.
15. Consultation with the existing residents has indicated that they have no objections to the increase in pitch numbers for the site providing that the adjacent land is used. There would not be sufficient land within the existing site to provide those pitches and meet the standards set out in the Gypsy and Traveller Development Plan Document consultations.
16. Through the core strategy consultation, Corsham Town Council have indicated that they would have no objections to an extension of the site.

Environmental Impact of the Proposal

17. Purchase of the Thingley site will not in itself have any significant environmental impact. A further report will be presented to Members relating to the project details which will outline the environmental impact of the project and the mitigation measures that have been designed into the scheme to overcome the impact.

Equalities Impact of the Proposal

18. Purchase of the site will not have any significant equalities impact in itself. However, the purchase will enable the opportunity to deliver a project (subject to additional funding being secured) to improve 23 existing pitches and provide 8 new pitches which will involve the improvement of facilities and provision of new accommodation for one of Wiltshire's minority groups.

Risk Assessment

19. If the council exercises the option it does so at risk that the project as a whole may not proceed.
20. If the land is purchased the only identified uses for the site given its location would be as an extension to the existing site, as agricultural land or as a possible extension to Thingley Junction currently operated by Network Rail.
21. There is a risk that the council, if it proceeds with exercising the option now, will be doing so at above market value as there is no planning permission in place that would support the fixed price. If planning permission is not granted, the Council will have to either sell the site and risk getting less than what it paid for it or have to manage it which may prove to be costly/difficult.
22. If the council fails to exercise the option before the expiry date there is a risk that the landowner will seek to increase the purchase price for the land in the future.
23. If the council fails to exercise the option the project will not be able to deliver 8 new pitches on this site and the refurbishment/renewal of the existing 23 pitches at Thingley will be more costly and protracted to achieve.

Financial Implications

24. There is funding allocated to Gypsy and Traveller site provision within the Council's capital budget. It is proposed that this funding is used to support the delivery of the project and part of it is used to purchase the land adjacent to Thingley
25. If the option is not exercised the council will have lost the money already spent in securing the option agreement.
26. A full financial implications note is provided as a Part II item attached to this report in Appendix A.

Legal Implications

27. There are no legal implications associated with exercising the option but legal services will be required to advise in the future on any planning agreements required.

Options Considered

28. There is the option not to purchase the land through exercising the current option agreement on the land.
29. This would remove the council's ability to provide 8 of the 20 new pitches put forward in the funding bid.
30. This could also limit the council's ability to effectively relocate the existing residents to undertake the refurbishment/renewal works required to the existing 23 pitches to bring them in the line with the council's strategy.
31. The Council would also need to be able to demonstrate how it is enabling provision of sufficient pitches in Wiltshire in order to effectively defend against unauthorised encampment and unauthorised development in the future by negotiating and entering into agreements with other landowners for other potential sites.

Conclusions

32. Exercising the option on the land adjacent to Thingley will, subject to planning permission being obtained, allow the council to deliver 8 additional local authority managed pitches and allow the refurbishment of the existing 23 pitches on the site to a higher standard of living and reducing ongoing maintenance costs, subject to the approval of a further report. This will meet the aims set out in both the Gypsy and Traveller Strategy and the Core Strategy for the provision of new pitches.
33. There is sufficient funding within the existing capital budget to cover the remaining costs of purchasing the site.

Proposal

To exercise an option held by the council to purchase 4.24 Ha (10.472 acres) of land adjacent to the existing gypsy and traveller site at Thingley near Chippenham.

Appendices

Appendix A – Valuation Information (Confidential) – available from the Cabinet Member on a confidential basis.