

Atmos Totnes Timeline



June 2007

Closure of the Totnes Creameries (Dairy Crest site) in June 2007, with the loss of over 160 jobs

July 2007

A group of local Totnes residents interested in the idea of bringing the Dairy Crest site into community ownership and creating a sustainable business park, meet with South Hams District Council's Head of Property Services, and leave the meeting determined that getting the development Totnes needs for the site will require bringing the site into community ownership, not just trying to influence from a distance what happens there. The 'Sustainable Business Park Group' (SBPG) group starts meeting.

August 2007

Concerned that Dairy Crest Group Plc intend to demolish Isambard Kingdom Brunel's Atmospheric Pumping Station and Engine House, known locally as the Brunel Building, Totnes Town Council leads a bid to English Heritage to have the building listed

November 2007

English Heritage announced its decision to refuse to list the Brunel Building, on the grounds that "... despite having historical interest through its association with the unfinished and unsuccessful South Devon Atmospheric Railway, the building has experienced considerable alteration since it was first erected [and this] has compromised the integrity of the building and thus much of its context as an industrial building".

February 2008

An appeal against English Heritage's decision is unsuccessful, and Dairy Crest Group Plc begins removing the roof of the Brunel building. A community campaign begins to get the Brunel Building listed.

March 2008

As a result of the campaign, English Heritage reverse their decision and the building receives a Grade II Listing status.

March 2008

By March 2008 Atmos Totnes had come into existence; named because of the connection with Brunel's Atmospheric Railway and with recognition of the need to mitigate against climate change.

July 2008

South Hams District Councillor Julian Brazil tells the Herald Express "we need to speed up the process of redeveloping the Dairy Crest site as quickly as possible. If necessary, use a compulsory purchase order to buy the site. The worst thing that could happen is that it remains derelict for the next 10 years. Totnes needs it now". A Dairy Crest spokesperson replies that "we are still in the process of evaluating the best option for the site at Station Yard, Totnes. No decisions have yet been taken as to whether this will involve disposal or development."

November 2008

Members of the Atmos group meet with Dairy Crest Group Plc to discuss the project and the acquisition of the site. Dairy Crest are looking for more understanding of the work Atmos Totnes is planning to do.

July 2009

The Atmos group complete a detailed prospectus of their proposals.

March 2010

Members of the Atmos group meet with Dairy Crest Group Plc to discuss the detailed ideas for Atmos Totnes and the acquisition of the site.

February 2011

South Hams District Council adopt their 'Totnes Site Allocation Development Plan Document', which states that any future development at the Dairy Crest site must include the following:

- provision of several jobs at least equivalent to the site's previous use;
- to the south of the leat, at least 30 dwellings and employment development with retention of the listed building;
- to the north of the leat, subject to it being demonstrated that satisfactory access can be achieved and that flood risk can be satisfactorily overcome, about 30 dwellings and employment development together with improvements to the riverside environment and public access
- contribution to the A385 corridor management scheme; and
- provision of cycle and footpath links including to the town centre and the riverside

March 2011

The Atmos group meet Dairy Crest Group Plc. Dairy Crest state that they are committed to a process of seeking full market value for the site, and clarifying with the Environment Agency the situation in terms of levels and flood classification for the northern part of the site, and to proceeding to a full planning application for the site as a way of establishing a value.

July 2011

An application for Listed Building Consent is submitted by Dairy Crest Group Plc to reinstate the slate roof on the Brunel Building. This is granted in October 2011.

February 2012

Totnes MP Sarah Wollaston meets with the Dairy Crest Group Plc management to discover why there has been no progress thus far on the site, and to press the case for Atmos to be a central part of whatever happens there. She is told that attempts to sell the site on the open market have drawn a blank, and that Dairy Crest Group Plc now has an interest in "leaving a legacy" in Totnes.

March 2012

Work begins to reroof the Brunel building.

April 2012

With the advent of Localism in 2011, and the opportunity to use a Community Right to Build coming into force in April 2012 (under the Neighbourhood Planning Regulations 2012), further discussions with Dairy Crest Group Plc take place and Atmos seek to formally undertake the masterplanning for the site and bring the site forward for planning.

May 2012

Sarah Wollaston hosts a meeting with representatives of Dairy Crest and the Atmos team. Dairy Crest Group Plc say that they wish to leave a legacy in Totnes and recognise that the Atmos is the way forward and that they need to find ways to work with the Atmos Project team.

June 2012

Atmos Project team meet with Dairy Crest Group Plc to review the feasibility work the Atmos team have already completed. The outcome of the meeting was that Dairy Crest Group Plc agree to review seriously the plans and to come back to the Atmos team with how they want to move forward.

July 2012

The Atmos project team form the Totnes Community Development Society. The Society, registered as an Industrial and Provident Society for the Benefit of the Community, is the legal entity which is taking forward the Atmos project.

December 2012

After several months of supplying information to Dairy Crest Group Plc, they agree that the way forward is to agree Heads of Terms with Totnes Community Development Society setting out how both parties will proceed in respect to the disposal of the Totnes Creameries site.

April 2013

A Heads of Terms with Dairy Crest Group Plc is agreed that provides the opportunity for Totnes Community Development Society to undertake the masterplanning, acquire the site and move forward to develop it out.

June 2013

The Heads of Terms between Totnes Community Development Society and Dairy Crest are signed in June. They set out how Totnes Community Development Society will lead the creation of the masterplan for the site, with a view to obtaining planning consents through the use of a Community Right to Build Order and what conditions need to be met in order for Totnes Community Development Society to obtain the freehold of the site. There is agreement to convert the agreed Heads of Terms into full legal agreements.

August 2013

Dairy Crest Group Plc commission a site clean-up over the summer. A joint press release issued with Dairy Crest Group Plc stating that Dairy Crest Group Plc are “in the final stages of negotiation with Totnes Community Development Society about the disposal of the site and how we can take forward the Atmos Totnes project. At this stage we feel that the Atmos project represents the best way forward for the site and will help us to achieve a real legacy for the town of Totnes.”

November 2013

A joint response from Dairy Crest Group Plc and Totnes Community Development Society is made to the Environment Agency, Totnes Flood Defence Improvements Scoping Consultation.

January 2014

Eversheds (Dairy Crest Group Plc solicitors) commence drafting legal agreements for the disposal of the site. Converting the Heads of Terms agreed in April 2013 to legal agreements takes longer than anticipated because Dairy Crest Group Plc introduced a developer to the project that they wished Totnes Community Development Society to work (McCarthy and Stone).

August 2014

In August 2014 legal agreements were signed by Totnes Community Development Society, McCarthy and Stone and Dairy Crest Group Plc for the sale of the site and included a cooperation agreement between the lead developer (Totnes Community Development Society) and McCarthy and Stone as project partner.

August 2014

Totnes Community Development Society take a licence to occupy the Atmos Hub building (formerly the Dairy Crest Group Plc Station Road Offices) from Dairy Crest Group Plc.

September 2014

The project to establish the Community Right to Build Order (CRtBO) was formally launched on 25 September 2014.

The launch involves letting local people know that Totnes Community Development Society was going to make an announcement at the gate of the site at 1pm on Thursday 25th September 2014. 250 people and a cake turned up! The announcement made by Totnes Community Development Society, Dairy Crest Plc and McCarthy and Stone states that the Society will follow the Community Right to Build Order process and that if the Order was made this would result in Dairy Crest Group Plc selling the site to Totnes Community Development Society.

October to December 2014

This first stage of consultation is designed to engage and lead to a development brief. The Atmos Hub at the site is the focal point for this engagement and in a six-week period (October to December 2014, opening Friday and Saturday each week evenings and mornings respectively), over 1,250 people come to visit and give their views and ideas.

The common themes emerging from the first six weeks of consultation were that the community aspired and wanted to see jobs, and housing, being developed as urgently as possible.

January 2015 to November 2015

Over this period Totnes Community Development Society and the design team facilitate over 20 consultation sessions.

Some of these sessions were general, and sometimes focused. Each time people came to consultation they were given information about design, process and asked questions. They were asked to consider their own perspective and to provide their opinion, or an issue, in a broader concept.

During September 2015, with final draft designs in place the community are also asked if they would vote for the scheme positively at this point. 98% said they would.

Over the whole period of the consultation there were over 4000 meaningful contributions to the design of Atmos Totnes by the local community.

October 2014 to December 2014

Alongside the first engagement process, a design team are commissioned.

Pre-application advice is sought from all the agencies, South Hams District Council, Natural England, the Environment Agency, Devon County Council and Network Rail.

March 2015

Leases are put in place between Dairy Crest Group Plc and Totnes Community Development Society for the whole of the site so that Totnes Community Development Society was able to manage investigation work and undertake site safety.

March 2015 to October 2015

The design team are given a brief consisting of the initial known constraints, investigations and community consultation and asked to work together to present the best solutions to meet the community need. This allows the various disciplines (ecology, engineering, traffic and transport, design, demolition, cost, and construction management) to have access to the broader priorities for the project.

October 2015

Dairy Crest Group Plc and McCarthy and Stone sign off Regulation 14 Consultation Community Right to Build Order documentation.

November 2015

Regulation 14 Consultation (the first formal consultation required under the Neighbourhood Planning Regulations 2012) commences on 2 November 2015 and runs till 20th December 2015. Volunteers staffed the Atmos Hub for every day of the week for the nearly seven weeks answering questions about the design to facilitate those visiting to have their say and submit a comment or objection.

Statutory agencies provide their official response to the Regulation 14 draft Community Right to Build Order.

By the time Regulation 14 closed there were 1179 views of Regulation 14 information. There were 443 visits to the Hub to view the draft Order and 736 people looked at draft Order on the Regulation 14 pages of the project website. There were 192 representations made on the Draft Order from local groups, local businesses, residents and statutory agencies.

December 2015

An independent examiner is commissioned to undertake a Health Check on the Regulation 14 Order.

There was a common response to the design on the South of the site by statutory agencies and the community. The buildings on the South side of the site were too high, particularly in relation to the listed building on the site and there was a need for a review if the basic conditions were to be met. A design review enabled a logical switch of buildings and a swift revision of infrastructure.

January 2016

McCarthy Stone and Dairy Crest Group Plc approve the revised Masterplan and specifically the change in location of the retirement housing based on community and statutory agency feedback.

To show the community, the outcome of the Regulation 14 Consultation and the revisions to the Order an information session was held on Saturday 23rd January 2016.

January 2016

Submission of the draft Community Right to Build Order was made on 29th January 2016.

April 2016

Regulation 16 Consultation (the Local Authority six-week consultation required under the Neighbourhood Planning Regulations 2012) runs from 24th February to 8th April 2016.

There were 42 responses to Regulation 16 consultation. South Hams District Council did not require any changes to the draft Order submitted as a response to Regulation 16 Consultation.

April 2016

Totnes Community Development Society commissions Jones Lang Lasalle's to undertake the valuation of the masterplan taking out the land redlined for the McCarthy and Stone development on the North site and the land redlined in the existing contract on the South site.

June 2016

In June 2016 South Hams District Council declares that the Order met the Basic Conditions (as set out under the Neighbourhood Planning Regulations 2012) and should therefore progress to Independent Examination.

July and August 2016

In July 2016 South Hams District Council applies to (The Neighbourhood Planning Independent Examiner Referral Service) NPIERS for an Independent Examiner for Atmos Totnes.

The Independent Examiners Report, binding on the Local Authority and Qualifying Body concludes that the Community Right to Build Order had met the Basic Conditions and should proceed to referendum subject to minor modifications.

September 2016

Dairy Crest Group Plc commissions Stretton Creber to complete the appraisal of Jones Lang Lasalle's valuation. The results of this valuation are not known to Totnes Community Development Society.

September 2016 to November 2016

The South Hams District Council issue the revised Order and organise the referendum.

During the summer of 2016, prior to the Atmos Totnes referendum, the UK voted for Brexit. People's confidence in referendums as an effective process (both sides of the debate) is low. Totnes Community Development Society decide not to register as a campaigning organisation and do not campaign for or against the Order at the forthcoming referendum.

The commitment is made to running an engagement plan in the 4 weeks running up to the referendum that continued to make information as accessible as possible, with opportunity for people to ask questions about the process, the designs and the Order so that they can make an informed vote at the ballot box. Directors and volunteers work long-hours in person and online to answer questions about the scheme so that each member of the community have the detail they needed to make an informed vote at the ballot box.

Facilitators during the referendum information sessions held across the town estimated that around 25% people attending were new to consultation and were coming with the triple desire to understand the design, planning process and decide their own vote.

October 2016

Dairy Crest Group Plc propose that Totnes Community Development Society buy the entire site from Dairy Crest Group Plc and deal direct with McCarthy Stone in its purchase of a portion of the North site (McCarthy Stone having previously stated to Totnes Community Development Society and Dairy Crest Group Plc that subject to making the required changes to the existing legal agreements so that it has legal certainty, it would be prepared to purchase part of the North side of the site instead of the part of the South side of the site). Totnes Community Development Society is happy with this arrangement as asks Dairy Crest Group Plc to engage their solicitors to draft the revised legal agreements.

November 2016

On Wednesday 23rd November 2016, the referendum recorded an 86% Yes vote for the Community Right to Build Order for Atmos Totnes.

On the day of the referendum for Atmos Totnes no engagement took place and they did not 'mobilise' the vote.

On 24 November 2016 Totnes Community Development Society advise Dairy Crest Group Plc and McCarthy Stone of the referendum result.

December 2016

Totnes Community Development Society ask Dairy Crest Group Plc if they have asked Eversheds to start to draft revised contracts for the sale of the site.

March 2017

On February 28 2017 South Hams District Council Made the Atmos Totnes Community Right to Build Order. The Made Order provides for:

- 62 affordable houses (held affordable in perpetuity)
- 37 houses for those aged over 55
- 7,051 square metres of workspace
- A 58-bed hotel
- An energy centre
- A community venue
- Youth provision
- Health facilities

On 1 March 2017 Totnes Community Development Society advises Dairy Crest Group Plc and McCarthy and Stone that the Order is Made and request an extension to the contracts have been agreed until new contracts have been put in place.

On 30 March Dairy Crest Group Plc advised Totnes Community Development Society that they have shared a Heads of Terms with McCarthy and Stone regarding the new contracts for sale of the site but have yet to hear from them. Dairy Crest Group Plc seek to arrange a meeting with all parties' lawyers on 19 April 2017 to take forward the new agreements.

April 2017

Dairy Crest Group Plc confirm that they are still seeking the involvement of McCarthy and Stone through a new Heads of Terms despite no confirmation from McCarthy and Stone that they wish to move to new legal agreements.

May 2017

On 9 May Totnes Community Development Society meet with Dairy Crest Group Plc and McCarthy and Stone with all parties' lawyers present to discuss the proposed new contractual arrangements for the sale of the site. Agreement to move forward is reached that Totnes Community Development Society are to buy the entire site from Dairy Crest Group Plc and deal directly with McCarthy Stone in its purchase of a portion of the North site.

July 2017

Totnes Community Development Society advise Dairy Crest Group Plc that the Society can begin to enforce the original Agreement for Sale (as signed by both parties in 2014) and exercise the associated option agreement. The view of Directors is that this is a route that should be pursued unless there is movement on the new legal agreements. Dairy Crest Group Plc Company Secretary advises the Society that they sent "the heads of terms to McCarthy Stone's lawyers quite some time ago" and that they will continue to chase and that requests that the Society 'in the meantime bear with us."

October 2017

Dairy Crest Group Plc confirm to Network Rail that Totnes Community Development Society is working with Dairy Crest Group Plc to develop out the site.

January 2018

Dairy Crest Group Plc confirm that they are still seeking to establish new legal agreements for the sale of the site, noting that they are now unsure of the position of McCarthy and Stone.

July 2018

Totnes Community Development Society advise Dairy Crest Group Plc that as a consequence of the on-going lack of clarity and uncertainty of the position of McCarthy and Stone the main phases of the project (site purchase, enabling works and construction phase) have been reviewed and that the Society is continuing to undertake further elements of post planning pre-development work required to move the project forward. Dairy Crest Group Plc and Totnes Community Development Society agree to move to revised legal agreement for the sale of the site to Totnes Community Development Society.

September 2018

Dairy Crest Group Plc advised that they have instructed their solicitors to move to draft revised agreements between Dairy Crest Group Plc and Totnes Community Development Society.

March 2019

The Plymouth and South West Devon Joint Local Plan is adopted by South Hams District Council on 21 March 2019. This sets out that development of the Former Dairy Crest site must be in accordance with the provisions of the Community Right to Build Order (CRtBO), including appropriate flood risk mitigation measures (including improvements to the leat to protect existing development downstream), remediation of contaminated land and habitat enhancement; with sensitive and high quality design which integrates with the existing area and the setting of nearby heritage assets.

April 2019

On 15 April 2019 Saputo (Dairy) UK completed its acquisition of Dairy Crest Group Plc., however the key contact at Dairy Crest Group Plc remained as the key contact for Saputo (Dairy) UK taking on an enhanced role of President & Chief Operating Officer with Saputo (Dairy) UK.

Totnes Community Development Society and Dairy Crest Group Plc jointly commission Jones Lang Lasalle to undertake a whole site valuation to determine the land value for the site and the value of the contract for sale of the site.

June 2019

The investigative work on the Brunel Building is completed and the Conservation Management Plan is prepared and the application for Listed Building Consent is granted on 24 June 2019.

September 2019

Saputo (Dairy) UK board confirm that they are happy to sell the site to Totnes Community Development Society for the opportunity value of £460,000 with an overage on the land area set aside for the retirement housing. Saputo (Dairy) UK instruct Eversheds to draw up the agreement.

November 2019

On 29 November 2019 Eversheds issued termination on behalf of Saputo (Dairy) UK of the existing agreements to tidy up the contracts. The Society, through its solicitors Devonshires, request that written confirmation be provided of termination McCarthy and Stone's contract, and that the agreements between Saputo (Dairy) UK and the Society remain in place until exchange of the overage contract for the sale of the site to the Society. The Society proposed that the exchange takes place as soon as was practically possible.

The preparation of a permitting schedule within the wider strategy to mitigate the flood risk and risk of contamination from surface water during demolition and construction is completed and agreed with the Environment Agency who also agree the final approach to permitting. Two of nine permits and licences required under Flood Risk Management and Surface Water Drainage Development Strategy are applied for, the Bat House and the groundwork investigation. Both applications are approved by the Environment Agency in February 2020.

December 2019

On 19 December 2019 Natural England grant a European Protected Species Licence to Totnes Community Development Society for mitigation works in relation to the bats on the site. Granted

The Overage Agreement was agreed by both Saputo (Dairy) UK and Totnes Community Development Society on 23 December 2019.

Capital funding of £2,576,400 was approved by the National Heritage Lottery Fund for the refurbishment and development of the Brunel Building in December 2019 but notification of the award was not made public due to purdah until the early part of 2020.

January 2020

On 13 January 2020 Totnes Community Development Society confirm it is ready to exchange contracts.

17 January 2020 Eversheds Solicitors notified the Society that Saputo (Dairy) UK had exchanged contracts with another party (Fastglobe (Mastics) Ltd) and requested return of the keys for the site from the Society.

Responding to request of Saputo (Dairy) UK, Totnes Community Development Society contact Fastglobe (Mastics) Ltds representative Patrick Gillies of Bruce Gillies Ltd on 30 January 2020. Both parties agree to meet at the Atmos Hub on 6 February to provide Fastglobe (Mastics) Ltd with keys.

On the 31 January 2020 Totnes Community Development Society Directors find the site offices have been broken into and the locks changed

February 2020

On 6 February 2020 Directors of the Society meet with Patrick Gillies as arranged, to provide him with the keys to the offices, Patrick Gillies advises that he had broken into the offices and changed the locks.

Two of nine permits and licences required under Flood Risk Management and Surface Water Drainage Development Strategy are approved by the Environment Agency.

On 29th February 2020 South Hams District Council determine on the first set of Reserved Matters which allows the start of work on site by Totnes Community Development Society in accordance with the Community Right to Build Order and the Reserved Matters.

March 2020

Despite several attempts by the Society to seek meetings with the Saputo (Dairy) UK and Fastglobe (Mastics) Ltd., as of the writing of this report no meetings have taken place and Fastglobe (Mastics) Ltd., have only just responded to the Society requesting that the Society speak with agents Bruce Gillies Ltd. The Society has set out to both Saputo (Dairy) UK and Fastglobe (Mastics) Ltd. that it is seeking to pursue its legal interest in the site and is also seeking to ensure that the liabilities that exist on the site and that these are appropriately handed over whilst the Society pursues its interest.

Totnes Community Development Society
Charitable Community Benefit Society registered with the FCA 31671 R
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<http://totnescommunity.org.uk/>