

AGENDA SUPPLEMENT (1)

Meeting: Cabinet
Place: Kennet Room - County Hall, Trowbridge BA14 8JN
Date: Tuesday 15 March 2016
Time: 9.30 am

The Agenda for the above meeting was published on 7 March 2016. Questions have since been received for this meeting, details of which are attached to this Agenda Supplement.

Please direct any enquiries on this Agenda to Yamina Rhouati, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 718024 or email Yamina.Rhouati@wiltshire.gov.uk

Press enquiries to Communications on direct lines (01225)713114/713115.

This Agenda and all the documents referred to within it are available on the Council's website at www.wiltshire.gov.uk

5 **Public participation and Questions from Councillors (Pages 3 - 12)**

Questions received from Mr Richard Hames, Councillors Ernie Clark and Chris Caswill.

Date of publication – 11 March 2016

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Wiltshire Council

Cabinet

15 March 2016

Public Participation

Questions from Mr Richard Hames

1. Could the council please provide a list of all the documents relating to the planning applications for Rawlings green and East of Chippenham which were sent to Chippenham town council and Langley Burrell Parish Council?

2. Could the council please explain why Bremhill parish only received the EIA for both applications rather than a complete set of documents as councillor Sturgis said would happen at the last cabinet Meeting. After much chasing they received further documents for Rawlings Green only?

3. Is the council legally able on major planning applications to require that more than three hard copies of all documents be submitted? If the council is legally able to do so will the council please make it a policy going forward to require a least six hardcopies so that the relevant parish and town councils can receive a copy and one copy can be placed in a local library and another in a council building eg Chippenham council office?

It would make sense for developers to provide hard copies for all consultees which would include parish and town councils. Then additional copies could be provided to place in a local library and a council building.

4. I understand that the council spent approximately two years dealing with the s106 for the development north of Chippenham. Other councils have a policy of requiring the S106 to be signed within a specified period for major developments failing which the planning consent lapses. The trouble with the council's method of negotiation is that the bargaining chips are held by the developer. Will the council change it's rules so that in future the developer is given a fixed period to reach agreement (this should be a matter of months) failing which the application lapses? This will result in the council holding the bargaining chips and will result in a better deal for the council taxpayer and less time spent by council officers.

5. Availability of public documents in connection with the planning applications for Rawlings Green and East of Chippenham. As mentioned above were not distributed to Bremhill parish on a timely basis for Rawlings Green and in the case of East of Chippenham only the EIA has been received at the time this question was submitted. A resident of Tytherton Lucas tried to download one of the documents and, even though he is able to stream films, was unable to access the document. Does the council consider that adequate consultation has been given and the consultation is robust enough to defeat any judicial review? Would it not be more sensible, so as to avoid the possibility of any challenge, to restart the clock on consultation?

6. Could cabinet please explain why Chippenham town council is able to comment on planning matters but the Calne area board is not?

7. Wiltshire Council has confirmed that the council is under no legal obligation to sell its land to Chippenham 2020. It further states that it's non-legally binding email referred to a potential sale to assist development through the Chippenham sites allocation development plan document as part of the core strategy process.

Would the cabinet therefore consider writing to Chippenham 2020 informing them that they will not sell any land in area C to them unless the inspector has in his report included that land for development in the Chippenham site allocation plan and that The number of houses that can be built on such land would be limited to the number of houses the inspector recommends in his report, if he approves development of the East of Chippenham site?

This would enable the council to defend its own draft plan and let the inspector consider all the new evidence the council is collecting.

8. If the local press wished to interview the leader of the council and each cabinet member once a year for an in depth interview would you please confirm that the leader and each cabinet member would make themselves available?

Statement and Question from Cllr Chris Caswill

Public Conveniences

Statement

I welcome these papers and the opportunity for some at least of public toilets being kept open, where town and parish councils have not agreed to take them on. I hope the Cabinet will at least agree to Option1, which allows for selective continuations. Even this falls short of the statement from the Leader during the discussion of the Financial Plan at the last Cabinet meeting, that providing public toilets is a civic virtue, and that no toilets would close under her administration. I see that, regrettably, a rather watered down version of that statement now appears in Minute 53.

I want to take this opportunity also to emphasise the benefits of keeping open the Bath Road toilets, which are in my ward. These toilets occupy a corner of the Bath Road site which the Council has been seeking to develop for at least six years now. This may be the reason why they have suffered a degree of neglect and are certainly not up to the best modern standards. But they are part of the busy car park, and right beside the route in and out taken by most car park users. Equally important, they are also close to bus stops just beside the Town Bridge, where several local buses start and terminate. Some National Express buses also stop there. Apart from the train station's informal offer, (several hundred yards and two streets away up hill, and away from the shops), they are also the only toilets available to the public on the New Road / north side of the Town Bridge - an important part of the town centre that has all too often suffered from neglect in plans for the future. There are on the other hand two toilets on the High Street side, and the Town Council appears now to be offering its toilets as another option in that same area. It is very much to be hoped that the Bath Road site will be redeveloped in the not too distant future, which means that any financial commitment to keep these toilets open should be time limited, which seems to be an advantage rather than the negative argument that some have been making.

Paragraph 24 (1) of the Cabinet paper sets out possible criteria for reviewing toilet provision. If and when these are applied to Bath Road, I hope that account can be taken of the recent history of the site, where I think the Council has some responsibility for the current state of these toilets, and that sufficient weight will be given to their community value, public transport contribution and physical location.

Question to Cllr Philip Whitehead, Cabinet member for Highways and Transport

What were the responses of the individual Town and Parish Councils to the invitation to take on public toilets? Please provide a breakdown, Council by Council.

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Question from Cllr Chris Caswill

To Cllr Toby Sturgis, Cabinet member for Strategic Planning, Development Management, Strategic Housing, Operational Property and Waste

The current large-scale planning applications for 700 and 1500 houses in the Avon valley beside Chippenham provide examples of a seriously flawed process of public consultation and engagement. Take the example of the Rawlings Green application 15/12351/OUT. This has been a case study in how **not** to engage the public with an important planning application. The application material was presented on the Wiltshire Council web site in a confused and bewildering set of over **170** separate documents not organised in any logical order, divided between two sections, one marked '*Appendix*' and another '*Statements/Surveys*'. Several of those documents themselves run to 50 or more pages and take a long time to download. It is not surprising that interested members of the public found this mass of incoherent material hard to access and even harder to understand and use. In the early part of the consultation period, access was made even more frustrating when these website pages crashed from time to time.

It is also extremely unfortunate that there are still important documents missing from this mass of material – examples in this case are Appendices to the Air Quality Report.

Then there was the problem of access for those who do not anyway use computers. The Council refused to provide any paper copies of the application in its Monkton Park office or in the Library - not even of a reduced set of the key documents. This is in clear contravention of the commitment made in Appendix 1, page 43 of the Council's Statement of Community Involvement, approved in July 2015. I believe it is also in breach of the Council's Public Sector Equality Duty. Chippenham Town Council was provided with a hard copy set, but initially flatly refused public access to it. They then changed their mind and decided to allow it, but there is no public information to that effect, and no process by which access can be requested. At least one Parish Council was provided with an incomplete set.

Many residents contacted me to say that they had tried to read and comment on the application but had given up. In these circumstances, it is remarkable how many people have commented - an indication of the strength of local feeling. Unfortunately many have not been able to access key documents and those representations will inevitably be limited to impressionistic comments, subject to challenge on the lines of "S/he obviously hasn't read paragraph xx of document abc".

Additionally, the applicant has not conducted an effective consultation process. The residents of Rawlings Farm Cottage, which is surrounded by the site, were not

consulted. Nor have the residents in the five houses in Peckingell been consulted, even though they are only 200 metres from the site boundary.

These shortcomings also apply to the Chippenham Riverside application 15/12363. I understand they also applied – and continue to apply – to the application for the Range (where they had 2000 pages to access in less than three weeks over the Christmas period).

My questions are:

1. When, and by whom, was the decision taken not to provide paper copies of planning applications in the Council offices and libraries, in contravention of the July 2015 Statement of Community Involvement?
2. Does the disadvantage to those who do not use computers, who are for the most part elderly, not constitute a breach of the Council's Public Sector Equality Duty, and if not why not?
3. When a developer presents application material in this kind of incoherent and inaccessible format, does the Council not have at least a civic obligation to review and organise it in such a way as to make it accessible for public consultation and engagement – especially in a Council 'where everybody matters'?
4. Can lessons now be learnt from the lack of public access to these large scale planning applications, and will you now instigate an urgent review of the presentation of applications on the web site, and for those who do not use computers, with a view to allowing the public to properly engage with the planning process?

To Cllr Toby Sturgis

The Planning section of the Council web site continues to display as 'Retained Policies', policies from the former North Wiltshire District Council, which is seriously misleading to the public. Conversely there is no easy way of access the Core Strategy Policies on the site. That requires ploughing through the hundreds of pages of the Core Strategy document. This reflects badly on the Council and its attitude to the public. I have drawn this to the attention of officers but nothing has been changed. This is presumably within your responsibility. Why has this been allowed to happen? And when is something going to be done about it?

To the Baroness Jane Scott of Bybrook OBE, Leader of the Council

I wrote to you on 12 February, and again with a reminder on 26 February, on the subject of public access to planning applications, on the provision of paper copies and on the Public Sector Equality Duty. As of noon on March 8th, I have not had a reply. I appreciate you are busy, here and in London. But for whatever reason, would you not agree that this is an unfortunate example from the Leader's office of failing to meet the agreed protocol for responding to elected members.

Question from Cllr Ernie Clark to

Cllr Toby Sturgis, Cabinet member for Strategic Planning, Development Management, Strategic Housing, Operational Property and Waste

I am advised by a planning officer that 'At this present moment in time, Wiltshire Council is not able to demonstrate a five year housing land supply in the North and West Housing Market Area. The Housing Target for Wiltshire is only a minimum and will need to be met in order to demonstrate a five year housing land supply in the future.'

This failure of the Core Strategy so soon after its adoption, is causing speculative planning applications throughout the N&WHMA in general and in/around my Division in particular. Examples are applications for 210 houses in the Hilperton Gap, 30 houses in the grounds of Hilperton Grange and a forthcoming application for 250 houses on Ashton Road. All these applications are outside Settlement Boundaries and only stand any chance of success owing to the land supply problem.

What steps are being taken to increase staffing levels to address this serious issue as a matter of urgency? How has this situation been allowed to come about? Have any actions been taken against any officers in relation to this lamentable predicament? When will the Trowbridge DPD, which seems to be well behind schedule, be ready for public consultation?

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Question from Cllr Ernie Clark

To the Baroness Jane Scott of Bybrook OBE, Leader of the Council

Were you one of the 102 Conservative council leaders who contacted Brandon Lewis claiming that you were 'best placed to make decisions about Sunday trading' and calling on the government 'to put its trust into councils'? If you were, what mandate did you have for doing so from the elected members of this council?

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