

Stevenage Borough Local Plan examination

June 2017

Stevenage Borough Council response to question from Inspector in respect of the deliverability of policy HO12, the proposed Gypsy and Traveller site at Graveley Road, Stevenage

Several evidence studies supporting the Stevenage Borough Local Plan [SBLP] - the Gypsy and Traveller site search note [HP4], the Housing Technical Paper [ED123] (section 4) and the Green Belt Technical Paper [TP3] - deal with the planning issues associated with the identification of the site in Graveley Road for Gypsy and Traveller development.

This note deals specifically with site ownership and the deliverability issues that pertain to the site.

The Graveley Road site proposed to be allocated under policy HO12 for Gypsy and Traveller purposes is owned by Mr M. Whittaker and Ms L. Whittaker, who acquired it from the Homes and Communities Agency [HCA] in January 2006. The sale agreement includes claw-back provisions, whereby a significant percentage of any uplift in value returns to the HCA if the site is sold within a certain number of years.

The Borough Council originally approached Mr and Ms Whittaker in 2009, when the Stevenage Local Development Framework was under development. At that time, the owners indicated by letter that they were investigating disposing of the land for development purposes, but not before the expiry of the HCA claw-back provisions, which the owners stated was in 2022.

At that time, Mr Whittaker orally confirmed that he accepted the Borough Council's case for allocating his land. He made no representations to the Stevenage Borough Local Plan during its evolution.

In the intervening years, the Borough Council and the owners have maintained a frequent correspondence, with the council emphasising the need for the site to come forward for G&T purposes.

The owners have been advised that the council would consider using its Compulsory Purchase Order powers if progress on delivery of the G&T pitches was not made.

During April and May 2017 a series of e-mails were exchanged between the Borough Council and the landowners [these are attached as Appendix A].

The situation today is that Mr and Ms Whittaker acknowledge that the Borough Council has identified their plot at Graveley Road as a new Gypsy & Traveller site in the SBLP, and that confirmation of this allocation is awaited. On the Borough Council's current projected timetable, adoption is anticipated in October 2017.

Mr Whittaker has asked to be kept informed of the outcome of the Inspector's report when it is formally received.

Mr and Ms Whittaker have stated that they will not sell the land voluntarily to anyone until the existing claw-back agreement with the HCA expires as any sale before this will not be in their best financial interests.

The Borough Council has confirmed that it understands the position of the land-owners in respect of a land sale. Mr Whittaker has asked that the landowners be given reasonable notice if the council's current attitude changes and a CPO becomes a real possibility.

The council has offered to begin preliminary discussions about the sale of their land voluntarily to the Borough Council. Alternatively, the Borough Council has offered to put the Whittakers in touch, if they wish, with a member of the local G&T community that has expressed an interest in purchasing the site to lay it out as a G&T site.

The Whittakers have expressed a preference to deal directly with the council on this matter and wish to take legal advice before deciding whether to take-up the offer of early discussions with the council.

The council has made it clear at the examination that it is willing, if necessary, to consider using its Compulsory Purchase Order powers over the Whittaker's land, if it appears that the site is not otherwise going to be delivered. In order to support the compulsory acquisition of the land under section 226 of the Town and Country Planning Act 1990, an allocation for a Gypsy & Traveller site is important.

The council is proposing, as a part of Main Modification MM71, to include a reference in policy HO12 to the council's willingness to use its CPO powers if it appears that the site is not, otherwise, going to be delivered.

Mr and Ms Whittaker have stated that if the requirement for the land becomes so critical as to require the implementation of a CPO, the land-owners may be interested in pursuing alternative ways of the council gaining use of the land prior to 2022. It is, therefore, clear that Mr and Ms Whittaker have no objections to the identification of their land for G&T purposes. Further, they are willing to make this site available, subject to caveats about timing. They have expressed a willingness to explore ways of bringing the site forward before 2022, if necessary, and understand the council's willingness to consider using its CPO powers if it becomes necessary to do so.

The council is in discussions with potential end-users who have expressed an interest in purchasing and delivering the site. Meetings with those parties, the council's Estates team and the Whittakers are being arranged for later this year to develop a delivery programme, once the Local Plan has been adopted.

Consequently, the Borough Council is satisfied that allocation HO12 can be delivered as indicated in the SBLP.

APPENDIX A

Borough Council e-mails are in black text; [the e-mails of Mr Whittaker are in blue text](#). Personal details and commercially sensitive information has been redacted.

From: Richard Javes
Sent: **10 April 2017 11:30**
To: Martin Whittaker
Subject: Land at Graveley Road, Stevenage

Good Morning Mr Whittaker,

I understand that you are the owner of a parcel of land at Graveley Road in Stevenage. I believe that you have been in discussions with my colleagues, Caroline Danby and Sarah Barker, over the last few years in respect of the allocation [in the emerging Stevenage Borough Local Plan] of this land parcel for development for a Gypsy and Traveller site.

As you may be aware, within the last few weeks there have been discussions about your site at the independent examination into the Stevenage Borough Local Plan. At that time, the Council assured the Inspector conducting the examination that the site was available and that you – as the landowner – had verbally indicated a willingness to sell the site voluntarily for G&T development, subject to certain caveats about the timing of such a sale [I understand that there is some form of time-limited HCA claw-back provision?].

However, I am now led to understand that Mr Jack Rigg, on behalf of Graveley Parish Council, has supplied the examination with some very recent correspondence from you stating that you are not willing to sell the site for Gypsy and Traveller purposes. I have not seen this correspondence, so I cannot confirm the truth or otherwise of this statement.

Should the statement be true, there is now clearly some confusion about your willingness – or lack of same – to make the site voluntarily available for its proposed allocated use for Gypsy and Traveller purposes.

In order to resolve this matter, I would be grateful to hear from you, at your earliest convenience, about whether you are, or are not, willing to make the site at Graveley Road available for development for its proposed allocated use as a Gypsy and Traveller site.

You will appreciate that the Borough Council is under a duty to make provision for new Gypsy and Traveller pitches; and that your land parcel has been identified as the best opportunity to make such provision.

I look forward to hearing from you. Kind regards,

Richard Javes BA (Hons) MRTPI
Planning and Transport Policy Manager

From: Martin Whittaker
Sent: **10 April 2017 21:55**
To: Richard Javes
Subject: RE: Land at Graveley Road, Stevenage

Richard

You are correct that I own in conjunction with my sister the plot of land opposite the Stevenage Garden Centre on Graveley Road. It is true that I have been in touch with both Caroline Danby and more recently Sarah Barker regarding this land however mostly this has been as a reaction to events that have occurred without my prior knowledge.

For example, I originally was approached by Nigel Smith in 2009 and my letter (attached) clearly indicated that I would not be making the land available until at least 2022 when the HCA claw-back provisions expired. In my letter, I stated that we would be investigating disposing of the land for development purposes if this were possible.

The next time that this subject arose was when I read about the council plans for the land in the Comet newspaper. You can appreciate that given these plans seemed to be well advanced at the time I was not impressed by the council's failure to inform me of them directly. I subsequently contacted the council and was more or less told that the Gypsy and Traveller provision was being forced on the council by central government and there was little that I could do if the requirement for the land became urgent as the council would compulsory purchase the land from me. I therefore informed Caroline that I would not be selling the land and would wait out the process until the HCA claw-back expired in 2022. If the council moved to acquire the land before then there is not much that I could do anyway.

More recently I was informed of the approval of the Stevenage plan and that an inspection was to take place to confirm that the land was suitable for the intended purpose however I have not been approached by the council with any intention to buy this land or indeed has any offer price been discussed. I simply assumed that this inspection was part of the Stevenage plan which I believe extends to 2034.

Now I was subsequently contacted by Jack Rigg who indicated that he would be interested in buying the land from me and I responded with the email (attached) in which I stated my position in that I would not be selling the land voluntarily to anyone until the existing agreement expires.

Now I have some questions for you:

1. What is the councils plan regarding this land and what is your desired timetable?
2. Now that you have effectively removed the Green Belt status from the land have you performed any sort of valuation?
3. Are there any contingency measures being considered to alleviate the concerns of the residents of Graveley about your plan?
4. Have you considered the impact this new community will have on local businesses especially considering the problems that occurred the last time this exact plot of land was occupied by travellers?

If you need any further information from me or would like to discuss the matter directly, I can be contacted by phone, if you cannot reach me please leave a voicemail and I will return your call.

I hope this clarifies the position and I look forward to hearing from you soon.

Regards

Martin Whittaker

From: Richard Javes
Sent: **11 April 2017 14:57**
To: martin whittaker
Subject: Land at Graveley Road, Stevenage

Good afternoon Mr Whittaker,

Thank you for responding so promptly to my e-mail. Also, thank you for sight of your letter to Mr Rigg, which I had not previously seen.

I apologise if the Borough Council has been remiss in keeping you informed of progress on the Stevenage Borough Local Plan: this is most likely to have occurred due to the turn-over of staff and/or responsibilities. I will ensure that we do better in the future.

The making of a local plan is a lengthy and intricate process. The current situation is simply this:

- Your land at Graveley Road has been identified by us as the most suitable site in Stevenage Borough for us to make the provision for Gypsies and Travellers [G&T] that Government requires us to make
- Your land has been identified in the emerging Stevenage Borough Local Plan as site HO12/1
- We have proposed removing the land from the Green Belt solely to make G&T provision: no other use would be acceptable
- The local plan has not yet reached the point where it has been adopted – we anticipate that this is likely to happen in October 2017
- Consequently, your land remains in the Green Belt currently and is not yet formally allocated
- An independent examination of the local plan is underway: the hearing sessions have now concluded
- The examiner has heard, and seen, evidence from a number of people about your land – including from Mr Rigg – and the Borough Council has set out how it anticipates the impact of the site will be experienced by the settled community [see our web-site for further details]
- We quite understand your position as land-owner, not wishing to sell voluntarily before the HCA claw-back provision expires
- The Council stated at the examination that it was willing, if necessary, to consider using its Compulsory Purchase Order powers over your land, if it appeared that the site was not going to be delivered and the Borough Council decided to intervene to deliver the G&T pitches itself and if a voluntary sale were to prove to be impossible
- If you wished to deliver the G&T pitches yourself, on your own or in partnership with others, that would be perfectly acceptable to the Borough Council
- If you wished to sell the site to a third party, so that they might deliver the G&T pitches, that would be equally acceptable to the Borough Council [we are aware of a member of the local G&T community who has expressed an interest in a voluntary purchase of the site for this express purpose. If you are interested in this as a commercial proposition, we can put you in touch with this individual.]
- If it appears that the site will not be delivered within five years from today [i.e. Spring 2022], the Borough Council will have to intervene – whosoever is the landowner - to deliver the G&T pitches itself and if a voluntary sale proves to be impossible by negotiation, the Borough Council will have to consider using its CPO powers
- Your letter to Mr Rigg has been passed on, by him, to the local plan examiner, as evidence that the site will not be delivered. The examiner now wishes to know whether the site can be delivered within 5 years from today.
- This is the point that I am seeking to address by this current round of correspondence.

If you wish to begin preliminary discussions about the sale of your land voluntarily to the Borough Council, albeit that the likely sale date might be 2022, or to the member of the G&T community that I mention above, please let me know and I will ask our Estates team to get in touch with you. In respect of the value of your land, I suggest that you would be best advised to obtain independent valuation guidance.

I trust that this is helpful in setting out the current position and that you will understand why your letter to Mr Rigg has caused some concern. Having now seen the letter, I am less concerned, as you have

made clear your objection to an early voluntary sale – a matter which I am sure that we can amicably resolve.

Richard Javes BA (Hons) MRTPI
Planning and Transport Policy Manager
Stevenage Borough Council

From: Richard Javes
Sent: 20 April 2017 15:14
To: Martin Whittaker
Subject: Land at Graveley Road, Stevenage

Good afternoon Mr Whittaker,

I hope that you had a good Easter? As I outlined in my last e-mail, I am trying to clarify the availability of your site in response to a concern of our local plan Inspector. The current situation is this:

- The Borough Council has identified your land as a new Gypsy & Traveller site in the Stevenage Borough Local Plan
- Confirmation of this allocation is awaited: adoption is anticipated in October
- You have stated that you will not be selling the land voluntarily to anyone until the existing claw-back agreement with the HCA expires
- The Borough Council quite understands your position as land-owner
- The Council stated at the examination that it was willing, if necessary, to consider using its Compulsory Purchase Order powers over your land, if it appears that the site is not going to be delivered and the Borough Council decides to intervene to deliver the G&T pitches itself and if a voluntary sale proves to be impossible
- I have undertaken to put you in touch with the Borough Council's Estates team if you wish to begin preliminary discussions about the sale of your land voluntarily to the Borough Council, albeit that the likely sale date might be 2022
- I have also offered to put you in touch, if you wish, with a member of the local G&T community that has expressed an interest in purchasing the site to lay it out as a G&T site

I hope that I have succinctly and accurately described our respective positions. If you are content that this is so, I will advise our local plan examination Inspector accordingly.

Richard Javes BA (Hons) MRTPI
Planning and Transport Policy Manager
Stevenage Borough Council

From: Martin Whittaker
Sent: 03 May 2017 21:29
To: Richard Javes
Subject: RE: Land at Graveley Road, Stevenage

Mr Javes

In response to your recent email summarising the current situation regarding the land at Graveley designated as site HO12/1, taking your points in turn:

The Borough Council has identified your land as a new Gypsy & Traveller site in the Stevenage Borough Local Plan, confirmation of this allocation is awaited: adoption is anticipated in October.

This is understood and I hope that I can rely upon you to inform me of the outcome of this confirmation when it is formally received.

You have stated that you will not be selling the land voluntarily to anyone until the existing claw-back agreement with the HCA expires

This continues to be our position as any sale before the expiry of the agreement with the HCA will not be in our best financial interests.

The Borough Council quite understands your position as land-owner. The Council stated at the examination that it was willing, if necessary, to consider using its Compulsory Purchase Order powers over your land, if it appears that the site is not going to be delivered and the Borough Council decides to intervene to deliver the G&T pitches itself and if a voluntary sale proves to be impossible

I would hope that we would be given reasonable notice if the council's attitude changes and a CPO becomes a real possibility. If the requirement for the land becomes so critical as to require the implementation of a CPO we may be interested in alternative ways of the council gaining use of the land without a buying it prior to the expiration of the current arrangements with the HCA

I have undertaken to put you in touch with the Borough Council's Estates team if you wish to begin preliminary discussions about the sale of your land voluntarily to the Borough Council, albeit that the likely sale date might be 2022.

This might be useful in due course however before we enter into discussions I need to take legal advice.

I have also offered to put you in touch, if you wish, with a member of the local G&T community that has expressed an interest in purchasing the site to lay it out as a G&T site

Thank you for your offer however I would prefer to deal directly with the council on this matter.

Regards,

Martin Whittaker