

AGENDA SUPPLEMENT (1)

Meeting: Cabinet
Place: Online Meeting
Date: Tuesday 5 January 2021
Time: 10.00 am

The Agenda for the above meeting was published on 23 December 2020. Additional documents are now available and are attached to this Agenda Supplement.

Please direct any enquiries on this Agenda to Stuart Figini, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 718221 or email stuart.figini@wiltshire.gov.uk

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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 - 10)**

Public and Councillor Questions

10 **A303 Amesbury to Berwick Down (Stonehenge) Road Improvement Scheme (Pages 11 - 14)**

Public questions

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Wiltshire Council

Cabinet

5 January 2021

Agenda Item 5 – Public Participation

Questions from Chris Caswill

To Councillor Philip Whitehead, Leader of the Council

Question 1 (21-01)

At the last cabinet meeting, you said that the Council's Chippenham HIF Bid would be published by the end of December, to make it available before the consultation on the Chippenham distributor road began. Has it now been published, and if so, where is it available? If not, when and where will it be?

Response

The information was published on the Council website on the 23rd December and can be found at the following link

<https://www.wiltshire.gov.uk/future-chippenham#Housing IF Bid>

Question 2 (21-02)

A similar commitment was made with respect to the submission the Council made to Highways England as part of the Chippenham HIF contract arrangements, albeit that redactions would be required. Has it now been published, and if so, where is it available? If not, when and where will it be?

Response

We think this refers to Homes England and the Grant determination agreement. This has not been published.

Question 3 (21-03)

When will the public consultation on the Chippenham distributor road begin and end?

Response

This information has already been provided in the reports to cabinet. The consultation will begin week beginning 15th January 2021 and end week 12th March 2021 at 5 p.m.

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Wiltshire Council

Cabinet

5 January 2021

Agenda Item 5 – Public Participation Statement and Question from Chris Caswill

**To Councillor Toby Sturgis, Cabinet Member for Spatial Planning,
Development Management and Investment**

Statement (21-04)

When Cabinet approved a process of consultation on the Local Plan on December 1, there was a section reviewing ‘The Equalities Impact of the Proposal’, which read as follows:

“Equalities Impact of the Proposal

35. The Council is subject to a public sector equality duty introduced by the Equality Act 2010. Consultation will be carried out in accordance with the Council’s adopted Statement of Community Involvement and associated Temporary Arrangements that are in place in the light of the COVID-19 situation. **This takes an inclusive approach to consultation ensuring that everyone can be involved.**

36. **An Equality Impact Assessment will be carried out alongside the preparation of the Plan** and will accompany the draft Plan when it is submitted to the Secretary of State for examination.”

The shortcomings of the assessment are clear in the two highlighted texts. The first demonstrates a complacent and inadequate approach to inclusivity, paying no attention to the many elderly Wiltshire residents (and others) without access to – or the necessary skills to use - the electronic technology necessary to read and respond to the consultation. Nor does it consider those who do not scan their parish or town newsletters (even if they are distributed in the two month time frame), and are not on Area Board mailing lists. So that those residents are denied the opportunity to be heard in the proposed consultation, the outcomes of which can reasonably be expected to affected their daily lives.

This assessment therefore seriously understates the significant equalities implications of the online methodology for this Local Plan Review. The fact that a proper Equality Impact Assessment has *not* been carried out at this important stage in the Local Planning process is then underlined by the second highlighted text, which makes it clear that a full assessment is still to be made.

The 2010 Equality Act explicitly applies to contact between individuals and local authorities. The following is an extract from the Equality and Human Rights Commission web page:

“Under the Equality Act (2010) you are protected from discrimination:

- *when you have contact with public bodies like your local council or government departments”*

I submit that the Cabinet decision taken on December 1st is discriminatory against a significant section of the Wiltshire population, and that the Equality impact assessment in the paper which the Cabinet approved was not at all adequate. Without the discriminatory elements of the Local Plan consultation due to begin on January 13 being properly assessed, and then mitigated, I submit that the Council fails in its Public Sector Equality duty. In the circumstances there is now an opportunity for the Cabinet to remedy this serious shortcoming by reconsidering its decision at its next meeting with a paper which includes an adequate Equalities Impact assessment (and remediation). In the meantime I also submit that it should postpone the consultation due to start on the 13TH January until a decision can be taken which is consistent with the Equalities Act and its Public Sector Equality duty.

Response to Statement

The Cabinet decision taken on 1 December 2020 is not discriminatory and there is no need to postpone the start of the consultation. The preparation of the Local Plan is guided iteratively by assessing impact on equality. Like all development plan documents, the Local Plan Review is being carried out in accordance with the Council’s Statement of Community Involvement. Compliance with its content is a legal duty.

The statement has been reviewed and amended in response to restrictions required by the COVID-19 pandemic and can be viewed via the following link: [Statement of Community Involvement - Wiltshire Council](#).

The Council’s Statement of Community Involvement and Temporary Arrangements July 2020 comply with the Equality Act 2010 and were adopted by Council on 21 July 2020 following consideration by Cabinet on 14 July 2020. Agenda item 8 paragraph 18 of the Council Report considers the Equalities Impact of the Statement of Community Involvement (SCI) and Temporary Arrangements and concludes compliance with the Equality Act 2010 as follows:

“The purpose of the SCI is to ensure that everyone who wishes to has the ability to be engaged in and to help shape the areas in which they live and work through both plan making and in decisions made for individual planning applications. The SCI recognises the Equality Act 2010, and that the Council will promote equality and diversity in undertaking its duties and not unfairly discriminate against anyone who wishes to participate in the planning system.”

The review of the SCI took account of those sections of the Wiltshire population without internet access. Paragraph 2.9 of the Temporary Arrangements states that: *“For members of the community and stakeholders without internet access, Wiltshire Council will deploy the most pragmatic solutions to make hard copies of documents accessible to them at the time. This may include sending hard copies on request.”* In addition, at Paragraph 2.10 it states that: *“Should anyone be unable to submit a response online or by email and be unable to leave their home to post a response, the Council will consider bespoke measures on a case by case basis to enable people to respond.”*

The Cabinet report on the Local Plan Review itself at paragraph 27 refers to the use of a public notice in newspapers as means to advertise the consultation and letters to people on the Council’s consultation database where email is not available to help raise awareness. This is supplemented by Council contacts with local news outlets that will

raise awareness more widely by a variety of media and not just electronic forms.

Question 1 (21-04)

In the December Cabinet papers on the Local Plan consultation there was a statement in para. 46 of the Chippenham Site Selection Report that *"A full explanation of the sustainability appraisal methodology is provided in a separate report"*.

However it was not provided at that time. The Local Plan consultation begins on 13 January. It will not be properly conducted if this report is not available to the public. When, how and where will it be made available?

Response

The Interim Sustainability Appraisal Report will be published on the Council's website alongside all other supporting material when the consultation commences on the Local Plan, which is set to start on 13th January 2021. All consultation material will be accessible via the following link: www.wiltshire.gov.uk/planning-policy-local-plan-review

[In line with the Council's Statement of Community Involvement \(SCI\) including Temporary Arrangement \(July 2020\):](#) *"For members of the community and stakeholders without internet access, Wiltshire Council will deploy the most pragmatic solutions to make hard copies of documents accessible to them at the time. This may include sending hard copies on request."* (paragraph 2.9, SCI Temporary Arrangements).

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Wiltshire Council

Cabinet

5 January 2021

Agenda Item 5 – Double Yellow Line Parking, Station Road, Royal Wootton Bassett

Question from Cllr Chris Hurst

To Councillor Bridget Wayman Cabinet Member for Highways, Transport and Waste

Question 1 (21-07)

In the attached article in the Swindon Advertiser on 23rd December 2020, the Cabinet Member for Highways is quoted as denying the Council were aware of repeated parking on double yellow lines outside the Premier shop on Station Road in Royal Wootton Bassett. Cllr Wayman as quoted ‘Councillor Bridget Wayman, council cabinet member for highways, said: “We’re not aware of any complaints for this particular location, which is patrolled on a regular basis.

“However, vehicles are only permitted to stop on double and single-yellow lines if they are carrying out loading and unloading. Our officers will always carry out some observation to check if this is being done before deciding to issue a penalty-charge notice.

“We ask that drivers be considerate for pedestrians and other road users, because selfish behaviour can really cause problems for other people. Parking on a pavement is an obstruction offence and this can be enforced by Wiltshire Police.”

This statement by Cllr Wayman is not true. I have twice reported the issues to the Council’s parking services on both 4th April 2018 and again on 11th September 2018 and received a response from officers. Following this, the road was resurfaced and the yellow lines repainted but the problem has persisted due to lack of enforcement.

Did the cabinet member consult with officers before making the inaccurate statement to the local paper?

Would she take this opportunity to correct her statement?

Attached article: <https://www.swindonadvertiser.co.uk/news/18960572.illegal-parking-royal-wootton-bassett-outside-premier/>

Response

Officers confirmed that there were forty nine logged visits to the area with no Penalty Charge Notices in the last six months. Officers did note vehicles carrying out loading and unloading had occurred, which is permitted.

Officers were not aware of any recent issues in the area. Records of reports over two years ago were not include in the response to the newspaper as they were not considered current.

Wiltshire Council

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5 January 2021

Agenda Item 5 – Chippenham HIF Consultation

Question from Ian James – Bremhill Parish Council

To Councillor Philip Whitehead – Leader of the Council and Cabinet Member for Economic Development, MCI and Communications

Statement (21-08)

The residents of the parish of Bremhill parish, and many other residents from Parish Councils in the Chippenham area welcomes the opportunity to make comment on the Plan review starting on 13th January.

Why was this notification to parish councils made so late in the day? Surely the Council knew that a consultation would be due in January when completing the papers for review. This rush to start a consultation process smacks of panic in the ranks of the Cabinet.

Why has the consultation on the Local Plan been brought forward, the advertised date for the consultation for the road options was the 11th January. Was Futures Chippenham not ready?

Confusion reigns not only at Wiltshire Council but also for the public who are confused as to which consultation they will be required to comment on.

Why were Parish Councils only warned of this process on or after the 18th December? This time frame is unreasonable and an abuse of process.

It is the duty of Wiltshire Council to notify the public in good time for a consultation, regardless as to the fact that it is an informal consultation, or that the period has been extended.

Many of the residents in Chippenham and Calne have been denied their democratic right to this consultation.

Apart from the fact that the process of warning residents of this consultation has been a complete shambles, when Spatial Planning was questioned on the difficulty of contacting residents, the reply was "you can email them" Surely it is the responsibility of the Council to publish the dates in places where the public have access to read them not just on the Council web site.

Secondly, and importantly a good number of residents do not use the Internet, or if they do the performance is so poor it is difficult to view or download the documents. What is

the Council going to do to assist those residents that do not have access to the Internet?

Reading the consultation process, it appears an hour has been allocated between 7pm and 8pm. 3,500 people have objected to this road and the development of up to 10,000 houses in the Chippenham area. How is the Council going to accommodate questions from that number of people or even a tenth of that number on Teams?

What the Council officers fail to understand is in order to brief the electorate the only safe way to do this is through the parish newsletter that is printed the month before distribution, by notifying Parishes on the 18th December it was too late to inform them of the pending consultation.

I am afraid Wiltshire Council has a record of sending out publication of consultations over a Christmas period, when many people are away or celebrating Christmas with little time to be checking the Wiltshire web site, any public holiday or even August is a good time so that people miss the opportunity to give their opinion.

As a senior member of the Council and a Cabinet member stated to me and others in a meeting, "Consultation takes too much time"

Consultation done correctly does not take too much time if done correctly the first time.

The correct process for Wiltshire Council is to push the start of the consultation back in order for all people to have an opportunity to comment on this important planning project. The planning process starts at the end of 2021 I would respectfully ask that this consultation is put back until people can attend in person to assess this major building project.

Response

The consultation dates for the Wiltshire Local Plan Review were set to avoid the Christmas period and the start of the new year. Reasonable notification has been provided to people including parish and town councils and the 8 week consultation period, rather than 6 weeks allows sufficient time for people to comment. There is no need to push back the start date.

Like all development plan documents, the Local Plan Review is being carried out in accordance with the Council's Statement of Community Involvement. The statement has been reviewed and amended in response to restrictions required by the COVID-19 pandemic to focus on online methods of communication in line with guidance from the Government and can be viewed via the following link: [Statement of Community Involvement - Wiltshire Council](#). Where people do not have access to the internet, they can contact the Council by telephone and request hard copies of documents.

Wiltshire Council

Cabinet

5 January 2021

Agenda Item 10 – A303 Amesbury to Berwick Down (Stonehenge) Road Improvement Scheme

Statement and Questions from Adrian Temple-Brown

To Councillor Richard Clewer, Deputy Leader and Cabinet Member for Corporate Services, Heritage, Arts, Tourism, Housing and Communities

Statement

I'd like to follow on from the serious carbon and environmental accounting questions that I posed to Cabinet at the last Cabinet meeting, the answers to which were evasive and completely lacking in information, as usual. Today I would like Cabinet to compare the magnitude of the destruction of the countryside detailed in [HE TR010025 6.1 Environmental Statement Chapter 14: Climate](#) to their own plan to destroy the much larger area of countryside to the east of Chippenham (CEE).

Some cabinet members publically released statements of near-joy at HMG's decision to dig up and lay concrete, steel and bitumen not just over, but in this case, also *under* the Wiltshire countryside that they are responsible for. Little surprise at the public statements, as Wiltshire Cabinet members have worked hard to generate this significant spend of taxpayers money in pursuit of implementing their core policy of economic growth over many years. Being already expert on this A303 scheme, our Cabinet members will realise that the area of countryside destruction associated with it is, far, far smaller than the area they intend to destroy to the east of Chippenham ... should they chose to stop and think about it, even for just a fleeting moment.

Whilst the destruction and damage of the A303 scheme are orders of magnitude smaller, the environmental report is at least considered, well-written and well summarised. The policy, execution and methodology of the report have a depth of referencing, work and care that is wholly and completely missing from Wiltshire Council's Chippenham Urban Expansion Environmental report and I was pleased to see that it is based on the concept of carbon and environmental accounting. Setting aside the A303 report's one glaring omission, we can compare the miserable 15 word impact statement from the CEE Atkins Report and wonder how this Cabinet could possibly pay for such a poor assessment effort, let alone sign it off. Given that meeting after meeting the public you represent have been banging on about CO₂, it is near-short of incredible that no-one in this cabinet knows of any other statement on CO₂ emissions from the CEE other than this one 15 word effort.

The public could reasonably conclude that Cabinet doesn't answer climate questions because the Cabinet doesn't care about carbon emissions.

For those in cabinet who feel that they don't need to care because Climate change won't affect them in their remaining years, try having a look at Section 14.6.8. Government at all levels has got as far in "Telling the Truth" as to declare a global aim of keeping Global Average Temperature rise to below 1.5°C before 2100. The Truth, however is far from the rhetoric designed to provide cover for incessant Economic Growth. There is it in black and white: "*Climate observations for this region (Ref 14.15) identify gradual warming, with an increase of 1.37°C in annual average temperatures between **1961 and 2006.***" Take a look at the temperature trajectory to 2020 and have a think about how much it's already increased in Wiltshire between 1961 and 2020. That's where our reality really lies.

I've done my best to educate you as people, as leaders of our community about why your Declaration of a Climate Emergency means you actually have to **Act**. As a group, you've politely listened and gently used process and procedure to ignore your declaration, in order to carry on Business As Usual. For the avoidance of doubt, building over the countryside absolutely is Business As Usual – it perfectly executes your stated aim of maximising the use of Wiltshire assets for Economic Growth or put more concisely, for making money.

So what of your responsibility to Cabinet's agreed aim of making Wiltshire Carbon Neutral by 2030, or are these just words ?

Let's see. Take a look at Table 14.14: **466,900 tCO_{2e}** emitted during construction. That's ***four hundred and sixty six thousand tonnes*** of Carbon Dioxide equivalent emissions from the construction process. Bearing in mind it's orders of magnitude *smaller* than the Chippenham Eastern Expansion emissions. As leaders, Cabinet members together surely must have discussed, identified and estimated the capability of the most capable remediation techniques to mitigate these emissions, as suggested in Section 14.8.2 c) page 14-20.

Question 1 (21-05)

Which major technology has Cabinet assessed to be the most likely capable of sequestering 466,900 tonnes of CO₂ in Wiltshire between 2020 and 2026 - when and where does deployment start in Wiltshire?

Response

The A303 Amesbury to Berwick Down scheme was the subject of a Development Consent Order (DCO) application by Highways England and was the subject of a DCO examination in 2019. The Examining Authority noted that the Environmental Statement assessment addressed the effects on the climate of greenhouse gas emissions arising from the proposed development and demonstrates that the proposed development's impact as a proportion of total UK carbon emissions would be negligible.

The scheme is being promoted by Highways England and they would be responsible for carbon mitigation measures, including sequestering emissions.

Question 2 (21-06)

Let's look a little further at the balance between yet more damage to the climate and yet more economic growth. Take a look at Table 14.16. That details projected

emissions of 185,000 tonnes of CO2 to 2032. Hopefully you will all understand - scheme built or not – the magnitude of emissions from this one Wiltshire road, because you as leaders have declared that Wiltshire will be Carbon Neutral by 2030.

Given the laggardly pace of committees, reports, sub-committee meetings, delegation, budgeting and all the other processes local governments use to avoid significant Action after declaring a Climate Emergency, does this cabinet accept that

it has no chance whatsoever of sequestering the 650,000 tonnes of CO2 emissions from this single road, before all Cabinet members disappear and start drawing their pensions – leaving the hard decisions to someone else?

Response

The scheme is being promoted by Highways England and they would be responsible for carbon mitigation measures. Any questions on that aspect of the scheme should be directed to Highways England.