

Report of Stage 1 Investigation of feasibility of Gypsy and Traveller site on Watchmoor Nature reserve

Summary

In September 2020 the Executive agreed to undertake an initial feasibility study to explore the possibility of delivering a Gypsy and Traveller site on land at Watchmoor Reserve. This report outlines the key findings of the work undertaken to date and the next steps.

Portfolio: Planning and People

Wards Affected: Watchetts

Recommendation

The Executive RESOLVE to:

- (i) note the work undertaken to date and the issues identified; and
- (ii) agree that in the light of the issues identified no further work be undertaken on use of the land at Watchmoor Reserve as a Gypsy and Traveller site.

1. Key Issues

- 1.1 The Gypsy and Traveller Accommodation Assessment (GTAA) undertaken in 2019 identified a need for 35 new Gypsy and Traveller pitches and 12 new Travelling Showpeople plots in the Borough over the next 18 years. With 24 plots needed in the first 5 years for Gypsies and Traveller and 8 plots needed for Travelling Showpeople, there is an urgent need for action.
- 1.2 Without some provision for Gypsy and Traveller sites and pitches, the Local Plan is unlikely to be found sound at Examination.
- 1.3 The Local Plan Working Group considered a report by officer's that looked at sites owned by the Council to consider suitability for Gypsy and Traveller accommodation. Sites considered these ranged from areas of highway verge to public parks. Of these 3 were looked at in more detail. One has since been granted planning permission for 2 pitches and one is severely impacted by contaminated land issues on adjoining land for which remediation work is required. The third site was Watchmoor Reserve.
- 1.4 At its meeting in September 2020 the Executive agreed that an initial feasibility study for provision of a new Traveller site on land at Watchmoor Reserve should be undertaken.

- 1.5 This report looks at the key issues identified through the initial feasibility work. Section 5 below explains the key issues in more detail but in summary these are: ecology, land contamination, flooding and drainage, air pollution, noise pollution and legal constraints.
- 1.6 A further issue is public consultation. Whilst residents groups have been contacted, to date no proposal that they can engage with or have an input into with has been produced.
- 1.7 If, notwithstanding the key issues identified, the Executive is minded to proceed to a design stage, it is recommended that community engagement be undertaken at that stage and that the approach to be taken be agreed in advance with Ward Councillors for Watchetts.

2. Resource Implications

- 2.1 Should the Council wish to continue to the next stage of investigation of feasibility, this site will require more detailed reports for all of the issues outlined below. In addition, preliminary scheme drawings should be prepared and used to inform consultation to be undertaken with adjoining landowners, local residents and statutory consultees.
- 2.2 In particular the financial implication of obtaining indemnity insurance and the cost to the Council of defending any legal challenge and maintaining the roadway should be explored.
- 2.3 Cost estimates for further work required to date for the next stage of feasibility work include:
- Ecology assume £2,000
 - Contamination Intrusive Investigation £6,250
 - Air Quality £3,500
 - Noise £2,000
 - Flooding and Drainage assume £10,000
 - Design assume £20,000
 - Legal advice cost unknown
 - Additional officer support £3,000
- 2.4 Costs of delivery in adjoining authorities in 2012/13 were £100,000 per pitch, it seems likely that a site of 15 pitches will now cost at least £2,000,000. Based on the experience of adjoining Districts and Boroughs it is unlikely that Homes England/Ministry of Housing, Communities and Local Government will agree to fund more than 50% of this.

3. Options

- 3.1 The options before the Executive in the light of the work undertaken to date are to:
- (i) Agree to undertake further feasibility work for use of land at Watchmoor Reserve as a Gypsy and Traveller site with a supplementary estimate of £50,000 to pay for the work, or

(ii) To agree that no further work be undertaken on progressing the site at this time whilst work to identify if there are alternative more suitable opportunities for sites for Gypsies and Travellers outside of the Councils landholdings is undertaken.

(iii) That in the light of the issues identified no further work be undertaken on use of the land at Watchmoor Reserve as a Gypsy and Traveller site.

3.2 The Executive is asked to agree that no further work be undertaken on the use of land at Watchmoor Reserve as a Gypsy and Traveller site.

4. Proposals

4.1 It is recommended that in light of the issues identified on the site in Section 5 of this report, no further work be undertaken on the use of land at Watchmoor Reserve as a Gypsy and Traveller site.

4.2 That through the Local Plan further work now be undertaken to identify possible suitable sites outside of the Councils ownership. That this work be reported back to the Executive alongside the comments received in response to the consultation on the Local Plan to be undertaken later this year.

5. Supporting Information

5.1 A number of reports were commissioned to identify issues. Alongside this a desktop survey of information held by the Council was also undertaken. The issues identified through this work were as follows.

Ecology

5.2 Residents have indicated that they believe protected species might be found on the site although no evidence was provided to support this. SWT Ecology Service were appointed to undertake an Ecological walkover of the site which would:

- Search all known databases for information
- Undertake a walkover of the site to identify broad habitats and highlight any potential nature conservation issues
- Produce a short report outlining ecological constraints and opportunities on the site

5.3 The walkover was undertaken outside of the optimum time period for conducting surveys and an allowance must be made for this. The survey identified that the area was suitable to support Bats, burrowing mammals, Great Crested newts , reptiles, invertebrates, hazel dormouse and hedgehogs. No sign of any of these was found, however, but many are not active at the time of year the survey was undertaken. There were signs of either roe or muntjac deer.

- 5.4 If the Council decides to proceed to the next stage of work on this project further surveys are recommended and the Council should include measures to improve bio-diversity as part of any future works.

Land contamination

- 5.5 The site has not been declared as contaminated under Part 2a of the legislation. It is however listed by the Council as potentially contaminated as part of the area was a landfill for commercial and household waste. This operated until 1973 and included the area which is now the reserve. The adjacent superstore development has gas protection and was remediated.
- 5.6 Apple Environmental were appointed to provide a Phase 1 Environmental desk study report which in summary advised as follows.
- 5.7 Given the previous use for waste disposal 1962 – 1981. The site is likely to be underlain (at least in part) by waste material. This material is unlikely to be fully degraded and is likely to still be producing gases due to anaerobic degradation. This may affect surface stability. The Phase 1 report also identified a high ground water table which will impact on gas production. There may also be secondary contamination from the adjoining roads, railway lines and petrol station but this will be limited in any impact.
- 5.8 Introducing a residential use onto the site will introduce sensitive receptors (people). Waste is most likely to be interred in the northern part of the site which will be the likely location for any development.
- 5.9 A further Phase 2 survey will be needed, to include intrusive investigation, to assess the physical and chemical ground conditions.

Flooding and Drainage

- 5.10 Surrey County Council were asked to prepare a Phase 1 Flood Risk Report in their role as Lead Local Flood Authority. The data shows that the area has been subject to flooding in the past but gives no details. The report includes advice on SUDS but fails to recognise any issues arising from the previous use of the site for waste disposal or ground water issues.
- 5.11 Advice has also been sought from the Borough Drainage Engineer. His comments are reproduced below.

“The area is within the floodplain, just a slightly lower risk. The area was always liable to flood, as shown on older plans, but the risk boundaries changed when the M3 and A331 were constructed.

However, the flood status may change, although not for the better.

It is recognised that the raised railway line impedes the flow of surface water from east to west (from SHBC to the Blackwater River). The culverts under the railway, being old and undersized, cannot

accommodate the flows being experienced, leading to flooding to the east side of the railway. As the east of the railway mainly consists of densely populated housing, there have been discussions regarding the upgrade of the railway culverts which will, in turn, allow more flows into the Watchmoor area. The intention would then be to control flood water within the Watchmoor areas to slow the flows reaching the Blackwater river.

To date, only one railway culvert has been upgraded. The Thames Water owned connection at Crabtree Road into the Sainsbury car park. Further railway crossings are due to be reviewed to alleviate current flood issues at Albany Park, Lyon Way and Station Road. These areas don't directly feed into Watchmoor but will potentially increase the functional floodplain area at Watchmoor. However, the potential railway culvert upgrade work may also be considered for Rivermead Road, to relieve an overland flow route, which does directly connect.

At the least, it has to be assumed the Watchmoor area could be subject to flooding and will therefore not drain efficiently. The higher risk floodplain to the west of Watchmoor will flood right up to the highway and this won't allow drainage systems under the highway (A331) to function.

Also, the traveller site would most likely need to be close to the Sainsbury site as part of the consideration would be the safe access/egress needs for the traveller site during a flood. This means there would be little advantage if the site was to propose raising too much of the existing site area or if a new raised access road had to be installed through the park areas to accommodate the change of use."

- 5.12 The comments from the Drainage Engineer reflect the concerns of local residents in the Crabtree Road and adjoining areas which experience flooding in part from Camberley Sewage Treatment Works when effluent flows back up into the local drainage system during flooding of the River Blackwater.
- 5.13 Further work will be required to identify what flood attenuation measures would be required if development of the site was to go ahead.

Air and Noise Pollution

- 5.14 Due to the Covid19 lockdown no studies have been undertaken as the resulting reduction in vehicle flows means that air quality will have improved and noise levels reduced and this cannot be taken as indicative of any likely future situation. Previous monitoring in the area indicates the following.
- 5.15 Air quality monitoring in the southern part of the site closest to the M3 motorway shows levels 37mg/m³. Further north close to Sainsburys, the levels fall to 33mg/m³. UK maximum recommended annual mean levels for particulates and nitrogen dioxide are 40mg/m³ with a 10%

variable. Further work will be needed on air quality but it must be recognised that reduced traffic flows during lockdown will give low readings.

- 5.16 No noise level data is available and further work will be required on this issue.
- 5.17 The nature of dwellings occupied by the Gypsy and Traveller community is that most occupy trailers or mobile homes. It is not possible to achieve the same levels of sound insulation in these types of units as can be provided in bricks and mortar housing. For this reason Gypsy and Traveller sites should be regarded as noise sensitive development. Further work will need to be undertaken to ascertain whether noise attenuation measures will be required to enable development of the site.

Legal Issues arising from the Title Deeds for the property

- 5.18 The Property is the freehold land known as Watchmoor Reserve, the registered owner is Surrey Heath Borough Council.
- 5.19 The Legal Team has advised that there are a number of key issues arising from restrictive covenants on the land which will impact on the proposed development as follows:
- (i) SHBC is prohibited from placing caravans on the Property.
 - (ii) The Southern Land, as outlined in the attached plan, is subject to a restrictive covenant not to construct any dwelling house or buildings of any kind. Appendix VV
 - (iii) A restrictive covenant prohibits the Southern Land from being used for any purpose other than for informal recreation, which conflicts with the proposed use.
 - (iv) SHBC is required not to do anything or allow anything to be done on the Property that causes an annoyance or nuisance.
 - (v) If the Blue Land shown in Appendix VV ceases to be used as a recreational area, SHBC is to contribute a fair and reasonable proportion of the costs of maintaining the access road through Sainsbury's.
 - (vi) A restrictive covenant prevents a gateway or opening being made in the fencing on the boundary of the Southern Land running alongside the A331 which prevents an access road being constructed to connect the Southern Land directly to the A331.
- 5.20 The first three restrictive covenants are the most significant. They can be dealt with in several ways. In summary, however, it is advisable to obtain an indemnity insurance policy against the restrictive covenants

(i) and (ii) above and to obtain an express release from the restrictive covenant (iii) from SCC.

- 5.21 Further work is needed to understand the implications of the above, in particular who is able to invoke the covenants, the financial implications of 5.19(v) above and the cost of any indemnity insurance?

Designing out Crime

- 5.22 The site is currently subject to anti-social behaviour. Work will need to be undertaken with Surrey County Council and Surrey Police to understand how to make this site a safe place to live and visit.

6. Corporate Objectives And Key Priorities

- 6.1 This project supports the objective to build and encourage communities where people can live happily and healthily. In particular, it addresses housing needs within the community

7. Policy Framework

- 7.1 This project supports the Council's objective to build and encourage communities where people can live happily and healthily and through that to address housing needs within the community.
- 7.2 This project will support working being undertaken on the Local Plan review to meet the housing needs of all sectors of our local community.

8. Legal Issues

- 8.1 As identified above, there are significant legal issues arising for this site. Further legal advice will be required if the Council wishes to pursue the development of this site.

9. Governance

- 9.1 If the Executive is minded to proceed with the project a Service Level Agreement with SCC for management of the site will be needed.

10. Risk Management

- 10.1 The work on this site identifies environmental issues which pose a risk to future occupiers if the site is progressed.

11. Equalities Impact

- 11.1 The Travelling Community includes recognised ethnic minority groups that suffer significant discrimination and whose educational and health outcomes are severely impacted by an inability to access such services due to the lack of permanent sites across the UK as a whole.

12. Human Rights

12.1 Not applicable at this time.

13. Environmental Impact

13.1 The site is located on the edge of the Camberley / Frimley settlement area with good access to local services and close to rail and bus routes.

14. Consultation

14.1 Not applicable at this time.

15. PR And Marketing

15.1 Not applicable at this time.

16. Officer Comments

16.1 None.

Annexes	Annex 1 Site Plan
Background Papers	<ul style="list-style-type: none">• Environmental Desk Study and Preliminary Risk Assessment . Apple Environmental December 2020• Detailed Flood Risk Report Watchmoor Reserve - Surrey County Council January 2021• Ecological Walkover. Surrey Wildlife Trust January 2021
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