

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