

Public Document Pack

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Director of Law and Assurance

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6 April 2020

Performance and Finance Scrutiny Committee

A virtual meeting of the Committee will be held at **10.30 am** on **Wednesday, 15 April 2020**.

Note: In accordance with regulations in response to the current public health emergency, this meeting will be held virtually with members in remote, audio-only attendance. Public access is via audio webcasting.

The meeting will be available to listen to live via the Internet at this address:

<http://www.westsussex.public-i.tv/core/portal/home>

Tony Kershaw
Director of Law and Assurance

Agenda

1. **Declarations of Interest**

Members and officers must declare any pecuniary or personal interest in any business on the agenda. They should also make declarations at any stage such as an interest becomes apparent during the meeting. Consideration should be given to leaving the meeting if the nature of the interest warrants it. If in doubt please contact Democratic Services before the meeting.

2. **Call-in: New Monks Farm – Withy Patch land surplus to service need and development agreement FIN 18 (19/20)** (Pages 3 - 32)

The Director of Law and Assurance has agreed to call-in the proposed decision by the Cabinet Member for Finance concerning the New Monks Farm - Withy Patch land surplus to service need and development agreement FIN 18 (19/20) decision, published on the Executive Decision Database on 2 March 2020 and in the Member's Bulletin on 4 March 2020.

The decision report asked the Cabinet Member for Finance to agree:

1. That the current Withy Patch Gypsy and Traveller Site be declared surplus to service operational requirements on the basis that the County Council enters into a development agreement with The Community Stadium Limited (TCSL) for TCSL to construct a new Gypsy and Traveller site, to

an agreed specification, within the New Monks Farm development; and that

2. Authority is delegated to the Director of Property and Assets in consultation with the Director of Law and Assurance to complete the development agreement and the land transfer transaction.

The decision report by the Director of Property and Assets is attached as Annex 1 and Appendix A site plan. The supplementary information report to the call-in is attached as Annex 2 with Appendix 1 the consultation details and Appendix 2 detailed site plans.

The call-in was initiated by Mr Michael Jones supported by Ms Karen Sudan, Mr Brian Quinn, and Mr Chris Oxlade. The decision has not previously been previewed by the Performance and Finance Scrutiny Committee.

Mr Jones has been invited to outline the reasons for the call-in request to the Committee.

Mr Hunt, Cabinet Member for Finance, has been invited to address the Committee and answer questions.

3. **Date of Next Meeting**

The next meeting of the Committee will be held on Friday 15 May 2020 at 10.30am at County Hall, Chichester.

Any member wishing to place an item on the agenda for the meeting must notify the Director of Law and Assurance by 4 May 2020.

To all members of the Performance and Finance Scrutiny Committee

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| Performance and Finance Scrutiny Committee |
| 15 April 2020 |
| New Monks Farm – Withy Patch land surplus to service need and development agreement – Focus for Scrutiny |
| Report by Director of Law and Assurance |

Summary

A proposed decision (FIN18 (19/20)) was published for the Cabinet Member for Finance on 2 March 2020 in relation to the New Monks Farm development. The Cabinet Member is being asked to agree that the current gypsy and traveller site be declared surplus to service operational requirements on the basis that the County Council enters into a development agreement with The Community Stadium Limited (TCSL) for TCSL to construct a new site, to an agreed specification, within the adjacent development. A request to call-in this decision for scrutiny has been accepted by the monitoring officer. The Committee is therefore asked to scrutinise the proposal set out in the decision report attached.

Annex 2 provides members of the committee with additional information to the decision report on the consultation and resident engagement undertaken and more detailed site plans.

The focus for scrutiny

Key lines of enquiry for the Committee include (by reference to the call-in request):

1. What views have been expressed by the residents affected and how such concerns are being addressed;
2. How comments received from the public on the relocation of the site have been taken into account;
3. How the adjacent development will impact on the relocated gypsy and traveller site and what mitigation has been planned in response;
4. Assurance that the Council's equality duty has been fully considered.
5. Such other concerns relevant to the specific proposals in relation to the needs and legitimate expectations of those affected by them.

The Chairman will summarise the output of the debate for consideration by the Committee.

1. Details

- 1.1 A call-in request has been accepted for the decision in relation to New Monks Farm. The request was made by four members of the Council (Mr Michael Jones, Ms Karen Sudan, Mr Brian Quinn, Mr Chris Oxlade). The reasons for the call-in request were:

- a) The matter has not received public scrutiny.

- b) The report states that residents' views on the proposal vary but no details of the extent to which they vary has been provided, nor does the report state whether the concerns raised with the developers have been addressed in their entirety.
 - c) The report states that the public have had the opportunity to comment on this aspect of the planning process but no information about the comments received in respect of the relocation of the Withy Patch gypsy and traveller site has been provided.
 - d) No information has been provided about the timescale of the proposed move to the new location and how that fits with the timescale of the wider construction of the 600 houses and a new retail store. The impact of the construction of this development on the residents of the gypsy and travellers site has not been made clear.
 - e) There is a lack of transparency about how the agreement with the developer has been reached.
 - f) A fuller explanation of equalities considerations is required.
- 1.2 The call-in request was accepted as there has been no previous scrutiny of the proposals and that the call-in provides legitimate grounds for consideration prior to the proposals being determined. The decision report is appended. Scrutiny should focus on the substance of the proposals contained in the attached report.
- 1.3 Members are asked to note that a Notice of Motion from Mr Jones on this development was moved at the County Council meeting in July 2019, with a [response](#) presented to December County Council meeting by the Cabinet Members for Finance and for Fire & Rescue and Communities. Two meetings between Mr Jones and the Cabinet Members took place to discuss the matter in connection with negotiations with the developer and plans for consultation with the site residents affected. The matter was then debated at the County Council meeting in December.

Tony Kershaw

Director of Law and Assurance

Contact Officer

Susanne Sanger, Senior Advisor (Democratic Services) 033 022 22550

Annex 1 Decision FIN18 (19/20) – New Monks Farm – Withy Patch land surplus to service need and development agreement
Appendix A Site plan

Annex 2 Withy Patch – New Monks Farm Development: Proposal for relocation of gypsy and traveller site and service provision
Appendix 1 Additional detail on consultation and resident engagement
Appendix 2a Proposed layout of developed site
Appendix 2b Plans of Withy Patch new site

Background Papers

None

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|--|---|
| Cabinet Member for Finance | Ref No: FIN18 (19/20) |
| February 2020 | Key Decision: Yes |
| New Monks Farm – Withy Patch land surplus to service need and development agreement | Part I |
| Report by Director Property and Assets | Electoral Divisions: Lancing |
| <p>Summary</p> <p>In October 2018 Adur District Council approved a planning application for 600 new houses and a retail store in Lancing on the site known as New Monks Farm, subject to completion of a Section 106 planning agreement.</p> <p>The planning permission granted for the delivery of this development includes the construction of a new roundabout access from the A27 which requires the relocation of the County Council owned Gypsy and Traveller site known as Withy Patch.</p> <p>The County Council has been in negotiation with the developers, The Community Stadium Ltd (TCSL) for the transfer of the current site at Withy Patch in return for the provision of a new site as part of the New Monks Farm development.</p> <p>This report seeks approval to declare the site known as Withy Patch Caravan Park, Old Shoreham Road, North Lancing surplus to operational requirements on the basis that the County Council enters into a development agreement with TCSL. TCSL is required to construct a new Gypsy and Traveller site to an agreed specification within the New Monks Farm development.</p> <p>The County Council is engaged with current site residents at Withy Patch and will continue to keep them updated on the progress of the new site and plans for new site facilities. Current site residents will be offered relocation to the new Gypsy and Traveller site on completion and support during transition and subsequent transfer arrangements.</p> | |
| <p>West Sussex Plan: Policy Impact and Context</p> <p>The County Council's Future West Sussex Plan sets out its ambition to minimise the burden of local taxation, delivering the best outcomes for residents with the money it spends, whilst living within its means. An objective of the Asset Management Policy and Strategy strategy is to acquire, manage, maintain and dispose of property effectively, efficiently and sustainably.</p> | |
| <p>Financial Impact</p> <p>There is no immediate financial impact of the decision to declare the existing site surplus and effect the land exchange. There is no capital receipt and no cost of acquisition. The County Council will receive, at no financial cost, a new purpose-built Gypsy and Traveller site with an additional 4 pitches and improved facilities.</p> <p>The cost of relocating the current Gypsy and Traveller tenants to the new site on completion will be met by TCSL.</p> | |

Recommendations: That the Cabinet Member agrees:-

1. That the current Withy Patch Gypsy and Traveller Site be declared surplus to service operational requirements on the basis that the County Council enters into a development agreement with The Community Stadium Limited (TCSL) for TCSL to construct a new Gypsy and Traveller site, to an agreed specification, within the New Monks Farm development; and
2. Authority is delegated to the Director Property and Assets in consultation with the Director Law and Assurance to complete the development agreement and the land transfer transaction.

PROPOSAL

1. Background and Context

- 1.1 This report concerns the Withy Patch Gypsy and Traveller site shown on the attached plan (Appendix A) and provides for it to be declared surplus to service and operational requirements in order to facilitate the disposal to The Community Stadium Limited.
- 1.2 The Gypsy and Traveller Site, at Withy Patch is owned and managed by the County Council. This Land has been used as a Gypsy and Traveller Site since the late 1980's.
- 1.3 The current Withy Patch site forms a key part of the New Monks Farm proposed new access arrangements, so it is an important piece of the overall viability of the developer's plans. The developer (TCSL) has included within their proposals a location for a new purpose-built Gypsy and Traveller site.
- 1.4 The County Council has engaged and is continuing to engage with residents directly regarding the plans and details of the new site and will be supporting their move to the new site. The location of the new site is shown on the plan set out in the Appendix.

2. Proposal Details

- 2.1 It is proposed to declare Withy Patch Gypsy and Traveller site surplus to operational requirements on the basis that a brand-new purpose-built site in the near vicinity of the existing site will be acquired and made available.
- 2.2 The proposal is to enter into a development agreement with The Community Stadium Limited which provides for TCSL to construct a new Gypsy and Traveller site within the New Monks Farm development to an agreed specification and for the re-provision of the Gypsy and Traveller site and facilities. The County Council will transfer the land comprising the existing Withy Patch Gypsy and Traveller site to TCSL and will acquire a new larger site from TCSL to WSCC. TCSL will fund the construction costs of the new site and bear any associated fees.
- 2.3 There will be a number of enhancements in comparison with the amenities provided at the current Withy Patch site;

- The individual plot sizes are larger and the number of plots increased from 12 to 16.
 - Each plot will have a new utility block of increased size including a shower, bath, toilet and a kitchen/dining area. Where feasible some individual requirements, including additional disabled provision, above that required by Building Regulations, will be included in the layout of the new site
 - Residents will be able to purchase gas, water and electricity directly from their preferred supplier, giving greater choice and independence. The site will eventually be on mains drainage
- 2.4 The residents' mobile homes will not be moved across to the new site until it has been constructed and completed to the County Council's satisfaction
- 2.6 TCSL will fund the relocation costs involved in moving the residents' homes, although the physical relocation arrangements will be organised and managed by the County Council.

Factors taken into account

3. Consultation

- 3.1 **Members** –The Local Member for Lancing has been consulted. The Cabinet Member for Fire and Rescue and Communities has also been consulted. This proposal was subject to a debate at Full Council meeting in December 2019.
- 3.2 **Public** – All residents, including the residents of Withy Patch Gypsy and Traveller Site have had opportunity to comment during the planning process.
- 3.3 **Residents** – Withy Patch residents have been engaged with on these proposals from the start of the planning process. This has included group meetings with the developers on at least two occasions and residents have been able to input into the initial design of the site. Following the planning approval the County Council's gypsy and traveller officer has spoken to all residents on an individual basis. Letters have also been sent to residents advising of the progress of the planning process. Residents' concerns and questions have been put to the Developers and their responses have been provided to residents by letter, together with detailed plans of the proposals.
- 3.4 **Internal** –The Head of Property, Procurement and Environment, Legal Services and the Service Finance Business Partner for Resources.

4. Financial (revenue and capital) and Resource Implications

Revenue consequences of proposal

- 4.1 The only regular costs to WSCC foreseen from occupation of the new site would be the cost of electrical supply to the communal area street lighting together with ongoing maintenance as is the case currently with Withy Patch and all other sites.

Capital consequences of proposal

4.2 There are no capital implications.

5. Legal Implications

5.1 The County Council will enter into a development agreement which provides for the construction of a new Gypsy and Traveller site and, on completion of the construction of the new site, the County Council will acquire the freehold estate of the new site and will take all steps needed to then transfer the Council's freehold interest of the current site at Withy Patch to TCSL.

6. Risk Assessment Implications and Mitigations

| | Risk | Mitigating Action |
|---|---|--|
| 1 | The development agreement does not proceed and transaction does not complete. | Should the transaction not complete the current site will remain in the ownership of the County Council and the provision will be continued as is. |
| 2 | WSCC may not be able to deliver vacant possession to the developer of the current site. | On completion of the new site transfer the freehold estate of the old site but with a simultaneous lease back to WSCC of the old site for as long as required to ensure vacant possession can be given. The County Council will continue with individual dialogue with residents to understand their concerns and provide tailored response to those concerns. |

7. Other Options Considered (and Reasons for not proposing)

7.1 No other options for the Withy Patch site have been considered by the County Council as this proposal arises only as part of the New Monks Farm development.

8. Equality and Human Rights Assessment

8.1 Romany Gypsies and Irish Travellers are recognised in law as a distinct ethnic group and are protected from discrimination under the Equalities Act 2013.

8.2 Care has been taken through the planning and community engagement activity for the proposal to offer residents relocation to a new purpose-built site on adjacent land to ensure that it will have no negative impact in regard to residents in respect of;

- being unlawfully discriminated against, harassed or victimised; or
- having reduced equal opportunities as compared to any other groups or communities; or
- having good relations with other residents and communities.

- 8.3 Local authorities are required ensure there is provision for facilities to meet the needs of gypsies and travellers. This proposal confirms the County Council's continued commitment to provide a Gypsy and Traveller Site in Adur & Worthing and accommodates an additional 4 extra pitches for those who are waiting to move to a site.
- 8.4 The residents of the current Withy Patch site have been engaged with by the development stakeholders, including the County Council, from the early stages of the process and have had opportunities to express their views on multiple occasions, in different forums and by different means.
- 8.5 Residents' views on the proposal vary and every effort has been made to keep them informed and engaged, providing reassurance and practical support. Their needs will continue to be considered in the detailed planning and specification of the new site and in the arrangements for vacation of the current site and relocation to the new site.

9. Social Value and Sustainability Assessment

- 9.1 The proposal will deliver a brand-new purpose-built Gypsy and Traveller site with modern facilities. Residents will be able to purchase gas, water and electricity directly from their preferred supplier, giving greater choice and independence.

10. Crime and Disorder Reduction Assessment

- 10.1 Not applicable

Andrew Edwards

Director Property and Assets

Emily King

Acting Director of Communities

Contact Officers:

Elaine Sanders, Head of Assets, 033 022 25605

Appendices:



Appendix A – Plan of Withy Patch Gypsy and Traveller site – Current and proposed site.

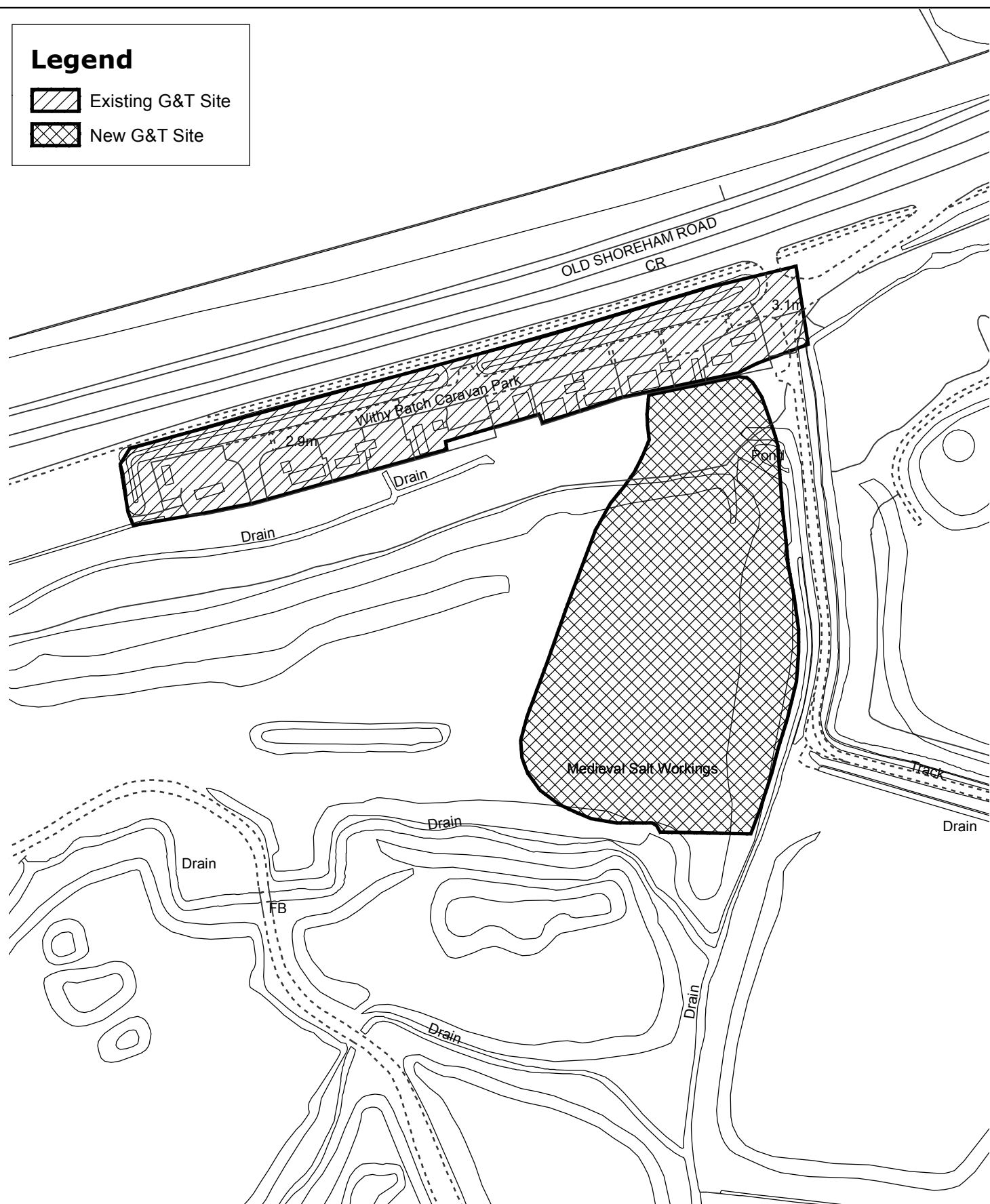
Background papers - None

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ECONOMY, PLANNING & PLACE

Legend

-  Existing G&T Site
-  New G&T Site



Traveller Site Relocation, Withy Patch

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PLAN FOR IDENTIFICATION
ONLY

Not to Scale

Property & Assets
Directorate



WEST SUSSEX COUNTY COUNCIL

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| Performance and Finance Scrutiny Committee |
| 15 April 2020 |
| Withy Patch – New Monks Farm Development: Proposal for relocation of gypsy and traveller site and service provision |
| Report by Director of Communities and Director of Law and Assurance |

Introduction

1. This report provides an account of the actions taken and the process for decisions relating to the plans to relocate the Gypsy and Traveller site in the Adur District known as Withy Patch and in response to the proposals within a planning consent for a significant development at New Monks Farm Lancing.
2. It provides additional information to enable the proposal to be considered in the context of the broader responsibilities of the Council as well as those owed to individuals and to groups within the community served by the site.
3. The proposal arises in the context of a significant housing development planned for land in the area of Lancing south of the A27 and adjacent to Shoreham Airport. This was the subject of a very lengthy and contentious planning application considered by the District Council. The Development plans also led to a number of associated financial arrangements for contributions to public services ('section 106') linked to the proposed development. The developer is The Community Stadium Limited (TCSL).
4. One feature of the proposal was its impact on the site held by the County Council on the northern edge of the development site and used as a site for the accommodation of gypsies and travellers. In response to a request related to the development by TCSL the County Council examined the option to transfer the Withy Patch site to the developer. The was entirely dependent upon continuing to meet the need for the services provided on the site and a proposal was made for the gypsy and traveller site and services to be relocated in a different part of the planned development site to enable this.
5. The County Council took part in negotiating these proposals, assessing their impact on those individuals and communities affected, considering the measures available to ensure any adverse impacts were avoided or mitigated and ensuring the fullest engagement with those affected to ensure that their views were considered and their interests protected. The approach to the consultation and engagement work is summarised in Appendix 1.

The site

6. The site accommodates 12 homes for gypsies and travellers, including a resident site manager employed by the County Council, and forms one of a

number of sites which make up the County-wide service provision to meet the needs of the gypsy and traveller communities. The site in this location emerged from its historic use when it formed a lay-by on the immediately adjacent A27. Its highway use was later formally ended through 'stopping up' powers and it continued its use as a long-term site following acquisition by the County Council. This explains its unusual linear lay out which is in contrast to the squarer or rounder sites elsewhere which more fully accord with design principles for communal space associated with such sites.

7. The current site is not ideal in terms of access, noise, air and contaminant pollution owing to the immediate proximity of the A27. It has also not been possible to ensure preferred service arrangements due to the constraints of the site. Drainage and sewage arrangements have for some time presented issues for the residents and for the Council in maintaining the adequacy of the site's facilities and in planning investment to improve facilities.

The planning process and impact assessment

8. The development of the adjacent land was the subject of a planning application dealt with by Adur District Council. As the planning application made clear its proposed impact on the Withy Patch site the current residents of the site were made fully aware of the proposals and were engaged in the consultation related to the planning application by the developers at a very early stage. That engagement has been maintained throughout the process initially led by the developer as part of the planning process.
9. The views and representations of the residents were considered within the planning application process and included the following concerns:
 - Air pollution and traffic impact
 - The proposed layout of the new site could affect privacy
 - Reduced plot sizes due to increased number of plots
 - The length of the construction work
 - Access / Egress to the new site
 - Proximity to the airport - noise / pollution
 - Flooding and drainage
 - Access to schools and GP facilities
 - Impact on overall health of residents and quality of life.

These were responded to by the developer during the planning process and through the extensive public and stakeholder consultation the planning process necessitated and through the impact assessments prepared for the planning process. All were then addressed within the consideration of the planning authority.

10. The Developer undertook extensive engagement direct with the residents in order to understand and respond to the concerns being raised. The County Council's Gypsy and Traveller team were involved in these arrangements and followed the process, participating in some of the meetings to be sure that the interests of the residents were safeguarded within the planning process.
11. The planning process also led to the development of impact assessments relating to various environmental issues. These were specific to the

development but also relevant to the interests of the residents of the site – both during and following the lengthy construction process. These impact assessments were published and fully considered as part of the open planning process undertaken by the District Council and through its various statutory phases. There has been no identified need for the County Council to undertake any separate or additional environmental impact assessment as no evidence has been proposed to suggest an adverse impact from the relocation of the site. In particular environmental impact showed increased traffic levels but an overall reduction in expected air pollution due to the reduction in diesel vehicle numbers and increased engine efficiency in new vehicles.

12. The proposed new location for the gypsy and traveller site is further away from the noise and air pollution from the A27 and is marginally closer to the site of Shoreham Airport. There is no expectation of increased traffic affecting the new location. Some minor adjustment to helicopter movements is proposed by the airport to further reduce noise disruption and this forms part of the planning conditions. This followed a flight assessment as part of the planning process.

Development Agreement and site re-provision

13. The developer was also directly engaged with the County Council in connection with the impact of the planning proposal on the gypsy and traveller site and prepared a proposal for the relocation of the site within the development. Plans were drawn up for a new site and the County Council was involved in setting the specification to meet the requirements for core site services, to meet the needs and expectations of the current residents and to secure improvements to service provision where possible. The core requirement was that the new site would not lead to any detriment to the residents or loss in their quality of life and that where possible this would be improved. Both the developer and the County Council maintained the full involvement of site residents and their representatives through these plans.
14. In addition the District Council's Accommodation Needs Assessment for gypsy and traveller provision, published in September 2013, identified a need for four more pitches within its area and this additional provision – to enhance the overall availability of sites for the gypsy and traveller community within the County was an additional requirement of the developer's proposal
15. The specification and the negotiations with the developer led to the following elements of the site re-provision being specified and settled.
 - Pitch number increased overall
 - Pitch size and layout larger where feasible
 - Services to include improved utility supply and choice
 - Facilities including improved toilet and shower provision.
 - Drainage and mains supply for waste water
 - Communal space available
 - Lighting and power for communal area
16. The location of the new site was also considered in terms of the community's requirements. The proposed site is no nearer and no further from the settled

community compared with the current site and has no reduction in access to schools, health facilities or other services. Access to the A27 is also not affected.

Consultation and engagement with the community

17. A range of approaches was taken to maintain and draw upon close engagement with the residents of the Withy Patch site. They are a group of individuals and families with different needs and expectations and so their interests were considered in that context as well as that of a distinctive community group whose interests in terms of Human Rights and non-discrimination were to the forefront of the decisions to be made.
18. A number of specific issues raised by the residents were addressed through this engagement and in discussions with the developers. Much of the engagement was undertaken direct by the developers and the County Council also maintained direct contact with the residents to ensure that their views were being responded to. The detail is set out in Appendix 1.
19. Regular communication was maintained through letters and personal visits. Residents were also encouraged to maintain telephone contact with the gypsy and traveller team in the event of any additional issues needing to be addressed between meetings.
20. The conclusion of this process led to an agreement by the County Council to move towards a development agreement with the developer TCSL.
21. Some elements remained outstanding but continue to be the subject of engagement with the residents and the developers. Of particular concern are the final plot sizes and layouts – which will be finalised as part of the final design planning and, again, in consultation with residents. All costs associated with the eventual move will be met by TCSL and facilitated by the County Council. This includes the movement of caravans, including disconnecting from utilities, reconnecting and levelling of caravans, and the movement of any personal items. Details such as the relocation of sheds and other specific materials will be discussed with each resident. New fencing and planting for plots will be provided and so these will not need to be moved.

Fees and charges

22. Site rental is determined by the County Council by reference to the facilities provided, by reference to the rentals charged for similar sites across the County and within the constraints of the legislation. Rent charges for the new site have yet to be determined but the charges will be reviewed to take account of any improvements to amenities – which is the approach taken whenever sites benefit from improvements. Improvements to this particular site are overdue. The specific rent levels will be set in consultation with the residents following the move.
23. The electrical supply costs for the new communal lighting to be installed by the developer will be funded by the County Council not by the residents as it

is for the benefit of the entire site. The Council will also fund the site office and the running of the communal area.

Equality Impact Assessment -Public Sector Equality Duty

24. The County Council maintains guidance for officers and decision-makers on the preparation of proposals which may have an impact on those with protected characteristics and therefore the Council's public sector equality duty. Such impact assessment is a continuous process throughout the development of any proposal rather than a form filling exercise once the proposal has been completed. The guidance explains the expectations arising from the public sector equality duty in relation to those with protected characteristics and the factors to be considered when preparing plans which are likely to have an impact on such groups and their position in the community and as beneficiaries of public services.
25. The gypsy and traveller community is recognised as an ethnic minority group whose rights and interests are protected by the equality duty.
26. The following elements informed the process of assessment and evaluation of the proposals emerging for the re-provision of the site and services at Withy Patch –
 - The need to understand and record the impact of the planned move upon the community more broadly and on the current site residents
 - The need to assess the impact on the relations between the group and the settled community
 - The need to avoid or mitigate any negative impacts identified.
 - The need as far as possible to enhance or improve relations between the site residents and the settled community

This work informed the decision to agree to the request for the site by TCSL and the plans for the specification of the new site to be delivered by TCSL, see plans attached as Appendix 2. All of the negotiation with TCSL was supported by the communication and engagement with the residents both as a group but also as individuals. It was important that the following aspects of the proposal were settled to minimise any impact:

- The new site is very close in location to the current site – served by the same local and community facilities and public services
- The new site is larger than the current site
- The new site's facilities for residents are significantly improved in terms of utilities, communal space, drainage, living space and lighting.
- The proximity to the settled community is no different
- Communal amenities, such as drainage and lighting are improved
- Independence is enhanced by the greater choice in power supplier
- The current residents will move together and only when the new site has been completed.

The conclusion of this assessment work was that there would be no notable adverse impacts on the residents as a group and no adverse impacts on their relations with the wider settled community and that the enhanced services and facilities could be seen as a significant opportunity to enhance the quality of life compared with current disparities and constraints on service improvement

options for the current site location. It is proposed that the proposed decision has no notable impact for the Council's public sector equality duty requiring further consideration. The duty will however continue to be considered as the plans are implemented.

Human Rights Impact

27. The County Council takes a similar approach to the assessment and consideration of its duty in relation to the Human Rights of individuals affected by proposals and before they emerge as specific decisions.
28. In relation to this proposal the Council noted the likely impact on the right to respect for private family life and home (Article 8) and the right to freedom from interference with the peaceful enjoyment of property and possessions (Article 1 of the Convention's First Protocol) arising from the changes and disruption to established living arrangements for the individuals.
29. The right to respect for private and family life is commonly referred to as a conditional right rather than an absolute right. It must be taken fully into account and any interference must be both lawful and proportionate to the purpose of any such interference. The right to the free enjoyment of possessions is also conditional on justifiable lawful interference by the state. The information gathered from residents in relation to their wishes and concerns about the new location and new facilities were used to inform the negotiation with TCSL and the specification for the new site and to assess the Human Rights impact.
30. The conclusions of the assessment in the cases of the eleven residents of the site was that these rights were not likely to be adversely impacted by the proposals and that, to the extent that they might be in any individual case, they were proportionate to the outcomes being achieved. This was based on the overall benefits to residents and to the longer term obligations of the County Council in terms of its responsibilities to provide accommodation for the wider gypsy and traveller community and of the District Council in terms of its enhanced securing of accommodation within its accommodation needs assessment plan. These responsibilities owed to the wider gypsy and traveller community now and into the future were seen as significant in this context.
31. There will be some temporary disruption to the living arrangements established over many years, but on the whole the living arrangements will be improved and all personal belongings retained. The residents will incur no cost from the move and the enjoyment of their property will be enhanced by the larger size of the overall site and the significantly improved facilities and amenities. The group of current residents will move together at the same time and continue to live as a community as they do now.
32. The conclusion of the Human Rights impact assessment is therefore that the proposal does not require further consideration in relation to the identified convention rights affected – that any impact will be marginal and in any event justified by notable improvements in quality of life and the achievement of benefits for the wider community of gypsies and travellers longer term.

Land ownership and restrictions

33. The land on which the current site known as Withy Patch is located was acquired by the County Council freehold from the Secretary of State for Transport in 1994 following steps taken by the DfT to end its use as a lay by servicing traffic on the adjacent A27. The conveyance of the land includes a restrictive covenant providing that the land is only used for occupation by gypsy and traveller caravans.
34. The sole beneficiary of the restrictive covenant is the Secretary of State for Transport and this attaches to the land retained by the Department which adjoins the site. It is wrong in law to suggest that site occupants, current or future, are in any sense the 'practical beneficiaries' of the covenant. They acquire no such rights or benefits and cannot enforce or seek compensation in relation to rights benefitting the original land owner.
35. The restrictive covenant does not in any way constrain the right of the County Council to sell or otherwise dispose of the land. The purchaser acquires the land subject to the restrictive covenant and will have a number of options for dealing with its effect on the future use of the property being acquired. The restrictive covenant is therefore of no particular significance in relation to the plans for the disposal of the site.

Accordingly the above information is commended as supplementary information to support and inform the proposals.

March 2020

Appendices

- Appendix 1 Additional detail on consultation and resident engagement
- Appendix 2a Proposed layout of developed site
- Appendix 2b Plans of Withy Patch new site

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Additional detail on consultation and resident engagement

There were 2 meetings with the developers for all of the residents and County Council officers attended. The majority of residents attended these meetings but not all. Many residents prefer one to one or small group communication. The group does not have a single representative although a representative from FFT (Friends Families & Travellers) was also present.

The County Council's gypsy and traveller team organised one to one meetings face to face. One site visit also included an independent person from CDC, Piers Taylor. Later visits were arranged at the Lancing Leisure Centre. Residents either came on their own, as a couple, or as neighbours together. Some did ask for a representative being present which was agreed but then they attended on their own.

The meetings with the developers and were initially difficult and there was some obvious hostility to the idea of a move. Each resident would tend to focus on their particular wishes or needs rather than act as a single group. Some of the quieter residents did not really succeed in getting their voice heard in the group meetings. This was why the Council used individual meetings so all views, concerns, both positive and negative could be heard. These meetings were more constructive. Notes were taken. Most questions raised could be answered in time for the next meeting.

The planning process and the subsequent extended negotiations between the developer and the Councils in relation to developer contributions for public services did cause some delays and disruption to the engagement with residents as the plans for the site relocation were on hold pending the outcome of these broader planning matters.

The overall stance of the residents varied at any one time from being very positive, 'can't wait to move', happy but have some concerns to 'don't want to move'. It was also apparent that residents had been receiving a lot of negative messages from social media. Some had been told that the lancing roundabout was closing, so they would have to drive a long way to get to school. Some had been told that half the site would move then the other half would move 6 months to a year later. The meetings were also used to address this misinformation.

Of the 11 there are 6 who are happy to move, there are 2 who are not happy and 3 whose views change from time to time.

Answers to questions raised by residents during the engagement work.

Q Why is site in a circle – not a straight line

A The parcel of land required to provide the straight line would have directly impacted on the Country Park area which was stipulated in the planning so the layout has been designed to replicate a straight line as far as feasible - but on two sides.

Q Why do we have to have 4 extra pitches

- A it is a requirement under Adur Local Plan to provide extra pitches and a planning obligation by Adur DC. There is also a need for extra pitches as demonstrated by the size of the County Council's waiting list.
- Q What is the proposed fencing on the site
- A Close boarded fencing sides and back of each pitch 1500 mm side fencing 1800mm rear fencing. Brick wall to the fronts 1200mm with 2 large wooden gates – Residents would be able to erect higher fences/walls to the front but may need planning permission
- Q What is the perimeter of the site going to be.
- A It will be a bund (at higher level) and tree planting. Once trees have matured, the site will be well screened and protected
Developers to provide a cross section drawing and more details.
- Q Are the plots bigger or smaller than the current plots
- A All are bigger
- Q Are all utility blocks the same size
- A All the blocks are identical
- Q Will we be getting like for like – i.e. those with block paving 'screening' round base of caravans
- A From previous discussions allowance has been made for 2 plots to have block paving and 'screening'. Site visit to be arranged once all proposals clear. The base is concrete surface and an additional tarmac area for parking and some grass.
- Q Is it possible to have 2 entrances to the site or at least for the temporary access to be gated and secured for emergency access only
- A No. Highways England will not allow a permanent second entrance off the new A27 road when completed.
- Q Will the move be staggered?
- A All plots will be moved at the same time to the new site.
- Q Will we have access to the utilities from the start
- A All plots will have telephone gas water and electric supply made available from day 1. Each plot/resident will be responsible for payment of supply direct to the relevant utility provider
- Q What is the new rent charge going to be?
- A WSCC have not made any decisions on the rental charge. When discussions on this take place residents will be fully consulted and informed.
- Q When will the 4 additional plots be available to be occupied
- A It is believed that all plots will be available from day 1 but current residents move will be the first priority, then the remaining plots will be allocated. Occupation date not yet settled.

Q How wide will the roadway in the site be

A Same as residential street to allow 2 way traffic.

Q Is there going to be a bus route.

A There is going to be an additional bus route linking through the nearby residential development

Q What is the access into the utility blocks. Is there a step

A It is a level entrance through the main door.

Q Is the Manor Roundabout staying?

A There are no plans to remove this roundabout

Q How many electrical hook ups are there on each plot. If possible could there be 2 to allow for 2nd caravans

A *The developers are checking this information*

Q Is there a crossing near the site into the Country Park

A There is a crossing point. (See plan supplied) It is not controlled by lights. The design for this will go through highways detailed design and safety audit.

Q How long will it take to complete the whole development

A the developers to update as project plans emerge.

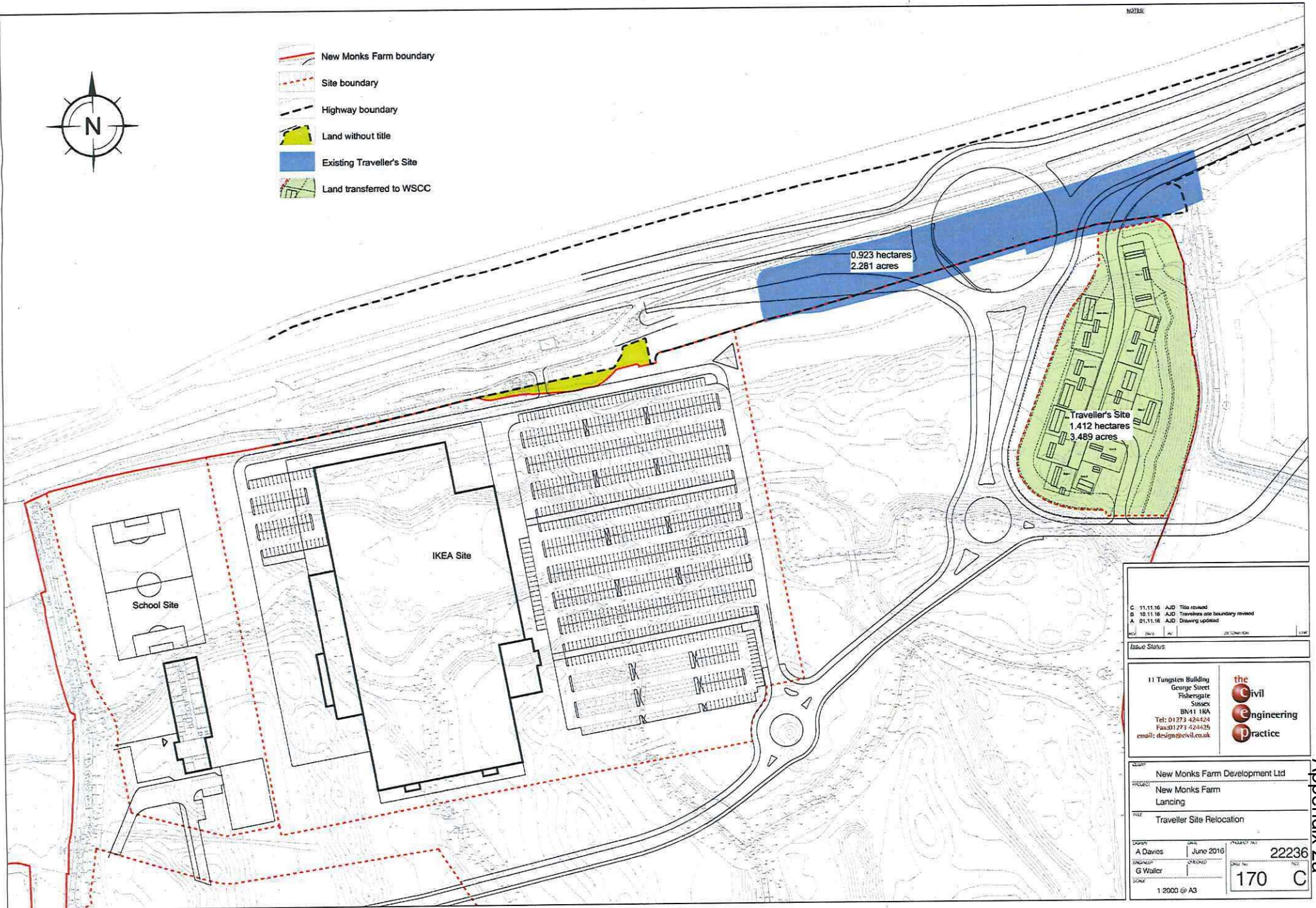
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NOTES



- New Monks Farm boundary
- Site boundary
- Highway boundary
- Land without title
- Existing Traveller's Site
- Land transferred to WSCC



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U 07.12.17 Updated CMA and MEA Layouts. Red Line added SM SM
and Page size altered.

| Rev | Date | Revision Details | Dr | Ch |
|-----|----------|--|----|----|
| U | 07.12.17 | Updated CMA and MEA Layouts. Red Line added SM SM and Page size altered. | | |

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Client Name
New Monks Farm Development Ltd

Job Title
New Monks Farm, Lancing

Drawing Title
Master Plan

Scale
1:2500 @ A0 / 1:5000 @ A2

| Drawn | Checked | Date |
|-------|---------|----------|
| SM | AC | 09.05.16 |

| Job No | Drawing No | Rev |
|--------|------------|-----|
| 6143 | L(00) 011 | U |

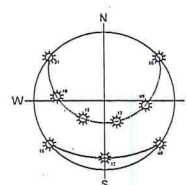
Status
APPROVAL

Scale: 1:2500 @ A0 / 1:5000 @ A2



- Notes:
- All surface finish build-ups to engineers details.
 - Brick pier center to match movement joint locations as specified on engineers drawings.
 - 1.8m high close boarded fence to be designed and installed by specialist contractor.
 - Amenity buildings with red dashed line indicates accessible units.

- Legend
- Road and footpath to engineer's details
 - Plot tarmac to engineer's details
 - Concrete bases to engineer's details



| | | | | |
|-----|----------|---------------------------------------|----|----|
| Rev | Date | Revision Details | Dr | Ch |
| E | 30.01.20 | Update to change DDA plots | SM | SM |
| D | 20.12.19 | Contract Update | IS | AC |
| C | 05.06.18 | Contract Update- Fencing note altered | IS | SM |
| B | 25.04.18 | Contract Update | IS | SM |
| D | 09.08.17 | First Issue | MG | SM |

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Client's Name
New Monks Farm Development Ltd

Job Title
New Monks Farm, Lancing

Drawing Title
Travellers Site Plan

Scale
1:250 @ A1 / 1:500 @ A3

metres 5 10 15 20 25

| | | |
|-------|---------|----------|
| Drawn | Checked | Date |
| MG | SM | 09/08/17 |

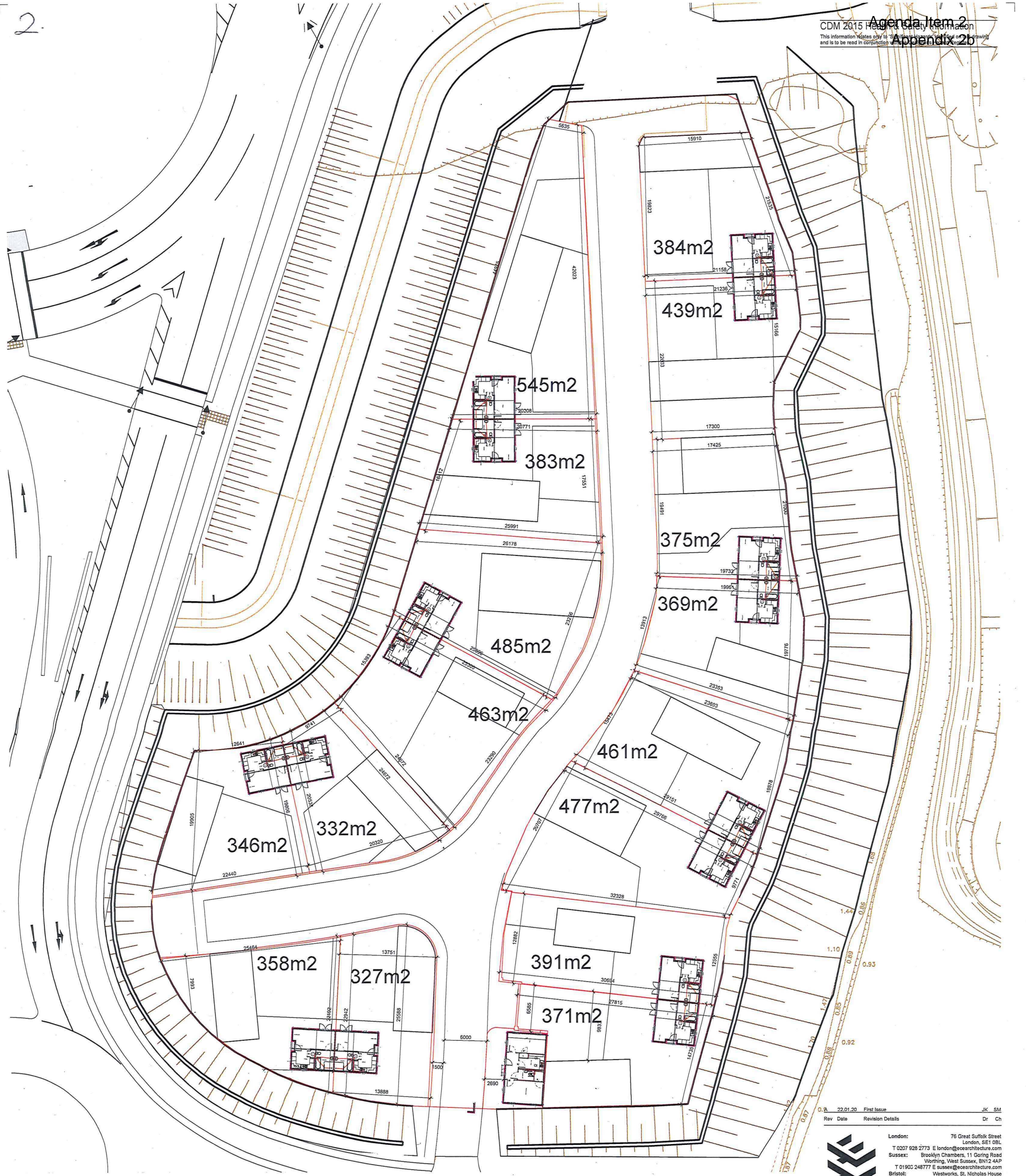
Job No 6143T ECE 00 ZZ GA 00 0011 Rev E

Status

CONTRACT

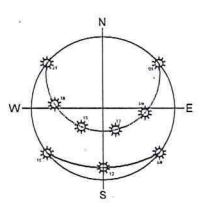
CAD Plot date: 11/02/2020 - 17:16:06 0143-site plan-travellers site.dwg

2.



Area Schedule:

| Plot No. | Existing Plot Size (m²) | Existing Plot Size (ft²) |
|-------------|--------------------------|----------------------------|
| Plot 1 | 364 | 3918 |
| Plot 2 | 162 | 1744 |
| Plot 3 | 309 | 3326 |
| Plot 4 | 262 | 2820 |
| Plot 5 | 264 | 2842 |
| Plot 6 | 238 | 2562 |
| Plot 7 | 288 | 3100 |
| Plot 8 | 310 | 3337 |
| Plot 9 | 298 | 3208 |
| Plot 10 | 463 | 4984 |
| Plot 11 | combined 11 and 12-818m² | combined 11 and 12-8804ft² |
| New Plot 13 | NA | NA |
| New Plot 14 | NA | NA |
| New Plot 15 | NA | NA |
| New Plot 16 | NA | NA |



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Client's Name
New Monks Farm Development Ltd

Job Title
New Monks Farm, Lancing

Drawing Title
Withy Patch - Plot Layout

Scale
1:250 @ A1 / 1:500 @ A3

metres 5 10 15 20 25

Drawn JK Checked SM Date 22/01/20

Job No 6143T Drawing No ECE 00 ZZ GA 90 100 Rev A

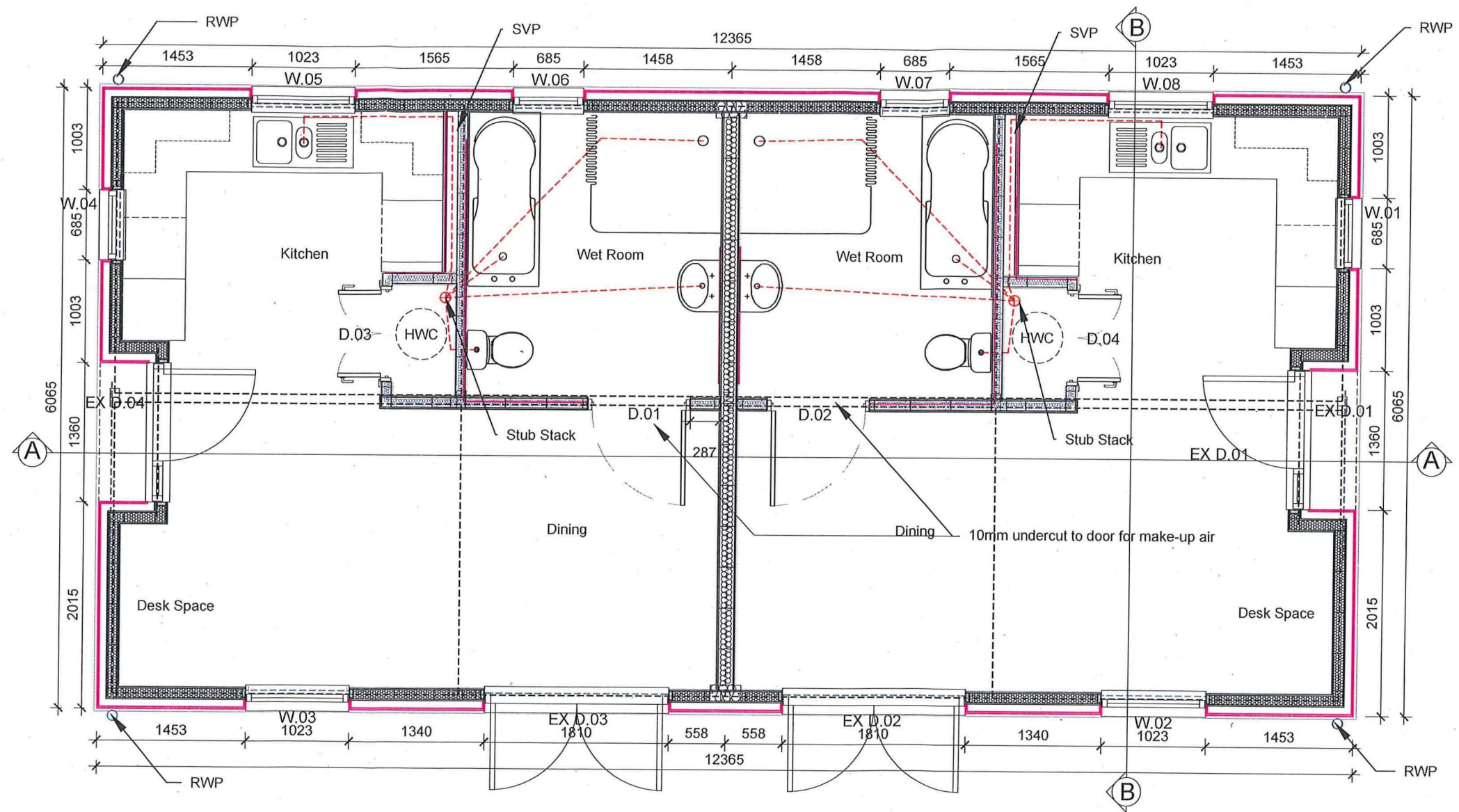
Status

CONTRACT

© ECE Architecture Limited. No dimensions to be scaled from drawing except for the purposes of Planning Applications. The contractor should check all dimensions on site. It is the contractors responsibility to ensure compliance with Building Regulations.

CAD Plot date: 11/02/2020 - 17:08:03 6143T-wd-travellers site legal plan.dwg

CDM 2015 Health & Safety Information:
This information relates only to 'Significant Hazards' identified on this drawing and is to be read in conjunction with the Designer's Hazard Register.
CDM: For Modular installation DRA, refer to contractor/ sub-contractor details
Note: Layout indicative, construction drawings to be developed by contractor/ sub-contractor.



Legend

- FD 30S door
- FD 30 door
- 25mm ply pattressing

NOTE:
This drawing shows the design intent and will be superseded by Modular Wise construction drawings to reflect all internal dimensions

Client's Name
New Monks Farm
DEVELOPMENT

Job Title
New Monks Farm, Lancing

Drawing Title
Proposed Amenity Block
Plots 1,2,3,4,5,6,7,10,13,14,15 & 16

Scale
1:50 @ A3

Drawn
IS

Checked
SM

Date
25.04.18

Job No
6143T ECE 01 GF DR A 01 0003C

Status
CONSTRUCTION

| Rev | Date | Revision Details | Dr | Ch |
|-----|----------|---|----|----|
| C | 11.02.20 | Construction Issue - Plot numbers altered | SM | SM |
| B | 20.12.19 | Contract Update | IS | AC |
| A | 25.04.18 | Contract Update | IS | SM |

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CAD File date: 11/02/2020 - 17.12.31

6143t_amenity_block.dwg

| Sheet Number | Sheet Title |
|--------------|---|
| 1-400 | Mash Barn Lane Cycleway - General Arrangement |
| 1-401 | Mash Barn Lane Cycleway - Horiz and Vert Alignment |
| 3-003 | Site Layout - Current Survey - Sheet 1 of 2 |
| 3-004 | Site Layout - Current Survey - Sheet 2 of 2 |
| 3-005 | Site Layout - Highway Phasing Plan |
| 3-101 | Site Layout - General Arrangement - Sh1 |
| 3-102 | Site Layout - General Arrangement - Sh2 |
| 3-103 | Site Layout - General Arrangement - Sh3 |
| 3-104 | Site Layout - General Arrangement - Sh4 |
| 3-105 | Site Layout - General Arrangement - Sh5 |
| 3-106 | Site Layout - General Arrangement - Sh6 |
| 3-200 | Site Layout - Section 38 Agreement Plan |
| 3-201 | Site Layout - Section 38 Agreement Plan Sh 1 of 3 |
| 3-202 | Site Layout - Section 38 Agreement Plan Sh 2 of 3 |
| 3-203 | Site Layout - Section 38 Agreement Plan Sh 3 of 3 |
| 3-211 | Site Layout - Section 278 Agreement Plan |
| 3-300 | Site Layout - Existing Services |
| 3-301 | Site Layout - Existing Services - Sheet 1 of 3 |
| 3-302 | Site Layout - Existing Services - Sheet 2 of 3 |
| 3-303 | Site Layout - Existing Services - Sheet 3 of 3 |
| 3-401 | Road 1 - Proposed Horizontal and Vertical Alignment |
| 3-402 | Road 1 - Proposed Horizontal and Vertical Alignment |
| 3-403 | Road 1 - Proposed Horizontal and Vertical Alignment |
| 3-404 | Road 1 - Cross Sections |
| 3-405 | Road 2 - Proposed Horizontal and Vertical Alignment |
| 3-406 | Road 3 - Proposed Horizontal and Vertical Alignment - Sh1 |
| 3-407 | Road 3 - Proposed Horizontal and Vertical Alignment - Sh2 |
| 3-408 | Road 3 - Proposed Horizontal and Vertical Alignment - Sh3 |
| 3-409 | Road 3 - Cross Sections - Sheet 1 of 2 |
| 3-410 | Road 3 - Cross Sections - Sheet 2 of 2 |
| 3-411 | Road 4 - Proposed Horizontal and Vertical Alignment |
| 3-412 | Road 4 - Cross Sections |
| 3-413 | Roundabout 1 - Proposed Horizontal Alignment Sh1 |
| 3-414 | Roundabout 1 - Proposed Horizontal Alignment Sh2 |
| 3-415 | Roundabout 1 - Proposed Vertical Alignment Sh1 |
| 3-416 | Roundabout 1 - Proposed Vertical Alignment Sh2 |
| 3-417 | Roundabout 2 - Proposed Horizontal Alignment |
| 3-418 | Roundabout 2 - Proposed Vertical Alignment |
| 3-431 | Site Layout - Road Dimensions - Sh 1 of 3 |
| 3-432 | Site Layout - Road Dimensions - Sh 2 of 3 |
| 3-433 | Site Layout - Road Dimensions - Sh 3 of 3 |
| 3-501 | Adoptable Highways - Proposed Drainage - Plan |
| 3-502 | Adoptable Highways - Proposed Drainage - Plan |
| 3-503 | Adoptable Highways - Proposed Drainage - Plan |
| 3-504 | Adoptable Highways - Proposed Drainage - Plan |
| 3-505 | Adoptable Highways - Proposed Drainage - Plan |

| WEST SUSSEX COUNTY COUNCIL SECTION 38 KEY | |
|--|---|
| | Carriageway |
| | Footpath |
| | Verge |
| | Hard Landscaping |
| | Proposed highway surface water drainage |
| | Proposed foul water sewer |
| | Proposed tactile paving |
| | Existing highway boundary |
| | Application site boundary |

AGREEMENT PLAN NOTES:

- No works shall commence within the existing public highway until the Agreement is signed.
- No works shall commence within the existing public highway until the Traffic Management Scheme has been approved in writing.
- Any soft spots within the proposed highway shall be dug out and the void backfilled in layers up to formation level with selected granular material as directed and to the satisfaction of the Highways Inspector.
- All fill material up to foundation level of the proposed highways to be approved and compacted in layers as directed and to the satisfaction of the Highways Inspector.
- Proposed depth of capping layer shall depend on CBR test results and agreed with by the Highways Inspector:- CBR < 2% = Bespoke Design, <2.5% = 600mm, 2.5% - 5% = 350mm, > 5% = 100mm. Refer to WSCC S278/38/21 for table selector.
- Any damage caused to the existing highway during the course of the works to be repaired as directed and to the satisfaction of the Highways Inspector and/or Area Engineer.
- Continuity of access to occupied areas to be maintained to satisfaction of Highways Inspector, Area Office Engineer and/or Local Authority.
- No private surface water runoff shall be permitted to discharge onto the highway, or vice versa. Cut-off drains, channels and/or gullies shall be used to intercept any conflicting water.
- Any existing trees to be removed within / adjacent to the proposed highway shall have their roots grubbed up and loose soil removed and void backfilled in layers up to formation level with selected material as directed and to the satisfaction of the Highways Inspector.
- Any new trees within 3.0m of the proposed highway shall have their roots restrained by root barriers as directed and to the satisfaction of the Highways Inspector.
- Any abandoned/redundant pipes and chambers that fall within the proposed highway shall be grubbed up and the void backfilled in layers up to formation level of the carriageway with selected granular material or permanently filled with concrete (or similar filler).
- All redundant connections in existing manholes/chambers shall be sealed and the benching made good as directed and to the satisfaction of the Highways Inspector and/or utility company involved.
- Any existing live drains, sewers, ducts, cables, etc. that will pass under the proposed highway shall be surveyed, probed, traced, rodded, jetted, CCTV'd, etc. to ascertain their structural condition and suitability to fall within the new highway. If deemed necessary, special protection and/or replacement may be required as directed and to the satisfaction of the Highways Inspector, Area Engineer and/or Utility Company involved.
- Any existing live manholes, chambers, boxes, etc. that will be located within the proposed highway shall be surveyed to ascertain their structural condition and suitability to fall within the new highway. If deemed necessary, special protection and/or replacement may be required as directed and to the satisfaction of the Highways Inspector, Area Engineer and/or Utility Company involved.
- Developer/Contractor to provide suitable and effective wheel washing facilities to prevent mud from being conveyed onto the public highway and to provide the means to clean the highway to the satisfaction of the Highways Inspector, Area Engineer and/or Local Authority.
- No concrete to be poured or laid in temperatures below 2deg C on a falling max/min thermometer or before the temperature reaches 2deg C on a rising max/min thermometer (to be provided by the Contractor and displayed in a position agreed by the Highways Inspector).
- All road signs and markings to comply with the Traffic Signs Manual.
- All road markings to be thermoplastic.
- Contractor to comply with Chapter 8 of the Traffic Signs Manual 2009.
- Tactile paving to comply with the Guidance on the use of Tactile Paving Surfaces 1998. Tactile Pedestrian Crossings to have a 6mm (maximum) upstand (not flush). The actual layout of tactile paving to be agreed on site with the Highways Inspector prior to laying slabs.
- Refer to WSCC 278/38 Highway Agreement Standard Details and latest revision thereof.
- All adoptable highway works to be carried out in accordance with the DfT Specification of Highway Works or as amended by the West Sussex County Council S278/38 Standard Details - both available on the WSCC Website.
- Highway Inspector to approve all kerb and/or edging line and level on site with the main contractor at a PRE-START MEETING prior to instalment. The Highway Inspector will direct the contractor accordingly to achieve a satisfactory finish which may deviate from the technically approved detailed drawings. The contractor will record all variances for the 'as-built' drawings issue.

| | | | | |
|--|------------------|----------------------|-------------|-----|
| REV | DATE | BY | DESCRIPTION | CHK |
| Issue Status | | | | |
| FOR APPROVAL | | | | |
| 11 Tungsten Building George Street Fishergate Sussex BN11 1RA Tel: 01273 424424 Fax: 01273 424425 email: design@civil.co.uk | | | | |
| the civil engineering practice | | | | |
| New Monks Farm Development Ltd | | | | |
| New Monks Farm Lancing Contract 3 - Adoptable Highways | | | | |
| Site Layout Section 38 Agreement Plan Sheet 2 of 3 | | | | |
| DESIGN A Davies | DATE Mar 2018 | PROJECT NO. 22236 | | |
| ENGINEER S Magowan | CHECKED | SHEET NO. 3-202 | | |
| SCALE 1:500 @ A1, 1:1000 @ A3 | | | | |

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