

**SANDGATE PARISH COUNCIL  
EXTRAORDINARY MEETING: 22 MAY 2018**

**POTENTIAL ACQUISITION OF SANDGATE WOODS AND MARTELLO  
TOWERS 6 AND 7: REPORT OF DEPUTY CLERK AND RESPONSIBLE  
FINANCE OFFICER**

*INTRODUCTION*

1 The Parish Council considered the potential acquisition of this site at its meetings on 6 March 2018 and 20 March 2018 and decided to consult Sandgate residents on whether or not to acquire the land for £355,000. This consultation took several forms including two public meetings, social media discussion and a consultative referendum held on Wednesday 9 May 2018. This report summarises that consultation, gives updates from external sources and concludes with a recommendation that the Parish Council should proceed with the purchase.

*THE CONSULTATION*

2 The idea of the purchase of this site was first floated through informal means. Reports were carried in the Kent Messenger, the proposal was published on the Council's website and further publicity was given through social media (Facebook, including *Sunny Sandgate*, *We love Sandgate*, *Hythe Residents* and *We Love Folkestone*). The formal consultation started with a leaflet delivered to all 2500 households in the Parish Council area. A copy of that leaflet is attached. In this leaflet residents were encouraged to respond to the consultation by attending public meetings, submitting written comments or participating in the consultation referendum.

3 Two public meetings were held and both were well attended. The first was held in the Chichester Memorial Hall on Thursday 26 April 2018 at 7pm. Approximately 100 people attended and were given a presentation which lasted for around 90 minutes including questions. A copy of the slides used is attached. The proposal was warmly supported with residents giving the following suggestions:

- There was strong opposition to any development for housing on the land, and therefore support for the Parish Council's proposal to acquire the land for conservation only
- The Parish Council should concentrate on the woodlands rather than the Martello Towers
- The management of the woodlands should be minimal
- That other forms of protection, such as village green status and tree preservation measures, should be pursued in tandem
- Paths should be improved for safety but not over developed

- Entrepreneurial ideas (weddings and corporate weekends) were not to be encouraged
- The Parish Council should seek to lock the land into community, leisure use in perpetuity as far as was possible by the use of covenants and other legal options.

4 At the end of the meeting there was a straw poll, the result of which was 48 people in favour of the Parish Council’s proposal and five against.

5 The second public meeting was held at Sandgate Library on Wednesday 2 May 2018 at 3pm. Forty people attended this meeting and the issues raised were very similar to the Chichester Hall meeting. The straw poll at this meeting was 27 in favour and four against.

6 The consultative referendum was held on Wednesday 9 May 2018 from 9 am to 9 pm. 419 residents participated in this referendum with 359 supporting the Parish Council’s proposal at 60 opposing. This represents a turnout of approximately 12% which is typical for an event of this type.

7 43 written representations were received from people who were unable to attend the consultative referendum which can be summarised by the following table:

<b>SANDGATE RESIDENTS</b>		<b>EXTERNAL RESIDENTS</b>	
<b>In favour</b>	<b>Opposing</b>	<b>In favour</b>	<b>Opposing</b>
31	4	7	1

8 Social media: it is hard to track with absolute certainty responses made to the Parish Council’s various posts on Facebook, but at least 17 responses were made in support of the proposal and two against over a period of six weeks.

*OPPOSITION*

9 There has been some opposition to the proposal through email and at the public meeting. The attached (anonymised) letter illustrates the sorts of concerns this minority have with the proposal. All emails have been responded to as is illustrated in the attachment. Since the closure of the referendum a further letter threatening legal action has also been received and this is also attached anonymously. The main action that could be taken against a public authority is judicial review. Judicial reviews can succeed in the following circumstances:

- Illegality
- Irrationality
- Procedural impropriety

10 If the Council wish to have detailed legal advice on these points the meeting ought to go into closed session for the purpose in order to preserve the Council's position, but the Deputy Clerk has sought advice from the Kent Association of Local Councils and from our potential lenders, the Public Works Loans Board, who have confirmed that none of the above grounds have been breached.

#### *PUBLIC WORKS LOANS BOARD*

11 The Public Works Loans Board has been consulted through the Ministry of Housing and Communities on this report and are satisfied that the application would meet their requirements.

#### *HISTORIC ENGLAND*

12 Concerns have been expressed at the likely costs that would be incurred if the Martello Towers are taken into the ownership of the Parish Council. Assurances have been repeatedly given that any remedial works would be covered by grant aid from various sources and not by further increases in the precept. The Parish Council may take some further comfort from the following advice given by the principal south eastern adviser to Historic England, "*should you acquire the towers we will not expect you to implement immediate repairs. It has taken a long time for the towers to get into their current condition. They are not deteriorating at a fast rate and we can work with you to deliver a solution in a phased way. Unlike for listed buildings there are much more limited powers of enforcement to make owners repair a scheduled monument*".

#### *NATIONAL NON-DOMESTIC RATES (NNDR)*

13 This issue has also been raised by both councillors and residents. The Martello Towers are currently not the subject of rates. Any development of their use would potentially change that status, but by way of comparison other Martello Towers in the District that are used for heritage purposes have rates of much less than £1000 per annum. Clearly if the entrepreneurial or quasi commercial options are developed, higher rates would potentially be chargeable. Such costs would have to form part of any business plan. Given the position of Sandgate residents as expressed throughout the consultation exercise, it is not proposed that such options be pursued – ie only the bare minimum of access for heritage purposes to the Martello Towers is to be considered. Any NNDR is likely to be minimal and zero until the time the Martello Tower(s) are opened. It is not likely that the Martello Towers would be opened within five years.

#### *FINANCIAL POSITION*

14 As has been made clear through previous Parish Council meetings, the leaflet, at the public meetings and in correspondence, the proposed financing of this project is as follows:

- The acquisition of the site would be by loan from the Public Works Loans Board
- Immediate improvements to the site would be through the balance of the loan: residents have made clear that the emphasis here should be in improving (but not over-managing) the woodland and doing the bare essentials to the Martello Towers
- Ongoing expenses such as insurance, minimal woodland management would be met from existing resources (estimated at £2,000 pa)

15 There would therefore be an increase in the precept in 2019-20 to cover the loan repayments which would then become part of the Council's base budget. Such loan repayments become an annual obligation as part of the annual external audit. There would be no further increases in the precept to finance this project. Should additional works be needed to the Martello Towers these would only be funded through grants, assistance for which has been promised by Historic England. These steps would be the subject of further reports to the Parish Council and to wide consultation with Sandgate residents.

*RECOMMENDATION OF THE DEPUTY CLERK AND RESPONSIBLE FINANCE OFFICER*

**16 The following recommendations are put forward in the light of the positive support received throughout the consultation exercise:**

- **to seek the approval of the Secretary of State for Housing, Communities and Local Government to apply for a fixed rate PWLB loan of £500,000 up to 50 years for the land purchase on which stand the Martello Towers. The annual loan repayments will come to around £18,500. It is intended to increase the precept from 2019-20 by £9.75 (band D) a year for the purpose of the loan repayments.**
- **That the contract documents be drawn up in as tight a way as legally possible to prevent future development of the site**
- **The budget of £500,000 be used in the following priority order: acquisition of the site; safety access improvements to the woodlands; signage and interpretation; essential repair works to the Martello Towers; and a "sinking fund" for urgent repairs within the first three years**

- **The likely balance of these allocations being £355,000 for the purchase, £25,000 for safety access improvements and signage, £95,000 for essential repair works to the Martello Towers and £25,000 for the “sinking fund”.**

#### ATTACHMENTS

- Leaflet
- Presentation
- Example of critical response
- Letter from resident threatening legal action