

AGENDA SUPPLEMENT (2)

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. Additional documents are now available and are attached to this Agenda Supplement.

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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 - 34)**

- Questions and Responses – Mr Richard Hames
- Question, Response and Statement – Cllr Chris Caswill – Public Conveniences
- Questions and Responses – Cllr Chris Caswill – Planning
- Questions and Responses – Cllr Ernie Clark – Five Year Land Supply
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Wiltshire Council

Cabinet

15 March 2016

Question 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.

Response:

In regard to the Rawlings Green application, Langley Burrell Parish Council received a complete hard copy set of application documents. This was confirmed on 22nd January. Chippenham Town Council have received a complete hard copy set of application documents, before the date of the 22nd January

For the East of Chippenham application, Chippenham Town Council received a complete hard copy set of the application documents. Langley Burrell received a CD containing all of the application documents, and a hard copy of the Environmental Statement (Delivered 12th February).

We have attached contents page of the Environmental Statement (EIA) for the East of Chippenham, which lists the information that was provided in paper copy.

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.

Response:

The Council has provided Bremhill Parish Council with full set of documents in CD format, in addition to a paper copy of the Environmental Statement for the East of Chippenham planning application, which contains the majority of the information contained within the application documents. Unfortunately, the developer has refused to supply the paper copies of this document for the Council to pass onto the Parish Council. Given the costs are minimal in this case, Development Management has arranged for hard copies of the balance of documents to be delivered to the Parish Council.

With regards to the Rawlings Farm application, this application does not sit in the parish of Bremhill and therefore they have not been formally consulted. However, out of courtesy, we have provided them with a copy of the application documents on 7th March. We have agreed that Bremhill Parish Council could have more time to consider these documents if required.

Representations from Bremhill Parish Council have already been received on both applications; however we will accept comments on both applications up until the point of decision.

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.

Response:

The Council is not legally able to require any hard copies of an application if it has been submitted electronically. At present, developers have two options for submitting applications: electronically via the online national Planning Portal or on paper, in which case a total of four paper copies must be provided. National guidance encourages the electronic submission of documents as this facilitates effective consultation with the wider community, allowing anyone to view the whole of the application online at any time.

It is Wiltshire Council's practice to send a hard copy of applications to the Town and Parish Councils impacted by planning applications (unless they have opted out of receiving this service). This is not a requirement under National Policy.

The Council like most Local Authorities, Government Departments and Institutional bodies is moving to electronic based service delivery with use of the Council's website for publication of planning application documentation adopted as standard. The Council as a matter of practice does not make hard copy documents available in its offices for public viewing. This approach and practice has been in place for several years now. In each hub there is a computer access for members of the public to view planning applications online.

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 Councils method of negotiation is that the bargaining chips are held by the developer. Will the council change its 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.

Response:

If we cannot come to a negotiated agreement within a timescale that is appropriate for an application, we may refer the matter back to the planning committee for a decision, or proceed to determine it on the basis of the information submitted.

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?

Response:

Yes. The Council considers that adequate consultation has been given. Any comments received on the applications until the point of decision will be taken into account by the case officer. (See answer to question 3).

We have received a high numbers of comments submitted electronically. Within Development Management there is a team of customer facing people who regularly sit with customers who are not confident using a computer, or talk through this process over the telephone. We publicise the Planning Officers direct telephone number and encourage people to get in touch if they have any questions relating to applications.

At the time of writing this response, 174 letters of representation has been received on the Rawlings Green application, and 169 letters have been received on the East of Chippenham application.

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

Response:

Chippenham Town Council is a statutory consultee on applications that sit within their boundaries. Calne Area Board is a committee of the Council.

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.

Response:

The email to Chippenham 2020 was part of a series of emails that Council, as landowner, sent to a number of land owners/agents who were advancing for inclusion within the Chippenham sites allocation development plan land which adjoined Council land. The emails did not propose a sale to any of the landowners/agents. It indicated that if the landowners/agents were successful in getting their land included within the development plan then the council as land owner would be prepared to enter into a joint sale agreement (an agreement where both parties market their land together) subject to issues of best value considerations.

As to what the Council would do should Chippenham 2020 be granted planning consent before the Development plan is adopted this is a hypothetical question as to something that may or may not occur in the future based on a decision by the Council as Local Planning Authority which must base its decision on planning grounds only. The Council's land ownership is not a material planning consideration and therefore would have no part in any such decision. Any decision by the Council as landowner after that occurrence would be taken having regard to all of the relevant facts at that time.

Therefore the proposed communication is not necessary.

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?

Response:

As the leader of the council, I am pleased to update that we already schedule media briefings, as appropriate, to discuss matters affecting the council and the services we provide. We always welcome the opportunity to talk to the media, and I have encouraged and, previously scheduled, monthly meetings for all local media representatives to meet with myself and my cabinet members. Unfortunately, the media were unable to sustain this offer, but if an approach was made by them to meet annually, I would be pleased to schedule this time.

Councillor Statement from Cllr Chris Caswill

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 from Cllr Chris Caswill 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.

Position Statement re Public Convenience Transfers

Town / Parish	Location	Post April With Local Council	Post April Remaining With WC
Amesbury	Amesbury The Centre Car Park	With TC with CAT of adjacent land	
BoA	BOA St Margaret's Street Public	TC expressed interest	
BoA	BOA Station Car Park	TC expressed interest	
Chippenham	Chippenham Monkton Park	TC expressed interest	
Corsham	Corsham Newlands Road	TC expressed interest	
Cricklade	Cricklade High Street	TC expressed interest	
Devizes	Devizes Estcourt Street	TC expressed interest	
Devizes	Devizes Superloo (next to Shambles)	TC expressed interest	
Downton	Downton Memorial Gardens	PC own land	
Marlborough	Marlborough George Lane Car Park	TC expressed interest	
Melksham	Melksham Market Place Convenience	TC own the facility	
Salisbury	Salisbury Central Car Park	With SCC with CAT	
Salisbury	Salisbury Culver Street	With SCC with CAT	
Salisbury	Salisbury Market Place	With SCC with CAT	
Salisbury	Salisbury Millstream Approach Coach Stat	With SCC with CAT	
Salisbury	Lower Bemerton	TC own facility	
Salisbury	Lush House car park	TC own facility	
Salisbury	Fisherton Rec	TC own facility	
Salisbury	Devizes Road crematorium	TC own facility	
Salisbury	London Road crematorium	TC own facility	
Salisbury	Victoria Park	TC own facility	
Salisbury	Southampton Road	TC own facility	

Town / Parish	Location	Post April With Local Council	Post April Remaining With WC
Warminster	Warminster Central Car Park	TC expressed on interest	
Warminster	Warminster Park	With TC with CAT	
Westbury	Westbury High St Short Stay Car Park	Waiting for confirmation, but expression of interest proposed	
Westbury	Westbury Warminster Road	Waiting for confirmation, but expression of interest proposed	
Wilton	Wilton Greyhound Lane	TC expressed an interest	
Park & Rides	Wilton Park & Ride	Exploring alternative funding provision	
Park & Rides	Britford Park & Ride	Exploring alternative funding provision	
Park & Rides	Beehive Park & Ride	Exploring alternative funding provision	
Park & Rides	London Road, Park & Ride	Exploring alternative funding provision	
Park & Rides	Petersfinger	Exploring alternative funding provision	
Calne	Calne The Pippin		No Decision
Castle Coombe	Castle Combe The Street		Declined Transfer
Chippenham	Chippenham Bath Road (See above For CTC Transfer Of Monkton Park Interest)		Declined Transfer
Chippenham	Chippenham Borough Parade (See above For CTC Transfer Interest)		Declined Transfer
Melksham	Melksham Bath Road (MTC To Maintain Market Place Toilets)		Declined Transfer
Melksham	Melksham Church Street (MTC To Maintain Market Place Toilets)		Declined Transfer
RWB	Wootton Bassett Borough Fields		Declined Transfer

CAT : Community Asset Transfer

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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?

Response:

There has always been availability within the three hubs for public access to planning applications. As technology developed the accessibility at the hubs shifted from a paper to electronic copies. When we became one Council, the hubs may have changed but there was always the accessibility in to the planning application details in each hub maintained by the Council.

*The Statement of Community Involvement specifies in Appendix 1 'Methods of consulting on **planning applications**' how we approach this across Wiltshire. You make reference to Appendix 1, page 43 but this specifically relates to 'Methods of involvement in the **Local Plan**'.*

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?

Response:

Within Development Management in each hub, there is a team of customer facing people who regularly sit with customers who are not confident using a computer, or talk through this process over the telephone. We publicise the Planning Officers direct telephone number and encourage people to get in touch if they have any questions relating to applications. With this in mind we do not consider that there has been a breach of the Council's Public Sector Equality Duty.

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'?

Response:

We do make attempts to make information provided on the website easy to read for public viewing. We do accept in this case, given the large amount of documents and information provided, improvements could have been made.

In future, we will ensure that this is improved and that information is presented in a coherent way.

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 publicly to properly engage with the planning process?

Response:

We do not consider that there has been a lack of public access to the documents. Having the documents available on the website enables the community to access these documents at any time of the day, from anywhere. In addition, as previously highlighted, computers are provided in the Council hubs and in libraries and all have staff within the hubs that are willing to help members of the public if they require assistance. We publicise the Planning Officers direct telephone number and encourage people to get in touch if they have any questions relating to applications.

We understand that the format and displaying of documents on the website could be improved and we are taking steps to improve this.

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?

Response:

The North Wiltshire Local Plan section of the website was amended on the 25th February 2016 and now provides an extract from the Wiltshire Core Strategy which explains the current status of saved policies in the North Wiltshire Local Plan.

Policies are 'saved' and are made available on the website as they remain part of the development plan. The background to how policies were originally saved is also retained on the website to provide context.

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LAND EAST OF CHIPPENHAM / CHIPPENHAM RIVERSIDE**VOLUME 1 OF 3****ENVIRONMENTAL STATEMENT CONTENTS**

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Wiltshire Council

Cabinet

15 March 2016

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?

Response:

The housing targets for Wiltshire, consistent with national policy, are provided at Housing Market Area level. It is against these that a five year land supply is assessed. The concerns regarding the current housing land supply situation in the North and West Wiltshire Housing Market Area (HMA) are understandable. This position is not unique to Wiltshire and a number of local authorities have found themselves in similar circumstances. This is not a failure of the Wiltshire Core Strategy which sets the policy context for all forms of built development.

Whilst HMAs, including those in Wiltshire, may have a healthy supply of housing land in the form of planning permissions and allocations, the requirement set by the National Planning Policy Framework is that this land needs to be available for development and only the housing that is deliverable over the 5 year timeframe to which the five year land supply assessment relates can be included. The Council is reliant on the development industry to bring forward their permitted and allocated sites in a timely way and this does not always happen, as is the circumstance at present in the North and West Wiltshire HMA, where the five year land supply position is marginal.

The NPPF makes it clear that where a Local Planning Authority cannot demonstrate a five-year housing land supply of deliverable sites, relevant policies for the supply of housing should not be considered up to date. This does not mean that in these circumstances all proposals for housing should be permitted, only that policies related to the supply of housing should be given less weight in decision making, particularly the Wiltshire Core Strategy (WCS) Core Policy 2 in relation to settlement boundaries. All other Policies of the WCS still apply and planning applications where adverse impacts would significantly and demonstrably outweigh the benefits can, and should, still be refused. However, where applications are being considered for sites at settlements, but outside the defined settlement boundaries, there may be the opportunity to improve housing supply by favourably considering proposals where appropriate. This would depend on the judgements made as to where the planning balance lies and considerations may include limited impacts and benefits to local communities that arise from the proposal.

Therefore, whilst housing land supply is often a key consideration in decision making, there are other material considerations that must also be taken into account. This means that Wiltshire Council and Appeal Inspectors can still refuse to grant planning permission for new housing development where the impacts of those proposals are unacceptable.

Officers are working to address the current housing land supply situation in relation to the North and West HMA through; the progression of the Chippenham Site Allocations Plan, assessment of planning applications for the Strategic Sites in the Wiltshire Core Strategy and consideration of housing applications against policies in the Wiltshire Core Strategy. In response to the shortfall in housing supply, and given the above, Wiltshire Council has responded by approving acceptable proposals for housing in the North and West HMA including the (speculative) application at East Melksham for 450 homes. This will all contribute towards improving land supply by the end of the monitoring year (end of March 2016) and will be reported in the next published housing land supply statement. This housing land supply statement will take into account all planning permissions granted for additional housing since 1 April 2015 and up to date information from developers and Wiltshire Council officers on the deliverability of sites.

Elected members of Council set the budget, including the budget for Economic Development and Planning with advice from Chief Officers. This year elected members decided to reduce the budget for Planning by £250,000 per year out of total budget reductions of £25m. The current performance of the planning service is rated as "green" on all current performance measures set by the government which reflects well on the officers and management within that service. Economic Development and Planning has lost many experienced officers to the private sector since the recession ended and has recently recruited a number of new members of staff that will be tasked with working on progressing the Plan.

The timetable for the preparation of the Wiltshire Housing Site Allocations Plan, which will consider the allocation of sites at Trowbridge, has recently been revised and the draft Plan will be publically available in September for consideration by Cabinet, followed by Council. The Plan will, subject to approval, be published for consultation in October 2016.

Wiltshire Council

Cabinet

15 March 2016

Question from Cllr Ernie Clark

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?

Response

The response being referred to was submitted by the LGA's conservative group. As such there was no requirement so seek the views of elected members of this council.

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