

NAILSEA TOWN COUNCIL

REPORT ON LAND KNOWN AS GAULACRE, ENGINE LANE JANUARY 2016

1. PURCHASE

- a) The land known as Gaulacre is approx 10 acres at the southern end of Engine Lane.
- b) In January 2005 the owners of the land approached the Town Council in response to publicity around the search for a burial site. Following investigation by the Town Council it was concluded that the land was not suitable for burials.
- c) In a separate initiative, the Town Council expressed interest in promoting sport and leisure in the town and in July 2006 the Clerk approached the owners of Gaulacre to see if they were still interested in disposing of the land. The owners stated that in view of the potential development of the land they would want an overage provision included in any sale agreement.
- d) In October 2006 (min 99/06) the Town Council expressed willingness in principle to purchasing the land.
- e) In May 2007 the terms of the purchase were agreed. However, the contract was not signed until January 2008 whilst discussions were concluded by the family members who jointly owned the land, and in order to complete site surveys.
- f) The purchase price was £114,000. The Town Council sought advice on the valuation from the District Valuer's Office. It was understood from the owners that if the Town Council did not proceed at that price the land would be offered to the market at auction.
- g) The purchase included an overage provision on the following terms relating to any "disposal" (effectively a sale or a lease of over 20 years) which would use the "property other than as a recreational ground, for sport or as a public open space;" The previous owners would be entitled to a share of the 'profit' from the disposal on the following basis:

Within 15 years of the freehold transfer (i.e. February 2023): 50%.
15-25 years (February 2033): 25%
25-30 years (February 2038): 15%.
- h) The Town Council's stated objective for purchasing the land was for sport and recreation, but there are no legal covenants or restrictions on the land. The overage provision was included to deal with any development other than sport and recreation, highlighting that alternative uses for the land were permissible but a financial consequence would result.

2. PROPOSED USES

- a) The Town Council publicised its intention to use the land for sport, leisure and/or recreation. Nailsea United Football Club (NUFC) expressed interest in developing Gaulacre, which the Leisure Facilities Committee agreed to in principle at its meeting of 27 May 2009 (min LF36/09).
- b) NUFC considered a comprehensive scheme for pitches, floodlights and a building with changing rooms and bar. On detailed investigation the club identified that the likely costs of the project were significantly higher than they could contemplate raising, and therefore decided to remain at their base at the Grove Playing Field (Leisure Facilities Committee 16 June 2010, min LF24/10).

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- c) The Leisure Facilities Committee of 23 November 2011 agreed in principle to conduct a feasibility study for Gaulacre (min LF75/11). On 18 January 2012 the committee considered presentations by two firms and resolved (min LF04/12):

“to agree to award the contract to The Next Field provided they include a survey of the trees on the site for the fixed price of £10,860.”

- d) A consultation process was conducted and at its meeting on 27 June 2012 the Leisure Facilities committee resolved “to agree that Option 1 is the preferred option to go forward with on the Gaulacre site.” (min LF43/12).¹
- e) On 10 October Town Council resolved “to agree that no work shall be carried out on Gaulacre until a proper agreement is written up for the Community Orchard and Copse and how this will be accessed has been resolved in accordance with Option 1.”(min 111/12).
- f) On 17 October the Leisure Facilities committee resolved to set up a Gaulacre Steering Group (min LF65/12) following a recommendation by the Community Open Spaces sub-committee of 25 September 2012.
- g) Following a recommendation by the Finance and General Purposes Committee of 24 October 2012 (min G46/12) the Leisure Facilities Committee made a recommendation (min LF78/12) to Town Council, which at its meeting of December 2012 resolved (min 150/12):

“to agree that no development should be undertaken on the Gaulacre site for the foreseeable future, that this should be reviewed annually, and that the position should be clearly explained to all interested parties including the Gaulacre Steering Group.”

- h) No further specific proposals or detailed work has been carried out regarding development of the Gaulacre site since that time.
- i) *Note: there has been an annual grasskeep agreement with a farmer from 2009.*

3. PLANNING POLICY

- a) As part of the development of the North Somerset Core Strategy, a Sites and Policies consultation was conducted in 2013.
- b) In April 2013 the Town Council responded to ‘DM73 and schedules 4 & 5 – Local Green Space’ by proposing that a number of areas should be defined as local green space.

Included in this list was “GAULACRE FIELDS: Area west of Engine Lane defining the western limits of the urban area, which is of strategic value on planning grounds.”

¹ Option 1 was described as “Informal recreation and wildlife areas, allotments and community orchard/growing space with improved rugby facilities”

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4. APPROACH BY BARRATT HOMES

- a) At the Town Council meeting of 21 May 2014 it was reported confidentially that the Council had been approached by the property developer Barratt David Wilson (BDW) in a letter of 25 April offering a five year option on all the land owned by the Council on Engine Lane for residential development.

The Council considered the proposed option agreement and made the following resolution (min 60/14):

“to respond to the letter declining the offer.”

- b) The Clerk formally notified BDW of this decision in a letter of 22 May. On 14 August 2014 he was contacted by Mark Coplestone of BDW by phone. He was told that BDW had been in discussions with other landowners. During the conversation the Clerk explained that the proposed option arrangement gave no sense of what the land may be worth and the terms appeared to place a disproportionate risk on the Town Council in terms of the value that could be obtained. Following this he received an email with the following comments:

“if asked what comparable values could be achieved at today’s date for serviced land in this locality we would, based on recent activity in the area, say approximately £750,000/net acre.

I however would repeat my “health warning” as each development site differs and it is difficult to evaluate land without the benefit of knowing what may be approved, the costs of all the planning requirements and the associated infrastructure which would enable the development.”

- c) This communication was considered by the Town Council at its meeting on 10 September 2014 where it was resolved (min 122/14):

“to set up a working party to consider all the options and report back to Council. It was agreed to appoint Cllrs Lees, Middleton, Packham, Phillips and A Tonkin to the working party.”

- d) The Land Management Working Party met on 6 October 2014 and the minutes of its meeting were reported to the Town Council on 5 November 2014. At this meeting the Town Council resolved (min 131/14):

“that no Town Council land should be considered for disposal at this time, and to keep the situation under review.”

- e) On 3 February 2015 a meeting took place at Barratt’s request with Simon Gilbert, Mark Coplestone and Matt Regan (Barratt Homes), Cllr Packham and Ian Morrell. The Barratt Homes representatives said they were still interested in developing land on Engine Lane. It became clear after the meeting that Mark Coplestone, who had been the sole point of contact with the Town Council to that point, was leaving the company and the meeting was effectively a hand-over from Barratt’s point of view. Nothing substantive from the Town Council’s point of view was discussed other than to reiterate that the Council would not support any significant development in the town unless it conformed with its Housing Mix policy.

- f) In May 2015 (exact date not recorded) the Clerk was contacted by Barratt Homes informing him they had approached other landowners, and had agreed lock-out

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agreements with their parcels of land, and asking whether the Council might be interested in disposing of its land on Engine Lane. The Clerk said this would require a meeting, which in the first instance would be himself and the Chair and Vice-Chair of Council.

- g) On 22 June a meeting took place with Simon Gilbert and Matt Regan of Barratt Homes. The Council representatives were Cllr David Packham, Cllr Clare Hunt and the Clerk. At this meeting it was decided that the scheme being proposed by Barratt Homes required consideration by the full Council.
- h) On 8 July Barratt Homes made a presentation to the Town Council and it was resolved (min 70/15):

To hold a meeting on Wednesday 22 July 2015 to further discuss item a) To consider land owned by the Town Council.”

- i) On 10 July Barratt Homes made a written proposal for 186 homes in accordance with the Town Council’s Housing Mix policy but did not include a financial proposal.
- j) On 22 July the Town Council resolved (min 74/15) in relation to the meeting of 5 November 2014:

“to rescind the resolution in minute 131/14.”

At this meeting the Council also considered the proposal from Barratt Homes and resolved (min 75/15):

“to set up a working party to assess the Council’s options. The members of the working party to be Cllrs Barber, Barclay, Hunt, Lees, Middleton, Packham, Petford, Phillips and J.Tonkin.”

- k) On 10 August 2015 Barratt Homes made a formal financial offer.
- l) On 17 August a meeting took place with Michael Reep and Richard Kemp of North Somerset Council. In attendance were Cllrs Barber, Barclay, Lees, Packham and J.Tonkin. There were no formal minutes of the meeting but the Clerk’s notes recorded the key issues discussed as follows:
- The NSC officers were informed of the approach made by Barratt Homes to the Town Council.
 - The officers said that Nailsea needs housing growth. They were asked whether a new settlement to the west of the town had been considered as part of the site allocations process and they said it had not.
 - The officers said that with the outcome of the review of the Core Strategy and the consultation on the Regional Spatial Plan a wave of planning applications and appeals could be expected sooner rather than later.
- m) The working party set up on 22 July met on 29 August 2015 (Cllr Petford gave apologies). There were no formal minutes but the Clerk’s notes record that the following matters were discussed:
- The current position regarding North Somerset’s Core Strategy.
 - The risk of regional housing numbers increasing and given the shortfall in deliverable schemes it could be difficult for North Somerset to defend major applications. This would create a real risk of fragmented and piecemeal development.

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- NSC's refusal to consider a green belt review and the potential development site at Ashton Vale puts much more pressure on housing numbers elsewhere in the district.
 - Despite the regional housing numbers, Nailsea has a specific need for more housing to reverse the declining and aging population.
 - The only scheme in Nailsea which has been put forward was an outline application by MacTaggart and Mickel in 2014.
 - The purpose of buying the land in the first place was discussed and whether there was an obligation only to use it for sport and recreation; or whether a wider benefit could be achieved by developing it for the right type of housing and generating a surplus to spend elsewhere in the town.
 - The pros and cons of developing Engine Lane in the short term or holding on to the land.
 - The Town Council requirement for a professional adviser to assess the strategic position for Nailsea and the Barratt's offer. Discussions had taken place with three potential advisers, namely Alder King, Bilfinger-GVA and Knight Frank.
- n) The working party made a verbal report to the Town Council meeting of 2 September 2015 which resolved:
- “to appoint Bilfinger-GVA to provide the Town Council with professional advice.”**
- o) The work commissioned from GVA was in two parts:
1. Assessing the proposal from Barratt Homes, advising the Council and negotiating Heads of Terms if discussions reach that stage. The fixed fee cost for this work was **£12,000**.
 2. The production of 2 reports at a cost of **£2,900**, namely:
 - An analysis of the demographics of the Town, building on reports commissioned by the Town Council over the previous 15 years. This is the Baseline Review Report.
 - A Residential Land Assessment, taking a strategic view of all potential development land in and around Nailsea.
- p) The working party met again on 9 September (all members of the working party in attendance) and received advice from Gordon Isgrove, a partner at Bilfinger-GVA. No minutes of the meeting were produced, but the Clerk's notes highlighted that the following issues were discussed:
- Gordon Isgrove described the current residential development market. He said that the proposed scheme is too big for a regional developer and that there are only around 6 national companies in the market. The market for house sales is strong and developers are only looking to propose key sites that they can deliver rather than ones which are more speculative.
 - Gordon's view was that the site works better (more 'efficiently') with all the landowners rather than the Town Council land on its own. Nonetheless, the Town Council land is an attractive site to any major developer.
 - Gordon Isgrove said the site is not allocated by North Somerset Council but they have a problem with housing supply.
 - Barratt's should not have a problem accommodating the Town Council's housing mix policy, but this would be reflected in the final value of the land.

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- It was agreed that the Barratt's offer needed to be understood in more detail by the full Town Council. Further to this it was noted that Bilfinger would produce reports assessing the strategic housing position for the town.
- q) Following receipt of a draft Options Report from Gordon Isgrove Cllrs Packham and Hunt and Ian Morrell met Gordon Isgrove on 12 October. The purpose of the meeting was to prepare for the Town Council meeting on 4 November. The key issues raised for consideration by the Town Council were:
- The pros and cons of negotiating with one developer, selective marketing or going to the open market.
 - The potential value of the Town Council's land in isolation or as part of a wider scheme.
 - The overage condition in the purchase agreement for Gaulacre.
 - The impact on the Rugby Club and the mitigation for the loss of any playing space.
- r) The Town Council considered the Options Report at its meeting of 4 November 2015. The working party members also made a verbal report. At this meeting the Town Council made the following resolutions (min 119/15):

"it was proposed by Cllr Packham and seconded by Cllr Hunt.

RESOLVED: that this Council agrees to sell the land subject to planning consent and the proceeds being reinvested in the town.

The vote was nine in favour and eight against.

Cllrs Bird, J Blatchford, Hamblin, Hunt, Lees, Middleton, Packham, Petford, A Tonkin voted for the motion.

Cllrs Barber, Barclay, M Blatchford, Heappey, Holt, Jameel, Ponsonby and Wilson voted against the motion."

Further

"it was proposed by Cllr Packham and seconded by Cllr Petford.

RESOLVED: to agree to enter into negotiations with Barratt Homes with a deadline set for the end of March 2016 to agree Heads of Terms. If agreement is not reached the land could be put on the open market.

The vote was ten in favour, four against and one abstention. Cllrs Barber, J Blatchford, Heappey and Jameel asked for their vote against to be recorded. Cllr M Blatchford abstained from voting."

- s) On 12 November 2015 Cllr Packham and Hunt and Ian Morrell met Gordon Isgrove. This was followed by a meeting with Simon Gilbert and Matt Regan of Barratt Homes. No minutes of these meetings were made, but the key outcomes were:
- No matters of contractual detail (including the land price or cost options such as infrastructure and S106 payments) were discussed. The purpose of the meetings were to prepare key items for the agenda at the next Town Council meeting.
 - If the land is developed, the need to have a contractual agreement to ensure the Town Council's desired housing mix is implemented.

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- Gordon Isgrove said that it could take a further two years to negotiate an agreement with a developer, obtain planning consent and agree a S106 agreement with North Somerset Council.
 - The need for discussions with the Rugby Club regarding the impact on the club of any development, and appropriate mitigation measures that would satisfy both the club and Sport England.
 - Legal advice was required before deciding on how an agreement with all the landowners could be concluded. There was a discussion on the pros and cons of a single landowners' agreement vs each party concluding separate deals.
 - An agreement that the Town Council should not engage directly with other landowners at this stage, but that Gordon Isgrove was free to have discussions with them or their agents if he felt it necessary.
 - That at the Town Council meeting of 25 November the issues of a press release, the appointment of a legal adviser and seeking advice from the National Association of Local Councils (NALC) should be discussed.
 - There was considerable discussion about the pros and cons of negotiating with a single developer or going to the open market. It was concluded that this needed to be discussed in full at the Town Council meeting on 25 November.
 - The previous owners of Gaulacre should be contacted before a press release is issued.
 - In any negotiation Gordon Isgrove would be the first point of contact for Barratt Homes.
 - Barratt Homes said they wanted to have a workshop (run by Nathaniel Litchfield and Partners) with councillors to consider the housing mix and design. They suggested the Town Council should meet the Rugby Club to discuss their expectations and constraints. They raised the issue of National Grid's proposed route for undergrounding 400kV cables and said they thought this could be accommodated within their proposed scheme.
- t) On 16 November Cllr Packham and Ian Morrell met the Chairman and Treasurer of Nailsea and Backwell Rugby Club and Matt Regan of Barratt Homes. The major item considered was the long-term implications of having an all-weather pitch (AWP) built on the club's land in mitigation for the loss of grass playing area. It was agreed that further work was required on the financial viability of maintaining the AWP and the potential community uses that could be made of it if it was specified primarily for rugby use.
- u) At the Town Council meeting of 25 November 2015, Barratt Homes and their advisers, Nathaniel Lichfield Partners and Barton Wilmore, conducted a workshop with councillors. The purpose of this was to identify the type and design of houses and the layout for leisure and recreational spaces to align with the Town Council's Housing Mix policy. The outcome of the workshop was that Barratt Homes would produce a detailed proposal for the development of the site in early 2016.
- v) On Thursday 26 November 2015, following a decision at Town Council on 25 November, a letter from the Chairman of Town Council, Cllr David Packham was hand delivered to the residents of Engine Lane, Allington Gardens, The Bramleys and Worcester Gardens. The letter stated the following:

“You may be aware that the Town Council owns 14 acres of land on Engine Lane, some of which is leased to Nailsea and Backwell Rugby Club. The enclosed press release explains recent decisions made by the Town Council to sell this land for much needed housing. As this is of direct importance to you,

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the Council wants to inform you first of the decision before it goes into the public domain.

At this stage there is no detailed design but rest assured that as the landowner we have a direct influence over the type of housing being proposed. We will be consulting residents as and when more information is available.”

- w) On the same day a press release was issued to the local newspapers, with an embargo date of 1 December to ensure the information was not put in the public domain before affected residents had been notified.
- x) The Clerk sought legal advice from the National Association of Local Councils and on 4 December the following response was received by email.

“Dear Mr Morrell

Nailsea Town Council – proposed sale of land west side of Engine Lane

Thank you for your request for advice, received by NALC on 16 November 2015. Nailsea Town Council (“the Council”) has requested advice in respect of 14 acres of freehold land it owns. The Council has been approached by a developer (Barratt Homes) offering to purchase the land (and land owned by others including a rugby club) for housing development. The developer’s scheme has apparently been developed in accordance with the Council’s housing mix policy. The developer has agreed lock-out agreements with the other landowners. They are believed to end in April 2016. The Council appointed an advisor (Bilfinger GVA) to assist it with considering the proposal and it has received a report and recommendations. The report considered whether the Council should continue to negotiate only with Barratt Homes or consider approaching other developers. The Council resolved at its 4 November 2015 meeting to sell the land subject to planning consent and to agree to enter into negotiations with Barratt Homes (deadline set for the end of March 2016) to agree heads of terms. If no agreement can be reached the land could be put on the open market.

The Council has supplied copies of the following documents in connection with its request for advice:

- HM Land Registry plan (title number AV234681) showing the land used by the rugby club and land called Gaulacre.
- Office copy entries showing the registered title for title number ST202738, land on the west side of Engine Lane, Nailsea. The Council is named as the registered owner.
- Office copy entries showing the registered title for title number AV2345681, land on the south west side of Engine Lane, Nailsea. The Council is named as the registered owner. I understand from your request that this land is leased to the rugby club.
- Confidential minutes from the Council’s meeting of 4 November 2015 to consider the reports by Bilfinger GVA. The resolutions referred to above were made.

The Council’s questions

- 1. As a public body is the Council permitted to negotiate with a single developer or is it obliged to offer the land to the open market even if it thinks it would get better value from negotiating with only one developer?**

S.127 (1) of the Local Government Act 1972 (“the 1972 Act”) provides that a parish/ town council may dispose of any land held by them in any manner they wish. S.127(2) provides

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that land must not be disposed for consideration less than the best that can reasonably be obtained, subject to the Local Government Act 1972 General Disposal Consent (England) 2003 which permits disposal at less than the best consideration if the local authority considers that the purpose for which the land is to be disposed is likely to contribute to the achievement of any one or more of the following objects in respect of the whole or any part of its area, or of all or any persons resident or present in its area;

- i the promotion or improvement of economic well-being;
- ii the promotion or improvement of social well-being;
- iii the promotion or improvement of environmental well-being;

and the difference between the unrestricted value of the land to be disposed of and the consideration for the disposal does not exceed £2,000,000.

I do not know if the Council would be selling the land at market value, whether it negotiates with one developer or advertises on the open market. In my view it is a matter for the Council as to whether it deals with one developer or more than one. It is subject to the requirements of s.127 of the 1972 Act in any event.

The Council should see Legal Topic Note 45 (Disposal and Appropriation of Land by Local Councils) for reference.

2. In terms of disposal of land is the Council subject to any European tendering requirements?

The disposal of land is outside the scope of the EU tendering requirements.

Legal Topic Note 87 (Procurement) contains information on parish/ town council procurement.

3. Is there any other advice NALC could give to ensure that the Council is being seen to conduct proper due diligence?

Notwithstanding any valuation carried out by Barratt Homes, it goes without saying that the Council should obtain an independent valuation of the land. The Council should also instruct solicitors to act on its behalf in any negotiations with the developer. Details of appropriately qualified local solicitors can be found at <http://solicitors.lawsociety.org.uk/>

I hope this has been of assistance.

Yours sincerely

Jane Moore
SOLICITOR"

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5. WHY HAS THE TOWN COUNCIL CHANGED ITS POSITION REGARDING THE USE OF GAULACRE?

- a) The Town Council has been formally assessing demographic changes in the Town since it commissioned Baker Associates to conduct a 'Baseline Review' in 2006. This has highlighted a declining population, largely as a result of a reduced average occupancy per property. The proportion of residents in all age groups shows an increasing trend towards older age groups.
- b) In 2008 the Town Council carried out a consultation as part of its preparation of a Parish Plan. The consultation was responded to by 35% of the households in the town. A policy of 'Limited Growth' of housing emerged from this process. This policy states that:

“The Town Council supports a policy of limited growth, sufficient to maintain a balanced population age structure, stable in size. Such limited growth must be sustainable, requiring a balance of economic, environmental and social needs.”

- c) The Sites and Policies consultation draft of February 2013 proposed up to 450 residential units at 'North-West Nailsea' (Policy NA2). The following background information was provided in the policy by North Somerset Council:

“Core Strategy Policy CS31 supports the allocation of new mixed use schemes at Nailsea adjacent to the settlement boundary that are supported by the local community.

Nailsea Parish Plan (2009) identified demographic trends particularly a falling and ageing population as being of concern and the Town Council has indicated that they would support some additional sustainable growth. The Town Council's preference was for development north east of Nailsea in the Green Belt but this was not supported through the Core Strategy process. They [Nailsea Town Council] support the investigation of a potential allocation at north-west Nailsea, provided that land to the south of the town between Nailsea and Backwell is protected from development.

This site is not located in the Green Belt. It was allocated in 1992 for 200 houses in the Clevedon, Nailsea and Portishead Local Plan, and outline planning granted subject to a Section 106A agreement, but this was never completed. The allocation was carried forward in the North Somerset Local Plan 2000. The site was then included in the draft Replacement Local Plan 2002 for 400 dwellings. A planning application was submitted for 469 dwellings, however the site was subsequently deleted and the planning application withdrawn. The Replacement Local Plan Inspector's Report concluded no need to allocate additional land and that sequentially preferable sites were available.

Given previous proposals for the site the proposed allocation is for about 450 dwellings and 1.5ha employment but this is indicative only at this stage and will be subject to more detailed feasibility testing.”

Note: this land is on the edge of a Flood Zone 3 area, although a development proposal may encroach on the flood zone area, depending on its scope and scale.

- d) Despite this allocation, no planning application has come forward.
- e) On 26 March 2014 the Town Council agreed a Housing Mix policy (min 32/14), which superseded that of November 2013. This policy states:

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“The Council will require new housing developments of 5 or more dwellings within Nailsea to provide a mix of housing types to meet the needs of current and future populations, create a balanced age structure which will support the sustainability of the town and enable existing residents and future generations to stay within the local area.

Proposals for new residential development within Nailsea and on allocated sites will be permitted provided:

- *They contain a range of housing types which meet the needs of the local population. In particular new housing developments should contain some or all of the following categories:*
 - *One bedroom properties*
 - *2-3 bedroom properties aimed at young families*
 - *A range of 2-3 bedroom properties, including houses, apartments and bungalows, aimed at people downsizing from larger properties.*
 - *Age-restricted retirement properties*
- *The larger the site the greater the range of housing types expected. Developers should set out in a statement clear justification for the mix proposed and how this meets the local needs.*
- *On housing developments of 10+ dwellings (or on sites of 0.3 hectares or above) no more than 20% of new dwellings will be 4 bedrooms or more (after taking account of the allocation of affordable housing).*
- *Housing developments comprising 5-9 dwellings no more than 2 dwellings will be 4 bedrooms or more (after taking account of the allocation of affordable housing).”*

- f) North Somerset Council supports the Housing Mix Policy and has incorporated it into the Core Strategy, subject to confirmation by the Secretary of State.
- g) Town Council policy is to support development of 400-600 new homes in Nailsea. This was approved at Town Council of 17 December 2014 (min 146/14) when it was resolved:

“to reaffirm the policy of Limited Growth and that it incorporates within this policy an immediate requirement of 400-600 dwellings of a type consistent with the Housing Mix policy. On this basis to further recommend to Town Council to support the North Somerset Core Strategy figure of 450 dwellings in Nailsea and to reiterate its own policy regarding land south of the Town being included in the Green Belt, or at the very least being designated as a Strategic Gap. The current examination of the Core Strategy and other developments in the next year or two will require this issue to be revisited for the later part of the plan period.”

- h) The housing numbers in the North Somerset Core Strategy to 2026 have been subject to judicial review, and the increase from approx 14,000 proposed by North Somerset Council to approx 21,000 recommended by a Planning Inspector in 2015 has been upheld by the Secretary of State. This has increased the proposed allocation for Nailsea from 450 homes to 917.
- i) The consultation on the Joint Spatial Strategy to 2036 is based on a total figure of 85,000 dwellings for the four relevant authorities, and the proposed numbers for Nailsea could increase further. North Somerset Council has problems in fulfilling the requirement of the National Planning Policy Framework (NPPF) with regard to meeting a five year supply of land for development, which makes it more difficult to challenge unwelcome applications by developers.

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- j) The Town Council has engaged with North Somerset Council at every stage in the development of the Core Strategy, which contains planning policy to 2026. The analysis of the 2011 Census Results highlighted the growing imbalance, and overall decline, of the population and a relative over-provision of larger properties. The analysis of school rolls has also identified that since 1990 there has been a 25% decline in the numbers at Nailsea School, and a 37% decline in numbers at all the other schools.
- k) The Town Council concluded there was a serious risk that new development was required but unless it was of the type to address the population imbalance, it would compound rather than alleviate the long-term issues facing the town. The Town Council's overriding concern is that additional housing should address existing gaps in the local housing market, namely affordable 'market-housing' for young people and families, and down-sizing properties for older people. The best way to influence this is as a landowner.
- l) The Town Council has wanted a strategic approach to housing in the Core Strategy, and for a masterplan for the town to be developed by the Planning Authority. This would require a comprehensive approach, including a Green Belt review. The lack of a masterplan, the Core Strategy housing numbers, the development of the Joint Spatial Plan, the Green Belt and flood-plain constraints on potential sites has left the town vulnerable to speculative development and the Town Council has considered the implications of this in detail. The demographic changes in the town require appropriate housing in the short-term and given the lack of any large-scale housing development, other than the 450 homes proposed for land adjacent to Youngwood Lane, the Town Council is concerned about the deliverability of required housing.
- m) The Town Council has not put forward any land it owns in North Somerset's consultations on potential development sites, but the approach by Barratt Homes has highlighted that by developing its own land the Council has the best opportunity to influence the housing mix and design on the site, which it would not be able to do, to anything like the same extent, on other sites. This also creates the opportunity to generate a capital receipt for the benefit of the town, at a time when North Somerset Council is withdrawing from the provision of many services and is making little or no investment in the town.
- n) Within the constraints of the Town Council's powers, the development of its land at Engine Lane represents a strategic approach to producing appropriate and timely housing development as well as future investment in the town.

6. NOTE

- a) *The Town Council also owns approx 4 acres of land immediately to the north of Gaulacre.*
- b) *The freehold was purchased for £17,000 in December 1993 from Avon County Council at the same time that Nailsea and Backwell Rugby Club purchased their current site. The County Council wanted to dispose of the entire site and the Rugby Club either did not have the resources or the desire to purchase the four acres at the southern end.*
- c) *The Town Council granted Nailsea Cricket Club (NCC) a 40 year lease from July 1997. NCC were looking for another site for their 1st XI pitch as a result of restrictions on the land they were using at the Grove Playing Fields. This land was known as the Martyrs Memorial Trust (MMT) land, although the actual owners were the Church Pastoral Aid*

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Society. However, the Cricket Club never used the land on Engine Lane and developed a 'gentleman's agreement' with the Rugby Club by which the latter used and maintained the land. As a result of the Town Council's purchase of the MMT land in 2007 the Cricket Club no longer had an interest in the land at Engine Lane and surrendered the lease in August 2011. The Rugby Club was granted a 5 year lease on this land from June 2013. The lease is not subject to the Landlord and Tenant Act.

- d) *The 2013 lease created a permissive path across the land.*
- e) *There is a restrictive covenant which states: "pursuant to Section 33 of the Local Government (Miscellaneous Provisions) Act 1982 that the land hereby transferred shall not be used for any form of residential development."*

Ian Morrell, Town Clerk