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The Best-Laid Plans

The Conservatives promised that communities could reshape their own towns. As the shocking case of Totnes shows, it's a con.

Among the most important democratic questions is how the land surrounding us is used. Is it providing homes we can afford, public services and green spaces, or is it being used by a few to impose damaging schemes on the rest of us and extract profits at our expense?

In a lively democracy, we would be allowed to design our own communities¹ to meet our own needs. But while we are invited to participate in the planning system, this often means little more than approving or objecting to plans put forward by property developers, whose interests seldom align with ours. Instead of democracy, there's a veneer of public consent.

David Cameron's government promised to put this right. The 2011 *Localism Act*² would allow communities to take back control. It included a *Community Right to Build Order*³, through which local people would automatically obtain planning permission for a project if they won a referendum.

People in the town of Totnes in Devon took him at his word. Since 2007, they had been working to transform a big derelict site, previously a milk-processing factory run by *Dairy Crest*, into a community project called *Atmos*⁴. They turned their plans into England's most advanced and ambitious use of a right to build order. They sought to build 62 genuinely affordable homes, 37 retirement homes, workspaces providing employment for at least 160 people, a hotel, community and youth facilities, and an arts centre.

It was a massive undertaking. Derelict factory sites are notoriously hard to develop. But while Totnes has a reputation for harbouring woolly hippies, it's also home to some determined and very well-organised people. They put in thousands of unpaid hours⁵, canvassing opinion, developing their plans with the community, architects and other professionals, and raising money.

In 2014 they formed the *Totnes Community Development Society* (TCDS). It secured an agreement with *Dairy Crest* for the sale of the site. This gave it the same protection that any developer would enjoy. In 2016, TCDS held a local referendum on the *Atmos* plans, in which 86% of voters supported the scheme, giving it planning permission. Given the difficulties of working with such a site, pulling this off in just two years was a remarkable achievement.

¹ <https://landforthemany.uk/>

² <https://www.theguardian.com/local-government-network/2013/nov/02/localism-act-devolution-uk-local-authorities>

³ <https://www.theguardian.com/housing-network/2011/oct/21/community-right-to-build-rights-community>

⁴ <https://atmostotnes.org/>

⁵ <https://atmostotnes.org/atmos-timeline/>

In 2019, *Dairy Crest* was bought by the Canadian company *Saputo Inc.* This didn't seem to affect the sale. *TCDS* and *Saputo* had the site independently valued. After negotiations between their lawyers, *Saputo UK* confirmed that it would accept £460,000 for the site, and "overage" agreements for the developments *TCDS* would build, taking the total to almost £5m. This enabled *TCDS* to secure £2.5m⁶ from the *National Heritage Lottery Fund*.

In late 2019, *Saputo's* lawyers told *TCDS* that the firm was considering another offer for part of the site. Then *Saputo UK* terminated two of its agreements with *TCDS*, citing technicalities. However, the negotiations continued. Then, in January last year, just as *TCDS* expected to exchange contracts with *Saputo*, the president of *Saputo UK*, Tom Atherton, phoned to say that the company had decided to sell the site to someone else. On the same day, *Saputo's* lawyers confirmed that it had exchanged contracts with what appeared to be a mastics firm based in Essex, called *FastGlobe Ltd.*

The community members, who had worked so hard for 13 years, were dumbfounded. They were even more surprised when they later discovered the site had been sold for a total of £1.35m⁷, considerably less than the £5m that they would have paid.

The sale had been brokered by a land agent called Patrick Gillies. In March this year, local people had a meeting with him, which they recorded with his permission. He told them something extraordinary. *FastGlobe Ltd* was, for the purposes of the deal, "a purchase vehicle. That's all. It's like a bank." Gillies explained that he was the coordinator, project manager and partner of the site. Now the community has discovered something else. Patrick Gillies was, until Atherton got divorced, Tom Atherton's brother-in-law.

There is nothing illegal in this arrangement, though *Saputo*, which prides itself on its ethical standards and publishes a code of conduct covering such matters, might ask itself whether in this case those standards have been met. None of my questions – directly to Gillies and, through *Saputo UK* to Atherton – have yet been answered, but *Saputo Inc.*, the parent company, told me:

"*TCDS* has made us aware of these allegations. We are taking the matter very seriously and are looking into them."

TCDS is appealing to *Saputo Inc* to buy back the land and honour the original agreement. Because *Saputo* is a reputable company, and the founding family's charitable foundations support community groups, it has hopes of being heard.

What this story shows is that the famous *Community Right to Build* is feeble and tokenistic. It gives communities no protection against having the ground sold from under them, and therefore gives them no real rights. The thousands of hours and £800,000 that the community has spent developing its bid might have been entirely wasted. The rest of the UK needs the kind of right-to-buy legislation that Scotland has: strong legal rights that cannot be suddenly rescinded by landowners and developers.

They said we could take back control. It's time to honour the promise.

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⁶ <http://totnescommunity.org.uk/2-5m-for-brunel-building/>

⁷ <https://www.bbc.co.uk/news/uk-england-devon-56665823>