

Wiltshire Council

Council

14 July 2015

Item 17 - Councillors' Questions

From Councillor Terry Chivers, Melksham Without South Division

To Councillor Stuart Wheeler, Cabinet Member for Hubs, Heritage & Arts, Governance (including information management), Support Services (HR, Legal, ICT, Business Services, Democratic Services)

Question 1

Wiltshire Council have a statutory duty to publish online Corporate Credit Card spending, and Council spending to suppliers on a monthly basis. At the time of submitting this question nothing has been published online for nearly 6 months, why?

Response

We have been reviewing and updating various systems and processes for uploading information onto the website. The required information regarding Corporate Credit Card spending and Council spending to suppliers is now online and updated as per our duty.

Question 2

On the Council web site is stated that members expenses will be published on an ad hoc basis I seem to remember last year it was agreed to publish them within 3 months of the end of the financial is this correct?

Response

Yes. And allowances for Council Year 2014-2015 were published on the 1st July and have been available since that date.

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From Councillor Chris Hurst, Royal Wootton Bassett South Division

To Councillor Philip Whitehead, Cabinet Member for Highways and Transport

Question 3

The community of Royal Wootton Bassett appreciates the need for Network Rail to electrify the London to Swansea line but will experience a great deal of disruption whilst the work is carried out. The temporary road, proposed by Network Rail, will reduce the diversion route for many road users. This is welcomed. What steps are Wiltshire Council taking to ensure the road *is* temporary and will be removed after the railway bridges are reopened?

Response

Please find attached documentation relating to the certificate of lawfulness for the construction of the temporary road. The extract below confirms that the approval only relates to the period required whilst the A3102 and Marlborough Road are closed.

INFORMATIVE TO APPLICANT:

That applicant is request to note that the above decision in respect of the proposed works relates only to the periods during which the affected sections of the A3102 Hunts Mill/Bath Road and Marlborough Road are closed, before and after which time the works are not considered 'reasonably necessary' as a temporary engineering operation and therefore will not be lawful under Part 4 of the General Permitted Development Order (as amended

**TOWN & COUNTRY PLANNING ACT 1990:
SECTION 192 (as amended by Section 10 of the Planning & Compensation Act 1991)**

Town & Country Planning (Development Management Procedure) (England) Order

Certificate of Lawful Use or Development - Proposed Use or Development

Application Reference Number: 15/04898/CLP

Agent	Applicant Mr Ian Wheaton
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Parish: - ROYAL WOOTTON BASSETT
Particulars of Development: - Certificate of Lawfulness for Proposed Creation of New Accesses off A3102 (East), Marlborough Road (West) & Creation of Temporary Road Between & to the South of the Mainline Railway.
At: - Royal Wootton Bassett, Wiltshire, SN47EH

Wiltshire Council hereby certify that on 19/05/2015 the operations described in the First Schedule to this Certificate in respect of the land specified in the Second Schedule to this Certificate and edged red on the plan attached to this certificate are lawful within the meaning of section 192 of the Town and Country Planning Act 1990 (as amended) for the following reason:

That the proposed works are lawful by virtue and pursuant to the limitations of Part 4 Class A of the Schedule to the GPDO and therefore planning permission is not required in respect of the temporary works.

INFORMATIVE TO APPLICANT:

That applicant is request to note that the above decision in respect of the proposed works relates only to the periods during which the affected sections of the A3102 Hunts Mill/Bath Road and Marlborough Road are closed, before and after which time the works are not considered 'reasonably necessary' as a temporary engineering operation and therefore will not be lawful under Part 4 of the General Permitted Development Order (as amended).

INFORMATIVE TO APPLICANT:

The applicant is requested to note that this decision reflects the view of the Local Planning Authority in respect of the lawfulness of the proposed works, and is given without prejudice to any other requirement in relation to private land rights, ecological protection or to highway adoption or other highways works under S38 and/or S278.

FIRST SCHEDULE: Certificate of Lawfulness for Proposed Creation of New Accesses off A3102 (East), Marlborough Road (West) & Creation of Temporary Road Between & to the South of the Mainline Railway.

SECOND SCHEDULE: Royal Wootton Bassett, Wiltshire, SN47EH

Signed



Director for Economic Development & Planning

Dated: 08 June 2015

Notes -

- 1. This Certificate is issued solely for the purpose of Section 192 of the Town & Country Planning Act 1990 (as amended).**
- 2. It certifies that the use or development specified in the First Schedule taking place on the land described in the Second Schedule would have been lawful on the specified date and thus would not have been liable to enforcement action under Section 172 of the 1990 Act on that date.**
- 3. This Certificate applies only to the extent of the proposed use or development described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any use or development which is materially different from that described or which relates to other land may render the owner or occupier liable to enforcement action.**
- 4. The effect of the Certificate is also qualified by the proviso in Section 192 (4) of the 1990 Act, as amended. This states that the lawfulness of a described use or operation is only conclusively presumed where there has been no material change before the use is instituted or the operations begun in any manner relevant to determining such lawfulness.**
- 5. Your attention is drawn to the rights of appeal you have against the Council's decision, contained in Section 195 of the Town and Country Planning Act 1990 (as amended). Any appeal must be lodged within 3 months of the date of this decision.**

CASE OFFICER'S REPORT

Application Reference: 15/04898/CLP
Date of Inspection: N/A
Date site notice posted: N/A
Date of press notice: N/A

POLICIES

Part 4 (Temporary Buildings and Uses) Class A of the Schedule to the Town and Country Planning (General Permitted Development) Order 1995 (as amended)

ISSUES

The proposal relates to the creation of a temporary road at land southwest of Royal Wootton Bassett.

The land subject of the application is arranged as a linear strip falling within a single agricultural holding located to the south/southwest of the town of Royal Wootton Bassett. The neighbouring land to the north falls within the operational boundaries of the railway network operator, being predominantly comprised of the railway cutting associated with the main Bristol – London line. This operational land includes substantial linear yard located approximately halfway along the roughly 600m length of track between the main A3102 Hunts Mill Road/Bath Road into Royal Wootton Bassett and the Marlborough Road linking the town to its small proportion of built development to the South of the line. Both roads bridge the railway line; the Hunts Mill/Bath Road bridging it twice including one heavily skewed bridge in order to traverse the split railway line, the northern element heading directly to Bristol and the southern line incorporating stops at Chippenham and Bath. The application site departs from Hunts Mill Road a short distance to the North of the Brinkworth Brook, skirting over this and across a mixture of arable and pasture fields to rejoin the highway at Marlborough Road, to the immediate North of the rear gardens of the properties on Dunnington Road.

A Certificate of Lawfulness is sought in respect of proposed engineering operations along the application site to create a temporary relief road. The electrification of the Bristol-London mainline requires significant alteration of the south-western A3102 skew bridge and Marlborough Road bridge in order to provide appropriate clearance above the track to accommodate the new overhead line equipment (OLE). Given the substantial nature of the works, this will sequentially require the complete closure of the bridges for several weeks and months, diverting traffic accordingly. In the case of articulated vehicles for which many local roads are unsuitable, the existing highways arrangements in the area are such that this would incur a detour of up to 56km around the affected skew bridge at the A3102.

ASSESSMENT

Part 4, Class A of the GPDO allows for:

“The provision on land of buildings, moveable structures, works, plant or machinery required temporarily in connection with and for the duration of operations being or to be carried out on, in, under or over that land or on land adjoining that land”

Clearly this is a broad-ranging right whose application must be considered with regard to each individual case, and it will be a matter of judgement on the part of planning officials, applicants, developers and potentially Enforcement Officers as to what may reasonably be considered to be

deemed permitted development not requiring planning permission in these terms. It is considered, however, that as a matter of principle, the provision of a temporary road surface would amount to 'works' in the sense set out in Paragraph A above. Turning to the location of the proposed works, it is agreed that the application relates to land adjoining the land on which operations (i.e. the electrification of the railway line) are being carried out. The fields through which the proposed temporary road is to run abut directly the railway cutting and yard area that can reasonably be considered collectively as the operational railway land on which electrification is to take place. The application site is also mostly within c.40m of this land and significantly closer in places. Certainly, this would be a reasonable conclusion in respect of any proposals for development adjoining operational railway land under Part 17 of the GPDO (Development by Statutory Undertakers), Class A, which itself is not applicable in this instance as the proposed works absolutely do not in themselves have any effect on "*the movement of traffic by rail*".

The potential implications of taking an alternative route using only A-classified routes comprising A3102 to Calne, A4 to Beckhampton, A4361/A4289 to Swindon and the remaining stretch of the A3102 back to Royal Wootton Bassett are clearly severe. It is considered that this is a significant material factor in judging whether, in all reasonableness, the works are '*required temporarily in connection*' with the specific operations to the railway bridges. The railway bridge works and necessary road closures associated with them are discrete operations with a definitive start and end date defined for the purposes of this application as the date on which the relevant road is closed and the date on which it is re-opened. The bridge works can also be attributed to a specific and time-limited operation (i.e. electrification), which is to take place along the entire length of railway line adjacent to the affected land. As such, it is considered that the proposed works are reasonably required temporary in relation to the aforesaid operation.

For the reasons given above, it is considered that within the strict terms of the road closures related to railway electrification works between the Hunts Mill/Bath Road and Marlborough Road, the proposed works are permitted development under Part 4 Class A and planning permission is not required in respect of the development. Should the retention of the road be sought subsequently to this period, this will require submission of a full planning application. Although the GPDO does not impose any requirement for further supporting information, a planning application to make permanent the works would nonetheless require the submission of relevant information including, but not limited to, suitable appraisals and methodologies in respect of landscape, ecology and local highways impact.

RECOMMENDATION

That the proposed works are lawful for the time during which the affected section of the A3102 is closed for works, pursuant to the limitations of Part 4 Class A of the Schedule to the GPDO, to which end informatives should be added to any decision as follows:

INFORMATIVE TO APPLICANT:

That applicant is request to note that the above decision in respect of the proposed works relates only to the periods during which the affected sections of the A3102 Hunts Mill/Bath Road and Marlborough Road are closed, before and after which time the works are not considered 'reasonably necessary' as a temporary engineering operation and therefore will not be lawful under Part 4 of the General Permitted Development Order (as amended).

INFORMATIVE TO APPLICANT:

The applicant is requested to note that this decision reflects the view of the Local Planning Authority in respect of the lawfulness of the proposed works, and is given without prejudice to any other requirement in relation to private land rights, ecological protection or to highway adoption or other highways works under S38 and/or S278.

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Item 17 - Councillors' Questions

From Councillor Chris Hurst, Royal Wootton Bassett South Division

**To Councillor Toby Sturgis, Cabinet Member for Strategic Planning,
Development Management, Strategic Housing, Property and Waste**

Question 4

What public consultation took place before the decision to reduce the number of days the County's household recycling centres are open for?

Response

As part of the budget setting process the Overview and Scrutiny Management Committee was asked to approve and scrutinise the budget proposals and Wiltshire Council's Financial Plan Update 2015/16. Cabinet considered its findings as well as feedback from four public meetings held across the county from 26 January to 5 February. Trade union feedback was sought at the Group Leaders meeting held on 5 February.

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From Councillor Helen Osborn, Trowbridge Lambrok Division

**To Councillor Toby Sturgis, Cabinet Member for Strategic Planning,
Development Management, Strategic Housing, Property and Waste**

Question 5

Please could you update us on the current status of the Wiltshire Council owned property – Court Mills in Trowbridge:

- a. Is it on the market?
- b. When is it likely to be sold?
- c. What non domestic rates are the Council paying on this property?

Response

- a) The property is approved for disposal. We are currently undertaking due diligence on the site before putting it on the market.
- b) It will go on the market within the next 3 months, with a 3 month marketing period. Final sale date will depend on interest, conditional/unconditional offers, planning consent etc.
- c) There is no NNDR liability for 2015/16 as it is a listed building and is empty, therefore NNDR exempt.

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From Councillor Chris Caswill, Chippenham Monkton Division

**To Councillor Toby Sturgis, Cabinet Member for Strategic Planning,
Development Management, Strategic Housing, Property and Waste**

With the permission of the Chairman, these questions on the Chippenham Site Allocations Development Plan Document (DPD) include revisions from their original submission, as received from Councillor Caswill on 10 July following the meeting of Cabinet on 9 July at which the DPD was discussed.

In general, several questions look for clarification of detailed modelling inputs, outputs and techniques. In recognition of this, Cabinet on 9th July agreed to facilitate a meeting to help promote understanding of the evidence.

Question 6

In a written answer given at the Cabinet meeting on July 9, I was told that the Council had written to a number of developers, including Chippenham 2020, that it would not "be an impediment" to any developments "which adjoined Council land". This was an indication that the Council would make its land available should it be included in an approved strategic site. There was no written answer to the question as to who made the decision to act in this way. Will you now provide that written information?

Response

A response will be provided for the meeting.

Question 7

At the same meeting, an answer was provided to why the Barrow Farm site had not been included. Among the reasons given was that it did not require "road improvements" to the road network and was largely dependent on a new link road for which planning permission has already been given. Would you not agree that these are reasons in favour rather than against?

Response

No. Unlike the Plan proposals for Rawlings Green and East Chippenham, additional development in Area A at Barrow Farm generates an additional burden on the road network without road infrastructure to counteract its effects.

The Plan proposals perform a lot better than an alternative scenario substituting a smaller scale of development at Barrow Farm in preference to East Chippenham. Average AM peak journey times are 12% faster than increasing development in Area A to in excess of 1,200 dwellings over the plan period. PM peak journey times are 13% faster. As might be expected with a significant amount of new development situated to the north of the town, increasing development in Area A also has negative impacts on the northern approaches to the town centre (Malmesbury Rd and B4069).

Question 8

Would you agree that the traffic analyses and conclusions in the two Transport and Accessibility Evidence papers by Atkins are crucial to the soundness of the selection of areas B and C? If so, why did the first Transport evidence report in October 2014 make no reference at all to the impact of additional traffic on Station Hill and Cocklebury Road?

Response

The Transport Assessments form part of the evidence leading to the selection of preferred areas B and C. The Chippenham Site Allocations Plan selection of sites is guided by six criteria contained in the Wiltshire Core Strategy. Two of the criteria relate to transport and accessibility. The first report from Atkins provided evidence on those two criteria. It provides an overview of the impact of different development scenarios and the suitability of strategic areas around the outside of the town for the development of strategic sites. This work was not intended to provide specific predictions of traffic flows on any particular roads or junctions.

Question 9

In their 2010 validation of the Chippenham traffic model which is now being used by the Council and its consultants, PFA Consulting stated that "S-Paramics is sensitive to the definition of the road network and the success of the model in reproducing the existing situation and forecasting changes in travel behaviour is largely dependent on the accuracy of the description of the road layout and geometry." Given that nothing is yet known about the road network in the future Rawlings Green development, how can the traffic model provide any serious evidence of the future impact on Station Hill of vehicles coming from the planned 650 Rawlings Green houses?

Response

See response to question 8. The model shows a percentage change in delay in AM and PM peaks with a reduction ranging between 40-80% on the current situation once the Cocklebury Link and Eastern Link Roads are in place and the levels of development proposed in the Plan have been built. A second access to the Monkton Park area will also reduce risks associated from relying on just one access point. Together this evidence is sufficient to justify the more general statement that '*the Cocklebury Link Road is forecast to offer additional transport benefits*'. Sufficient evidence points to this conclusion and it is not necessary to affirm this supposition by examining different road layouts or route alignments.

Question 10

Given the sensitivity of the traffic model to definitions of road networks, and the complete absence of any different defined routes for a southern or eastern link road, and of their connections to the associated developments, it is perhaps not surprising that the first Transport evidence report only offers a brief set of "indications" of the relative merits of a southern and an eastern link road. Yet this brief and inconclusive statement has been used throughout this process as a justification for proceeding with the eastern link road. Why do the Chippenham Site Allocation Plan papers include no recognition of these uncertainties or of the error margins on the indicated forecast of 20-25% longer journey times for the southern link road?

Response

Preferred areas for strategic sites were chosen by a process of considering all six of the criteria to Core Policy 10 of the Wiltshire Core Strategy, not just transport and accessibility. This is explained in the 'Site Selection Report, February 2015'.

The evidence is as certain as can be reasonably expected to support the Plan's proposals. It states that in transport and accessibility terms, the most preferable long term development strategy for Chippenham is to focus development to the north and east of the town. The Eastern Link Road through Strategic Areas A, B and C is proposed as the key piece of transport infrastructure required to unlock development potential. Sufficient evidence points to this conclusion and it is not necessary to affirm this supposition by examining different road layouts or route alignments.

Question 11

Paragraph 2.14 of the second Transport evidence report states that "Model outputs have been used to assess the relative differences between variants at a Chippenham-wide level, rather than focusing on specific roads or junctions. Specific road and junction performance would be highly dependent on development site access arrangements, for which sufficient detail is not currently available." (My underlining). Is this the reason why no evidence has been provided of the likely Why impact on Station Hill and the New Road junction of traffic from 650 houses in Area B and any traffic coming into the town centre from the proposed eastern link road? And no attention has been given to the pressures on a new junction between Cocklebury Road and the proposed Cocklebury Link Road?

Response

Attention has been paid to potential pressures on Cocklebury Road, as elsewhere on the network. The evidence clearly suggests there will be less pressure once the Cocklebury Link Road is complete. See response to question 9. The model shows scope for a reduction in delays expressed as a percentage range. Detailed site access arrangements will determine a more exact level of reduction.

Question 12

In spite of these reservations, paragraph 4.19 of the draft Chippenham Site Allocation Plan asserts that the proposed Cocklebury Link Road "will relieve current congestion that might otherwise worsen unacceptably on routes into and out of the

town centre.” When discussing improvements to the road network, paragraph 8.4 of the accompanying Site Selection Report asserts that the Cocklebury Link Road “may well be one of the most beneficial”. Similarly a written answer at Cabinet meeting forecast a reduction of between 40 and 80% on the current situation on Station Hill. Why do none of these assertions appeared to be accompanied by any evidence? What is the evidence for them?

Response

The statement is a result of testing development scenarios using the S-Paramics model of the Chippenham road network. It is not clear what specific further evidence is being sought and what further explanation can be provided. A meeting is being arranged to explain how the transport assessment work has been undertaken and to help answer this and other queries.

Question 13

Amongst the 50 changes proposed to the original Plan, is one (no. 6) which claims that the figures in the Plan take account of the brownfield developments in Chippenham, including those in Langley Park. In what way do they take account of those figures? Have they made any allowance for the stated intentions of the new Langley Park owners to increase the housing numbers on the site?

Response

The likely scale of housing development within the built up area is deducted from how much land is needed on Greenfield sites. The scale of development permitted at Langley Park is included in this calculation, which is a reasonable allowance. While it is recognised that this could change following approval of any revised planning permission currently there is no certainty that the numbers will increase to the level proposed. Notwithstanding, any changes to known commitments within the urban area (that could go up or down), only a small proportion of land requirements can be met using brownfield opportunities. The principle of needing to identify significant urban extensions to Chippenham is established in the Wiltshire Core Strategy.

Question 14

In the Appendix which lists 50 proposed changes to the Site Allocation Plan, changes number 31 and 38 only talk about “any improvements to the water supply and foul drainage network” needing to be put in place at a certain time. Does this not allow these improvements to be optional?

Response

No. This is wording suggested by the Environment Agency and simply reflects the fact that the precise scope for any works off and on-site will be determined at more detailed stages of the development process.

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From Councillor Chris Caswill, Chippenham Monkton Division

To Councillor Laura Mayes, Cabinet Member for Children's Services

Question 15

What progress has been made to date on an Action Plan to deliver the Council's Child Poverty Strategy?

Response

An action plan to deliver the Council's Child Poverty was developed in March 2015 by the multi-agency Wiltshire Child Poverty Steering Group. The action planned is themed in six sections to reflect work to achieve the five strategic objectives of the Council's strategy with an additional section relating to the continued development of key data sources to support effective work at the Community Area level.

The five strategic objectives are:

1. Provide effective support to vulnerable families with 0-5 year olds.
2. Narrowing the educational attainment gap.
3. Develop an inclusive economy that will enable equality of economic opportunity for all.
4. Provide locally focused support based on a thorough understanding of needs.
5. Promote engagement with the Child Poverty Strategy and related implementation plan.

Work is progressing well to support strategic objectives four and five through the development of Community Area Profiles which help to highlight the key issues relating to child poverty in each area – both positive and negative.

These profiles are central to achieving all of the strategic objectives identified within the strategy because the community area profiles include detailed information on educational attainment, the age breakdown of children living in poverty, health

indicators relating to poverty, and information on worklessness and unemployment for each community area. (An example of a community area profile is attached).

The Area Board chairs are currently meeting with officers to discuss the key issues for their areas that the child poverty profiles highlight for their area in order to inform engagement with the area board and its stakeholders to identify priorities for action and ensure links to existing work are made and strengthened.

This is particularly around the role of children's centres in joining up with midwives and health visitors to ensure a healthy start in the early years and to promote attachment between parents and their children. The evidence tells us that focusing on the early years has the greatest lifetime impact. The Council's work to roll out Baby Steps, an evidence-based antenatal education programme targeted at vulnerable families in Wiltshire, across the county is a good example of the way different organisations can work together to identify and support those families with the greatest needs. The programme is designed to help vulnerable parents cope with the pressures of having a baby recognising that pregnancy and the first months of a child's life are crucial and lay the foundations for their future.

In addition the Health Select and Children's Select Committees agreed to take a partnership approach to reviewing the topic of obesity and child poverty in the form of a joint task group which held its first meeting in June 2015 to identify key areas of work to progress and develop. The second meeting of this group is being held in July to consider learning and outcomes from the Obesity Summit held on 9 July and to agree terms of reference and methodology for the group.

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Item 17 - Councillors' Questions

From Councillor Chris Caswill, Chippenham Monkton Division

To Councillor Jonathon Seed, Cabinet Member for Housing, Leisure, Libraries and Flooding

Question 16

How many (a) individuals and (b) families are currently homeless in Wiltshire?
What were the comparable figures for July 2014 and July 2013?

Response

97 Homeless households in Temporary Accommodation
Of those 72 were households with children and 25 were single person households

What were the comparable figures for July 2014 and July 2013?

2014 - 118 Homeless households in Temporary Accommodation
Of those 96 were households with children and 17 were single person households

2013 - ~~2013~~ 129 Homeless households in Temporary Accommodation
Of those 98 were households with children and 27 were single person households

These comparable figures show a year on year reduction in homelessness in the County and a reduction over three years of 30%. However I remain concerned at any homelessness in the County and will continue to strive for reductions along with implementation of policies to provide accommodation for homeless people in our County.

Question 17

How many (a) individuals and (b) families has the Council housed in bed and breakfast accommodation in the last six months?

Response

A verbal answer will be provided at the meeting.

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14 July 2015

Item 17 - Councillors' Questions

From Councillor Chris Caswill, Chippenham Monkton Division

To Councillor Keith Humphries, Cabinet Member for Health (including Public Health) and Adult Social Care

Question 18

What is the size of the cut in Wiltshire's public health budget as result of the £200 million reduction announced by the Chancellor on June 4? Is it a cut to the baseline? How will this reduction be implemented?

Response

No further announcements have been made by the Chancellor in regard to possible cuts in Public Health budgets and how they might be distributed between Local Authorities.

We estimate that the size of the cut to Wiltshire's public health budget could be in the region of £1.4m. As far as we are aware, with current limited information, it would be a cut to the baseline. We are reviewing our commissioning commitments whilst waiting for further details