

# SUMMONS

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Meeting: **Council**  
Place: **Council Chamber - County Hall, Trowbridge BA14 8JN**  
Date: **Tuesday 18 October 2016**  
Time: **10.30 am**

**Councillors are reminded to sign the attendance book before  
entering the Council Chamber**

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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](mailto: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](http://www.wiltshire.gov.uk)

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## **Recording and Broadcasting Information**

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### **Parking**

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**County Hall, Trowbridge**  
**Bourne Hill, Salisbury**  
**Monkton Park, Chippenham**

County Hall and Monkton Park have some limited visitor parking.

### **Public Participation**

Please see the agenda list on following pages for details of deadlines for submission of questions and statements for this meeting.

For extended details on meeting procedure, submission and scope of questions and other matters, please consult [Part 4 of the council's constitution](#).

The full constitution can be found at [this link](#).

For assistance on these and other matters please contact the officer named above for details

## **PART I**

Items to be considered while the meeting is open to the public

1 **Apologies**

To receive any apologies for the meeting.

2 **Minutes of Previous Meeting** (*Pages 9 - 48*)

To approve as a correct record and sign the minutes of the last meeting of Council held on 12 July 2016.

3 **Declarations of Interest**

To receive any declarations of disclosable interests or dispensations granted by the Standards Committee.

4 **Announcements by the Chairman**

To receive any announcements through the Chair.

5 **Petitions**

5a) **Petitions Received**

No petitions have been received for this meeting.

5b) **Petitions Update** (*Pages 49 - 52*)

Report by Yamina Rhouati, Democratic Governance Manager

6 **Public Participation**

The Council welcomes contributions from members of the public.

Statements

If you would like to make a statement at this meeting on any item on this agenda, please register to do so at least 10 minutes prior to the meeting. Up to 3 speakers are permitted to speak for up to 3 minutes each on any agenda item. Please contact the officer named above for any further clarification.

Questions

To receive any questions from members of the public received in accordance with the constitution. Those wishing to ask questions are required to give notice of any such questions in writing to the officer named above (acting on behalf of

the Corporate Director) **no later than 5pm on 11 October 2016** in order to be guaranteed a written response. Questions received after this deadline and no later than 5pm 13 October 2016 before the meeting will receive a verbal response. Please contact the officer named on the first page of this agenda for further advice.

Questions may be asked without notice if the Chairman decides that the matter is urgent. Details of any questions received will be circulated to Councillors prior to the meeting and made available at the meeting and on the Council's website.

## **BUDGET**

### **7 Medium Term Financial Plan and Efficiency Statement 2017-2020 (Pages 53 - 88)**

Report by Dr Carlton Brand and Carolyn Godfrey, Corporate Directors together with the following documents:

- Minutes of the Overview and Scrutiny Management Committee held on 10 October
- Report of the Financial Planning Task Group held on 5 October
- Summary of questions and responses at Budget consultation events

The views of Cabinet from its meeting on 11 October will be reported in due course.

### **POLICY FRAMEWORK**

Under its Constitution, the Council is responsible for approving the Policy Framework of the Council expressed in various plans and strategies which includes the subjects referred to in items 8 and 9 below.

### **8 Revised Planning Obligations Supplementary Planning Document (Pages 89 - 270)**

To consider the recommendation from Cabinet dated 13 September 2016 that Council adopts the proposed Revised Planning Obligations Supplementary Planning Document.

Report by Dr Carlton Brand, Corporate Director

### **9 Wiltshire Council's Statement of Gambling Principles - Appendix (Pages 271 - 290)**

To consider the recommendation of the Licensing Committee dated 19 September 2016 that the Licensing Committee commends Appendix A – Local

Area Risk Assessment, attached as Appendix 1 to this report, in relation to the Gambling Act 2005 to Full Council for approval at its next available meeting.

Report by Carolyn Godfrey, Corporate Director

## **COMMUNITY GOVERNANCE REVIEW**

### **10 Community Governance Review - Consequential Issues (Pages 291 - 312)**

Report by Carolyn Godfrey, Corporate Director

## **COUNCILLORS' MOTIONS**

### **11 Notices of Motion (Pages 313 - 316)**

For Council's ease of reference the rules on how motions on notice are dealt with at Council and guidance on amendments to motions taken from Part 4 of the Council's constitution are attached.

To consider the following notices of motions:

- 11a) **Notice of Motion No. 33 - Water Sprinklers in New Schools - From Councillors Graham Payne and Peter Edge (Pages 317 - 320)**
- 11b) **Notice of Motion No. 34 - Fire Authority - From Councillors Ernie Clark and Ricky Rogers (Pages 321 - 322)**
- 11c) **Notice of Motion No. 35 - A Fair Chance for Every Child in Wiltshire - From Councillors Jon Hubbard and Steve Oldrieve (Pages 323 - 326)**
- 11d) **Notice of Motion No. 36 - Capping Town and Parish Councils - From Baroness Scott of Bybrook OBE and Councillor John Thomson (Pages 327 - 328)**
- 11e) **Notice of Motion No. 37 - Rethinking Wiltshire Council Governance - Cllrs Chris Caswill and Jon Hubbard (Pages 329 - 330)**
- 11f) **Notice of Motion No. 38 - Democratic Accountability - Cllrs Chris Caswill and Chris Hurst (Pages 331 - 334)**
- 11g) **Notice of Motion 39 - Delegation to Elected Members - Cllrs Chris Caswill and Cllr Jon Hubbard (Pages 335 - 338)**

## OTHER ITEMS OF BUSINESS

12 **Councillor Request for Extended Leave of Absence - Councillor Helen Osborn** (Pages 339 - 344)

Report by Robin Townsend, Associate Director - Corporate Office, Procurement and Programme Office.

13 **Review of Proportionality and Allocation of Seats on Committees to Political Groups** (Pages 345 - 350)

Report by Robin Townsend, Associate Director – Corporate Functions, Procurement and Programme Office.

14 **Membership of Committees**

To determine any requests from Group Leaders for changes to committee membership in accordance with the allocation of seats to political groups previously approved by the Council.

## MINUTES OF CABINET AND COMMITTEES

15 **Minutes of Cabinet and Committees**

- a. The Chairman will move that Council receives and notes the minutes of Cabinet and the various Committees of the Council and the Fire Authority as listed in the in the Minutes Book which can be accessed at [this link](#)
- b. The Chairman will invite the Leader, Cabinet members and Chairmen of Committees to make any important announcements.
- c. Councillors will be given the opportunity to raise questions on points of information or clarification on the minutes presented.
- d. Councillors will be given an opportunity to raise any questions on the minutes of the Dorset and Wiltshire Fire Authority.
- e. Councillors will be given an opportunity to raise general issues relating to Area Boards but not specific local issues.

## COUNCILLORS' QUESTIONS

16 **Councillors' Questions**

Please note that Councillors are required to give notice of any such questions in writing to the officer named on the first page of this agenda (acting on behalf of the Corporate Director) **not later than 5pm on Tuesday 11 October 2016.**

Questions may be asked without notice if the Chairman decides that the matter is urgent.

Details of any questions received will be circulated to Councillors prior to the meeting and made available at the meeting and on the Council's website.

## **PART II**

**Items during consideration of which it is recommended that the public should be excluded because of the likelihood that exempt information would be disclosed.**

None

Dr Carlton Brand  
Corporate Director  
Wiltshire Council  
County Hall  
Bythesea Road  
Trowbridge  
Wiltshire BA14 8JN

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## **COUNCIL**

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### **MINUTES OF THE COUNCIL MEETING HELD ON 12 JULY 2016 AT COUNCIL CHAMBER - COUNTY HALL, TROWBRIDGE BA14 8JN.**

**Present:**

Cllr Pat Aves, Cllr Chuck Berry, Cllr Nick Blakemore, Cllr Richard Britton (Chairman), Cllr Rosemary Brown, Cllr Allison Bucknell (Vice-Chair), Cllr Trevor Carbin, Cllr Chris Caswill, Cllr Mary Champion, Cllr Terry Chivers, Cllr Ernie Clark, Cllr Richard Clewer, Cllr Mark Connolly, Cllr Christine Crisp, Cllr Anna Cuthbert, Cllr Andrew Davis, Cllr Tony Deane, Cllr Christopher Devine, Cllr Bill Douglas, Cllr Mary Douglas, Cllr Dennis Drewett, Cllr Peter Edge, Cllr Peter Evans, Cllr Sue Evans, Cllr Nick Fogg MBE, Cllr Richard Gamble, Cllr Howard Greenman, Cllr Mollie Groom, Cllr Russell Hawker, Cllr Mike Hewitt, Cllr Charles Howard, Cllr Jon Hubbard, Cllr Keith Humphries, Cllr Chris Hurst, Cllr Peter Hutton, Cllr Simon Jacobs, Cllr George Jeans, Cllr David Jenkins, Cllr Simon Killane, Cllr Gordon King, Cllr John Knight, Cllr Jerry Kunkler, Cllr Magnus Macdonald, Cllr Alan MacRae, Cllr Howard Marshall, Cllr Laura Mayes, Cllr Ian McLennan, Cllr Jemima Milton, Cllr Bill Moss, Cllr Christopher Newbury, Cllr Stephen Oldrieve, Cllr Sheila Parker, Cllr Graham Payne, Cllr Nina Phillips, Cllr David Pollitt, Cllr Horace Prickett, Cllr Leo Randall, Cllr Fleur de Rhé-Philipe, Cllr Pip Ridout, Cllr Ricky Rogers, Cllr Baroness Scott of Bybrook OBE, Cllr Jonathon Seed, Cllr John Smale, Cllr Toby Sturgis, Cllr Melody Thompson, Cllr John Thomson, Cllr Ian Thorn, Cllr Ian Tomes, Cllr Dick Tonge, Cllr Tony Trotman, Cllr John Walsh, Cllr Bridget Wayman, Cllr Fred Westmoreland, Cllr Philip Whalley, Cllr Stuart Wheeler, Cllr Roy While, Cllr Philip Whitehead, Cllr Jerry Wickham, Cllr Christopher Williams and Cllr Graham Wright

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**45 Apologies**

Apologies for absence were received from Councillors Helen Osborn, Linda Packard, Mark Packard, Glenis Ansell, Ian West, Paul Oatway QPM, James Sheppard, Jacqui Lay, Bob Jones MBE, Stewart Dobson and Brian Dalton.

**46 Minutes of Previous Meeting**

The minutes of the Meeting held on 10 May 2016 were presented.

**Resolved:**

**That the minutes of the last Council meeting held on 10 May 2016 be approved as a correct record and signed by the Chairman.**

**47 Declarations of Interest**

In relation to the item on Community Governance Reviews (minute no's 53 & 54), the Chairman noted the advice given that membership of a parish, town or

city council was not regarded as a pecuniary interest., but went on to advise that in the interest of transparency, it would be prudent for members to declare such membership at the start of a scheme if Councillors intend to speak on it.

There were no declarations of interest made at this stage.

#### 48 **Announcements by the Chairman**

The Chairman drew the meeting's attention to the arrangements for the day's meeting, specifically referencing fire safety and that the meeting was being recorded for live webcast.

The Chairman stated that details of his and the Vice-Chairman's activities since the last meeting would be available via his blog:

<http://wiltshirecouncilchair.blogspot.co.uk/>

These, in summary, included:

- Royal Visits
- Armed Forces Day Celebrations
- Mayor Making And Civic Services
- Wiltshire Scout AGM
- Royal International Air Tattoo
- Royal British Legion County Parade
- Wiltshire Public Health Awards
- Wearable Fashion Show

The Chairman led the Council in paying tribute to the services and characters of ex Wiltshire Councillors Brigadier Robert Hall, Mrs Doreen Darby and Mrs Joan Savage. Members paid particular tribute to Brigadier Robert Hall who had served as Chairman of this Council. As a mark of respect, the meeting stood for a minute silence.

The Chairman then led the Council in congratulating the following Wiltshire residents for their recent awards announced in HM Queen's Birthday Honours list.

A Knighthood awarded to:

Professor Roger Scruton from Brinkworth, for services to philosophy, teaching and public education.

CBES Awarded To:

Professor Derek Calam from Pewsey, for services to public health and the regulation of medicine; and

Mr. Adrian Leppard from Wedhampton, for services to policing and the prevention of economic crime

OBEs Awarded To:

Mr. Richard Arden from Salisbury, for services to education and international development, particularly in South Sudan

Mr. Desmond Evans from Manton, for services to the motor industry  
Mr. Justin Fellows from Bishopdown, for services to defence  
The Reverend John Proctor from Salisbury, for services to homeless and vulnerable people.  
Mr. Stephen Segar from Ashton Keynes, for services to natural heritage and the community

MBEs Awarded To:

Mr. Mark Evans from Swindon, for services to disadvantaged young people and community relations in Wiltshire  
Mr. John Rodell from Durrington, for services in support of army heavy equipment transportation  
Ms Jacqueline Smith from Swindon, for services to education  
Mr. Richard Warren from Hullavington, for voluntary service to the police  
Dr. Rowan Whimster from Ramsbury, for services to heritage and conservation

A BEM Was Awarded To:

Mr. Christopher Pope from Swindon, for services to the scout movement and the community in Swindon

49 **Petitions**

50 **Petitions Received**

There had been no petitions received for this meeting.

51 **Petitions Update**

The Chairman noted that, excluding petitions received on regulatory matters ie planning and licensing, the council had not received any other petitions which met the threshold for reporting to Council since the last meeting.

52 **Public Participation**

The Chairman noted that, other than for the community governance review item, there were no statements or other formal questions from members of the public.

**Community Governance Reviews**

53 **Report on Pending Schemes**

The Chairman outlined how he intended to deal with the various Community Governance Review schemes under consideration. Members of the public with general comments not specific to individual schemes would be invited to make statements and receive answers to questions which had been submitted.

Councillor Stuart Wheeler, Chairman of the Working Group on the Community Governance Reviews, would then introduce the work of the working group. Each scheme would then be considered in turn, with introduction of the scheme

and working group recommendation from Councillor Wheeler, public statements and questions which had been submitted would then be received for each related set of schemes as detailed in Agenda Supplement 1. Members of the working group would have the opportunity to comment upon the recommendation prior to the item being open to debate.

Mr Lance Allan, Clerk to Trowbridge Town Council asked a series of questions as detailed in Agenda Supplement 1 regarding the conclusions of the working group and the considering and presentation of evidence which supported those conclusions.

Councillor Wheeler provided a verbal response on behalf of the working group, stating that the working group had spent considerable time considering each proposal that was put forward by town and parish councils and had taken into account the representations and comments that were presented to it. Each proposal was properly considered on its own merits in light of the relevant criteria and guidance. The council report summarised the conclusions of the working group upon those proposals and the reasons for its various recommendations. Contrary to what was stated in the questions, the working group did not ignore any evidence which had been presented to it. In reaching its conclusions the working group had to weigh up all relevant factors and it was inevitable that the weight given to those factors would vary between different proposals as each one had its own individual circumstances. It was for full council to make the final decision on the proposals and to consider all the relevant issues, including those raised in the questions regarding consistency. The full background detail for each scheme was included with the council agenda papers.

Mr Allan asked a supplementary question on the evidence available to full council. Councillor Wheeler replied that the evidence was clearly available and sufficient to allow full council to evaluate the recommendations and determine the schemes.

Mr Sharl Adabashi, a resident of Trowbridge, presented a statement in support of the proposals submitted by Trowbridge Town Council, as also detailed in Agenda Supplement 1.

Mrs Tracy Sullivan, Director of Trowbridge Arts, presented a statement in support of the proposals submitted by Trowbridge Town Council.

Councillor Wheeler then introduced the report of the Working Group on Community Governance Reviews.

Councillor Wheeler extended his thanks to the members of the working group who had attended a great many meetings over a considerable period to consider evidence and formulate their recommendations. He also thanked the officers supporting the working group, in particular John Watling, John Quinton, Ian Gibbons, Paul Taylor, Kieran Elliott and Jessica Croman.

Councillor Wheeler emphasised that any member of the working group representing an area directly affected by proposals took no part in any discussion relating to those proposals or any discussion on the final nature of

the proposals that were put forward. He clarified that as Chairman of the working group he would not be voting upon any of the schemes, unless there was an amendment or proposal that he considered might, if approved, open the council to legal challenge.

Councillor Wheeler drew council's attentions to the report and in particular the considerations they were required to take into account, as the working party had similarly considered them. Detailed consultations had taken place for all schemes, as detailed in the agenda papers.

It was noted that while full council was able to amend proposals, it could only approve such amended schemes if they fell within the scope of proposals which had been properly consulted upon. Any new proposal outside that scope would require a further consultation exercise, which would be difficult to achieve for most areas ahead of the elections for towns and parishes in May 2017.

In relation to the Wiltshire Core Strategy and its impact upon the Governance Review process, Councillor Wheeler clarified the working group had taken account of development expected to be completed in the near future when considering the governance review criteria.

He also confirmed that although proposals would need legal orders approved at the October meeting of council in order to be ready in time for the May 2017 elections, the council was required to consider proposals received from towns and parishes or the required number of the electorate, providing opportunity for other reviews.

Other members of the working group were then given the opportunity to make general comments ahead of consideration of the specific schemes. Councillors Ricky Rogers and Ernie Clark thanked Councillor Wheeler for his chairmanship of the working group and for the support of officers during the process.

#### Corsham and Box

Councillor Pauline Lyons presented a statement on behalf of Box Parish Council. She explained meetings had been held between Box Parish Council and Corsham Town Council to seek a compromise agreement on a proposal for the boundary between the two parishes following the previous decisions of council at its meeting in November 2015. Both councils had approved the new proposal.

Councillor Wheeler was then invited to present the recommendation of the working group, which was to support the amended proposal approved by Box and Corsham as reflecting the governance criteria. Councillor Wheeler moved the recommendation, seconded by Councillor Clark.

Members of the working group were given the opportunity to comment up on the recommendation and a debate followed on the proposal. Comments in support of the recommendation praised the local member and both councils for working together to reach a consensus solution for both communities and their governance. There were no comments in objection.

**Resolved:**

**To approve the proposed further changes to the boundary between Corsham and Box, as shown on the plan marked Scheme 102 included in the Supplemental Agenda, for the following reasons:-**

- 1. It would replace the outdated anomalous boundary that dissected crucially important sites with a clear linear boundary;**
- 2. It places nationally important industrial sites within one council area, Corsham Town, which would be better placed to support and develop the economic vibrancy and cohesion of the area.**

Trowbridge

Councillor Bob Brice, Leader of Trowbridge Town Council, presented a statement in support of the proposals submitted by his Council. He urged council to make a decision which would stand the test of time, establishing easily identifiable natural boundaries, focused on where residents look to for their services, which he felt the Trowbridge proposals delivered, and so would improve governance in those areas.

Councillor Kendrick Jackson of Hilperton Parish Council presented a statement in support of the recommendations of the working group in respect of schemes 18, 19, 20, 22, 25 and 103, considering them both in accordance with criteria and receiving overwhelming support of local residents. Scheme 23 was proposed by the working group as a possibility not by Hilperton Parish Council, but Hilperton Parish Council noted the residents of the affected area supported the proposal, though the working group had chosen not to recommend it.

Mr Francis Morland then spoke regarding schemes 25,26,27,28 and 29, stating he felt the advice on the governance review guidance in the report in respect of considering development to take place within 5 years was incorrect.

Trowbridge Group 1 (Schemes 18, 22 and 23)

Councillor Roger Andrews of Trowbridge Town Council presented a statement in which he strongly supported the proposals submitted by his council, stating the A361 formed the clearest natural boundary between the two parishes across the Paxcroft Mead estate.

Mr Lance Allan, Clerk to Trowbridge Town Council, presented further questions as detailed in Agenda Supplement 1 and received a response as detailed above as to his previous questions. He also presented a statement, claiming that the working group had not provided a clear analysis or assessment of the evidence and ensured their recommendations were justified by that evidence in a clear or consistent way. He requested council consider all the evidence before them, which he felt supported the Trowbridge proposals, which he felt were the only proposals which met the government guidance in providing a clearer, more effective boundary leading to improved governance in the area.

Councillor Wheeler was then invited to present the recommendations of the working group in respect of Schemes 18, 22 and 23, which were such that were 18 or 22 approved, the other would no longer be able to be approved as they directly opposed one another. The recommendation of the working group was to approve Scheme 18, for the reasons set out in the report and which were repeated to the meeting, and to take no further action in respect of Scheme 23. If Scheme 22 were approved, Scheme 23 could not be approved as they also directly opposed one another. Councillor Wheeler moved the recommendation, seconded by Councillor Ian McLennan.

Other members of the working group were then given the opportunity to comment upon the recommendation. In addition to the reasons as set out by Councillor Wheeler from the report, it was stated that while scheme 22 looked simpler, it had been felt that Scheme 18 better reflected community identity and cohesion, in particular regarding the retention within the parish of Hilperton of community facilities for Paxcroft Mead estate.

Council then debated the recommendation. Comments in support of the recommendation included that the consultations showed strong community support for recognising the area as remaining largely part of Hilperton Parish, the proposals did follow natural boundaries of streams and cycle paths, and the Trowbridge proposals were inconsistent in only partly following major roads. The working group had carefully considered the relevant factors in making their recommendation and had concluded the most suitable boundary was that of Scheme 18.

Comments in opposition to the recommendation included that the A361 formed a more logical and natural boundary than the present boundary, which currently divided streets and was anomalous, a situation not improved by scheme 18. Wide main roads formed coherent boundaries in many places where the built up area extended across parishes as was the case with the Paxcroft Mead estate, and the estate itself was a clear example of the urban growth of the town and governance would be improved recognising that on the ground reality. Scheme 22 by contrast would see the entire estate south of the A361 in a single, clear parish, and residents north of the road would not find their ability to access community facilities impacted by the change.

Following a vote the motion was rejected.

Councillor Steve Oldrieve then moved that Scheme 22 be approved, seconded by Councillor Peter Edge.

An amendment was then moved by Councillor Ernie Clark, seconded by Councillor Terry Chivers, that in order to be consistent with the reasoning espoused by supporters of Scheme 22 that main roads form clear natural boundaries, Scheme 22 should be altered such that the eastern boundary of the proposed new line be along the B3105, known as Leap Gate, running south toward West Ashton, rather than the small lane proposed under the scheme which ensured the scheme included community facilities.

Councillor Wheeler stated he felt that the proposal had not previously been consulted upon, and so requested the mover and seconder agree to alter it such that if approved the working group would be directed by council to consult upon that proposal ahead of any approval. If unaltered he would vote against the amendment as legally unsafe.

Councillor Clark replied that he felt the residents in those area had been consulted about potentially moving into Trowbridge parish, if not in this particular fashion, but following discussion the Chairman accepted the amendment altered such that if approved the proposed revision would be referred back to the working group.

Council then debated the amendment. Comments in support of the amendment included that the vote to reject Scheme 18 had been very close and the new proposal should be determined after similar levels of consideration in order to be consistent, particularly given the strong feelings of the local population in opposition to Scheme 22. It was also suggested further consultation could allow for a compromise agreement between the affected councils on what was a controversial area as had been achieved in Corsham and Box, or that an analysis of the existing consultation responses from the area could indicate their views on the proposal.

Comments in opposition to the amendment included that the amendment had been made at the last minute and was also inconsistent in seeking to retain areas which Hilperton parish in Scheme 18 had previously suggested should be transferred to Trowbridge, and would not be a more logical and natural boundary than that proposed by Scheme 22. It was stated that the working group had at one stage considered such an option but it had not been proposed by any parties and had never been directed by council to be consulted upon and so had been discounted as a possibility.

Following a vote the amendment was rejected.

The council therefore debated the motion to approve Scheme 22.

Following approval of a motion to move directly to the vote, it was

**Resolved:**

**To approve Scheme 22 for the following reasons, as outlined during the debate:-**

**The A361 formed a clear, defined boundary between the two parishes. In addition, the transfer of this area would mean that the whole of the residential area to the south of the A361 would fall within Trowbridge parish. As this area represented the urban growth of the town, it would provide for more coherent governance**

Following the vote it was announced that the working group had been informed that Trowbridge Town Council and Steeple Ashton Parish Council had consulted each other and were in agreement upon a further small amendment to the boundary. Councillor Wheeler stated that the proposal would be taken to



the working group for consultation and consideration in accordance with procedure.

#### Trowbridge Group 2 (Schemes 19, 20, 25 and 103)

Mr Lance Allan, Clerk to Trowbridge Town Council, presented further questions as detailed in Agenda Supplement 1 and received a response as detailed above as to his previous questions. He also presented a statement, claiming that the working group had as with schemes 18, 22 and 23 not provided a clear analysis or assessment of the evidence and ensured their recommendations were justified by that evidence in a clear or consistent way and requested Council reject the recommendation, particularly as previous guidance had been that roads should not be split between two parishes as currently existed and the recommendation to take no action maintained that position. Scheme 25 was a clear, logical boundary, whereas Scheme 103 resulted in over 100 houses with neighbours in another parish, exacerbating the current anomalous situation.

Councillor Wheeler was then invited to present the recommendations of the working group in respect of Schemes 19, 20, 25 and 103, which were all part of the same geographic area where the A361 met the top of Wyke Road. The recommendation of the working group was to take no action in respect of any of the schemes, for the reasons set out in the report and which were repeated to the meeting. Schemes 19 and 20 were direct opposites, and Schemes 25 and 103 were also such that if one were approved the other could not be. Councillor Wheeler moved the recommendation that Scheme 25 not be approved as set out in the report as it was felt there was no compelling case for changing the boundary, seconded by Councillor Ricky Rogers.

Members of the working group were given the opportunity to comment and a debate then followed.

Comments in support of the recommendation included that merely being a new road was not enough of a factor to amend the boundary, that council in its decision on Scheme 22 had not followed all main roads, and that the Hilperton Gap, as the space cut through by the road was called, was a definitive boundary that was not in need of amendment. It was also stated the main factor to be considered was existing communities as the primary factor not future development, and no residents lived in the area. The area was in any case not allocated for future development, and if development followed at some point, it was at that point the boundary should be reviewed. Others suggested the recommendations of the working group should not be set aside without clearer evidence.

Comments in opposition of the recommendation included that the approval of Scheme 22 had partly been justified as the A361 forming a clear natural boundary between the parishes, and Scheme 25 followed the line of that road and should be followed again in order to be consistent. It was also stated if housing were built south of the road, the result would again be a parish split by a main road as a barrier.

## **Resolved**

**To take no action in respect of Scheme 25 for reasons as set out in report.**

A recess was then taken from 1:15pm to 2:10pm

Councillor Wheeler then presented and moved the recommendation to take no action in respect of Schemes 19 and 20, seconded by Councillor Steve Oldrieve, for the reasons as set out in the report and repeated at the meeting as it was felt there was no compelling case for changing the boundary.

Members of the working group were given the opportunity to comment. It was confirmed Scheme 19 had the support of Hilperton Parish Council though had not been proposed by them, but had been an option consulted upon at the suggestion of the working group.

A debate then followed. Clarity was sought and provided on the relationship between the schemes in group 2. No further comments were made in support of the proposal.

Comments in opposition to the proposal included that the current situation was anomalous by having half the houses on the road in one parish and half in the other.

## **Resolved**

**To take no action in respect of Schemes 19 and 20 for reasons as set out in report.**

Councillor Wheeler then presented and moved the recommendation to take no action in respect of Scheme 103, seconded by Councillor Ricky Rogers, for the reasons as set out in the report and repeated at the meeting as it was felt there was no compelling case for changing the boundary. Councillor Wheeler moved the recommendation, seconded by Councillor Ricky Rogers.

There were no additional comments made in debate.

## **Resolved:**

**To take no action in respect of Scheme 103 for reasons as set out in report.**

### Trowbridge Group 3 (Schemes 26, 27, 28, 29)

Councillor Roger Evans, Chairman of North Bradley Parish Council, spoke in support of the working group's recommendations to take no action in respect of Scheme 29. The area's residents wished to remain a parish not an extension of the town, and the proposal from the town was for financial reasons given the allocation of housing land in the area.

Councillor Richard Covington, Chairman of West Ashton Parish Council, spoke in support of the recommendations of the working group to take no action in respect of Schemes 26-29. The Town Council's proposals were an attempt to gain more revenue, when the objective of the review was regarding governance, the case for which was not made. Residents were also strongly

opposed to proposals to change the boundary, and held affinity with the rural nature of the parish and its current effective governance arrangements.

Councillor Tim La Mere, West Ashton Parish Councillor and resident of Old Farm Estate, spoke in support of the recommendations of the working group, highlighting the consultation responses from residents opposing the proposed changes and the strong sense of community identity held by residents of the parish.

Mr Geoff Ligo, Director of Transforming Trowbridge, spoke in support of the Trowbridge Town Council proposals. He stated in order to make a stronger, more vibrant county town it was essential the land allocated for significant urban expansion housing be included within the town boundary. Strategic factors and future development should be given greater weight than financially motivated consultation responses.

Mr Lance Allan, Clerk to Trowbridge Town Council, presented further questions as detailed in Agenda Supplement 1 and received a response as detailed above as to his previous questions. He also presented a statement, claiming that the working group had as with schemes 26, 27, 28, 29 not provided a clear analysis or assessment of the evidence and ensured their recommendations were justified by that evidence in a clear or consistent way and requested Council reject the recommendation. The areas in question included significant existing urban expansion, and significant allocated urban expansion which would retain green space between the parishes. Representatives of the parish had talked about wanting to remain in rural settings, but the existence of incoming housing of thousands of homes meant if the parish wished to remain rural the land should be transferred to Trowbridge.

Councillor Wheeler was then invited to present the recommendations of the working group in respect of Schemes 26, 27, 28 and 29, and would take each in turn. If Scheme 26 were not approved, as was recommended, Schemes 27 and 28 could not be approved as that would create an exclave of West Ashton Parish rather than a contiguous boundary.

Councillor Wheeler moved the recommendation that no action be taken in respect of Scheme 26 for the reasons as set out in the report and repeated at the meeting, as it was felt there was no compelling case for changing the boundary to improve the governance of the areas in question at this time. Councillor Ricky Rogers seconded the motion.

Members of the working group were given the opportunity to comment and a debate then followed.

Comments in support of the recommendation included that the proposal was the fairest option made after careful consideration of the relevant factors, consultation responses had demonstrated they opposed Scheme 26 and wished to remain part of West Ashton Parish, and the Core Strategy supported the distinct nature of the villages and their right to become larger villages. It was also suggested the town council consider why residents of the area would be so reluctant to become part of the town.

Comments in opposition to the recommendation included that the Old Farm estate was a clear urban extension of the town, with its access to services and facilities focused toward Trowbridge due to its considerable isolation from the remainder of the parish housing several miles away up a hill. The parish would retain its rural character as it wished if the scheme were approved, but would become an increasingly urbanised parish if it were not approved particularly with the Ashton Park urban expansion building up the area around it, leading to a confused sense of community identity and governance due to lack of clarity on the ground where the boundary was located. The estate shared no characteristics with the rest of the parish, and while the consultation responses had opposed the proposal, they had only been a very small proportion of the total residents. The B3105 linking the West Ashton road to Paxcroft Mead estate to the north was to the south of Old Farm estate, forming a natural logical boundary linking the built up area of the town.

Following a vote the motion was lost.

A motion to approve Scheme 26 for reasons as set out in the debate () was moved by Councillor Steve Oldrieve, seconded by Councillor Gordon King.

Comments in opposition to the motion included that the views of residents should be respected, and that just because facilities of an area were used by residents of another parish did not mean they were part of the parish where those facilities were based.

**Resolved:**

**To approve Scheme 26 for the following reasons:**

- 1) The Old Farm estate represented a defined urban extension of Trowbridge, which looked to the town rather than to the rest of West Ashton Parish for services and facilities. There was therefore greater community of interest with Trowbridge than with the rest of the parish of West Ashton.**
- 2) The remainder of West Ashton parish would retain its identity as an essentially rural parish.**
- 3) If this area remained within West Ashton it would become an increasingly anomalous urbanised area, within an otherwise generally rural parish, which would not reflect the community identity of the area.**
- 4) The B3105 linking the West Ashton road to Paxcroft Mead estate to the north formed a logical boundary linking the built up area of the town.**

Councillor Wheeler moved the recommendation that no action be taken in respect of Scheme 27 for the reasons as set out in the report and repeated at the meeting, as it was felt there was no compelling case for changing the boundary to improve the governance of the areas in question at this time. Unlike Scheme 26 no housing was currently present on the site, which was designated in part for employment land. Councillor Ricky Rogers seconded the motion.

Comments in support of the recommendation included that there was no communities at present and no compelling reason to change the boundary, and that those residents nearby in what was West Ashton parish were strongly opposed to changing the boundary.

Comments in opposition to the recommendation included that the area in question adjoined the Castle Mead estate which was always planned to expand down into the area, forming a natural whole. The B3105 road from Paxcroft Mead formed the edge of the proposed area and formed a natural clear boundary to the urban expansion, future residents would naturally look toward the town and its services.

Following a vote the motion was lost.

A motion to approve Scheme 27 for reasons as set out in the debate for Schemes 26 and 27 was moved by Councillor Steve Oldrieve, seconded by Councillor Nick Blakemore.

No additional comments in support of the motion were made.

Comments in opposition to the motion included that the recommendations and reasoning of the working group should not be set aside without firmer evidence.

**Resolved:**

**To approve Scheme 27 for the following reasons:-**

- 1) That there were clear proposals for the expansion of Trowbridge to extend into this area, adjoining the Castle Mead estate, so that it would form part of the urban area of the town. The community interests and identity of this area would, therefore, be more closely linked with Trowbridge than with West Ashton and future residents would naturally look toward the town and its services.**
- 2) The B3105 road from Paxcroft Mead formed the edge of the proposed area and formed a logical defined boundary to the urban expansion of Trowbridge,**

Councillor Wheeler moved the recommendation that no action be taken in respect of Schemes 28 for the reasons as set out in the report and repeated at the meeting, as it was felt there was no compelling case for changing the boundary to improve the governance of the areas in question at this time.

Comments in support of the recommendation included that, as with Scheme 27, there were no communities at present for the area Scheme 28 and no compelling reason to change the boundary at the present time as there were no communities to govern, and that those residents nearby in what was West Ashton parish were strongly opposed to changing the boundary. Scheme 29 contained some residents who were strongly opposed to being moved from North Bradley parish. There were no clear improvements to the boundary proposed, no roads or physical barriers, and it would be consistent with previous decisions to uphold the recommendation, even though the land would be built upon at some future stage.

Comments in opposition to the recommendation included that significant urban development was planned for the areas in question which would fundamentally change the nature of the areas with thousands of homes. Moving the areas would retain the nature of the parish and recognise the nature of urban expansion.

**Resolved:**

**To take no further action on Scheme 28 for the reasons set out in the report.**

Councillor Wheeler moved the recommendation that no action be taken in respect of Schemes 29 for the reasons as set out in the report and repeated at the meeting.

As the issues relating to Scheme 29 had been debated thoroughly while discussing Scheme 28, following a motion to move directly to the vote it was,

**Resolved:**

**To take no further action on Scheme 29 for the reasons as set out in the report.**

Trowbridge Group 4 (Scheme 21)

Councillor Wheeler moved the recommendation that Scheme 21 be approved for the reasons as set out in the report. Although the public responses had been opposed to the scheme, the current boundary was seen as anomalous. Councillor Wheeler's recommendation was seconded by Councillor Ricky Rogers.

Members of the working group were given the opportunity to comment and a debate then followed.

Comments in support of the proposal included that existing boundary was clearly anomalous, running between properties and cutting off a small number of houses from an existing estate, and community identity would be improved by correcting the anomaly.

There were no comments in opposition to the proposal.

**Resolved:**

**To approve Scheme 21 for the following reasons, as set out in more detail in the report:**

- 1) The current boundary was anomalous and out-of-date, following earlier residential development in the area.**
- 2) The houses within the area concerned were clearly part of a larger residential estate which was within Trowbridge and were themselves to all intents and purposes part of Trowbridge. Therefore community identity could be enhanced by including this area within Trowbridge parish.**

### Trowbridge Group 5 (Scheme 24)

Councillor Andrew Pearce of Holt Parish Council made a presentation in support of the working group recommendation that no action be taken in respect of Scheme 24. There would be no improvement to effective governance or community identity, and the residents of the few properties in the area were opposed to the proposed change.

Mr Lance Allan, Clerk to Trowbridge Town Council, presented a statement in opposition to the working group recommendation. The response to consultation was mixed, and the only access to the properties was through Trowbridge parish, and to get to Holt parish further required moving through Staverton and Hilperton parishes over several bridges, and the report acknowledged the change to the boundary would be improved.

Councillor Wheeler moved the recommendation that no action be taken in respect of Scheme 24 for the reasons as set out in the report and repeated at the meeting. Although using the canal as the boundary would be an improvement, there were no compelling governance reasons to amend the boundary. The motion was seconded by Councillor Ian McLennan.

Comments in support of the proposal included that the site was facing no future development as it was Green Belt land and so belonged in a rural parish, and there would be no improvements in moving the boundary.

There were no comments in opposition to the proposal.

#### **Resolved:**

**To take no action in respect of Scheme 24 for the reasons set out in the report.**

### Salisbury and Laverstock Group 1(Scheme 100)

Councillor David Burton, Chairman of Laverstock and Ford Parish Council spoke in support of the working group recommendation not to support the proposal to merge the parish with Salisbury City Council. The parish council was active, effective and viable, and residents were overwhelmingly opposed to being merged within Salisbury City Council. The governance criteria therefore supported the retention of the existing arrangements.

Julie Ward, resident of Laverstock and Ford, spoke in support of the working group recommendation. Residents had clearly and repeatedly demonstrated they wished to retain their own parish council and distinct identity.

Leslie Waller, resident of Laverstock and Ford, spoke in support of the working group recommendation, endorsing the comments made by the previous speakers, and pointed to the high volume of responses to the consultation and high attendance at public events that had been arranged. The people wished to retain their non-political parish council and not be absorbed by the City Council.

Councillor Margaret Wilmot, Salisbury City Councillor, presented a question as detailed in Agenda Supplement 1. Councillor Wheeler responded that the working group were aware of the development of Old Sarum which is to be

extended under the Core Strategy and which is separate to the urban area. The review had taken appropriate account of developments to be completed in the near future. Councillor Wilmot also presented a statement in support of the proposal from Salisbury City Council to merge with Laverstock and Ford Parish Council. Salisbury had grown over time and had several communities with distinct identities within it, and new houses on the edges of the parish were an addition to that process, not a replacement of identity, which would lead to multiple governance improvements as the communities were better able to work together.

Councillor Matthew Dean, Salisbury City Councillor, presented a statement supporting the proposals of the city council, stating there was a tremendous opportunity for the whole of the area to achieve things for their communities together if they were to join. Laverstock was an urban area which shared characteristics with the city, and would be able to retain distinctiveness within the city while also contributing to the services and facilities they were currently enjoying from the city.

Councillor Andrew Roberts, Leader of Salisbury City Council presented a statement in support of the merger of the parishes. He stated the purpose of the reviews was to find improvements to parish boundaries to create more efficient and effective governance, and he urged council to take the opportunity to achieve that by creating a larger, more vibrant city council. He commented upon the consultations that had been undertaken and suggested that the results were not overwhelming when considering how many had not responded.

Councillor Wheeler moved the recommendation that no action be taken in respect of Scheme 100 for the reasons as set out in the report and repeated at the meeting. Councillor Ricky Rogers seconded the motion. The merger was the most significant proposal considered by the working group, involving the dissolution of an existing parish council. Extensive consultation had been undertaken and the detailed submissions of both views had been assessed.

Members of the working group were given the opportunity to comment and a debate then followed. The very passionate views expressed on both sides of the merger question were noted, and the strict criteria permitting dissolution of a parish council was highlighted.

Comments in support of the proposal included that Laverstock and Ford was served by a very effective and undeniably viable council and the residents were overwhelmingly opposed to being absorbed by Salisbury City Council, which some members felt was a less effective parish council, and the reason for the proposed merger being financial only. Most services in Salisbury needed to be paid for when used, therefore those from outside parishes were already contributing to the city, and it was not a reason to abolish Laverstock and Ford parish. Communities should not be absorbed against their will and risk losing their identity, and in Laverstock there was a strong sense of identity, as once absorbed it would be very difficult to separate again. While there might be a case for elements of the parish or other parishes to be moved into Salisbury, dissolution of the parish was not justified on the evidence, and there was



nothing to prevent the parishes working together on many issues without merging. The lack of communication in particular from the proposing council to seek agreement between the parishes was criticised.

Comments in opposition to the proposal included that the key factor to consider was effective and convenient local governance, and that it was felt that the boundaries set decades ago were no longer appropriate, particularly with residents of the parishes who used services in Salisbury having no say in the delivery of those services. The comments of residents carried considerable weight, but the decision was not a referendum, and the response level to consultation was in fact a minority percentage, nor had most of Salisbury residents been consulted by the working group directly. Many in opposition to the merger did not wish to pay more council tax, which was not a relevant consideration, and others may have feared a loss of identity, but there already existed village areas within the city boundary which retained unique identity and character, so the fear was not justified. Large developments were taking place which were more properly urban extension of the city rather than part of the parish, and many people already thought outlying settlements were part of the city, and Laverstock in particular was no longer a distinct rural community .

**Resolved:**

**To take no action in respect of Scheme 100 for the reasons set out in the report.**

Salisbury and Laverstock Group 2(Schemes 2 and 3)

Councillor David Burton, Chairman of Laverstock and Ford Parish Council spoke in support of the working group recommendation to approve Scheme 2, noting in particular the work of the parish council on the area of the country park, and logic of combing the estate currently split between two parishes into one, and which the parish council already communicated to. This was also supported by the residents as detailed in the consultation responses.

Julie Ward, resident of Laverstock and Ford parish, spoke in support of the recommendation of the working group. She stated it was felt Bishopdown farm was an integral part of the Hampdon park estate, whose residents felt they belonged in Laverstock and Ford parish.

Leslie Waller, resident of Laverstock and Ford, spoke in support of the working group recommendation, endorsing the comments made by the previous speakers, and stated it was an historic anomaly that the area was split between the two parishes, and it was considered a part of the Laverstock and Ford area.

Councillor Margaret Wilmot, Salisbury City Councillor, presented a statement in support of the proposal from Salisbury City Council that Scheme 3 be approved. The housing was separated by river and railway from Laverstock, and residents looked toward Salisbury for services and employment, and was an urban extension of the city.

Mr Reg Williams, Clerk to Salisbury City Council, presented a statement in support of the proposal from Salisbury City Council that Scheme 3 be approved.

The area was clearly an urban extension of the city, isolated from the rest of the parish, and if as was right the area should be contained in a single parish, Salisbury City was the most appropriate under the criteria of the governance reviews.

Councillor Andrew Roberts, Leader of Salisbury City Council presented a statement in support of the proposal from Salisbury City Council that Scheme 3 be approved. He stated the development was a clear urban entity and where the existing boundary was anomalous, and that if it were moved into Laverstock and Ford entirely the anomalous nature of the boundary remained due to isolation from the rest of the parish.

Councillor Wheeler moved the recommendation that Scheme 2 be approved for the reasons as set out in the report and repeated at the meeting. As a result, Scheme 3 would not be approved as it was a direct opposite of Scheme 2. Councillor Ricky Rogers seconded the motion. The working group had accepted the estate should be in a single parish, and concluded on balance that realignment as proposed in Scheme 2 would improve community identity and cohesion.

Members of the working group were given the opportunity to comment and a debate then followed. It was stated a great many meetings had taken place assessing evidence and considering factors, and it was felt Scheme 2 was the most appropriate proposal under the criteria.

Comments in support of the proposal included that historically the area had been within Laverstock and Ford, and those homes still within the parish represented a significant portion of the parish. The nature of the area was more rural than urban, which was why it made more sense for all the homes to form part of Laverstock and Ford. It was acknowledged the consultation responses might have been a little skewed due to all of Laverstock and Ford parish having been consulted, but it was still notable the support for Scheme 2 over Scheme 3.

Comments in opposition to the proposal included that Scheme 3 was a simpler and more appropriate natural and logical boundary, recognising the area has a greater connection to Salisbury City than the rest of the Laverstock and Ford parish as a result of being an urban expansion of the city, and it would be more consistent with previous decisions, and more practical, to realign the boundary to include the whole area within Salisbury.

**Resolved:**

**That Scheme 2 be approved and Scheme 3 not approved for the following reasons, as set out in more detail in the report.**

- 1) That the areas in Schemes 2 and 3 were clearly one housing development and the community identity for the area would be improved by the inclusion of all properties within one parish.**

- 2) **That the inclusion of the areas concerned within one parish would provide a more logical and appropriate boundary between the two parishes.**
- 3) **That there was a stronger community identity in the area with Laverstock and Ford parish than with Salisbury**

#### 54 **Update on Approved Schemes**

The Chairman invited Councillor Stuart Wheeler to present the report which provided an update to Council on schemes previously approved.

In response to a question from Councillor Jon Hubbard, Councillor Wheeler stated that if a new recommendation, with regard to new housing development in Melksham, was jointly put forward by both Parish Councils affected, then it could be considered by the Working Group.

Having being proposed by Councillor Wheeler, and duly seconded by Councillor Ricky Rogers, the meeting;

#### **Resolved**

- 1) **To note the position on the previously-approved changes to Community Governance Arrangements;**
- 2) **To take no further action in respect of further proposals in the Devizes/Bishops Cannings, Melksham and Tidworth Areas; and**
- 3) **To approve the making of Community Governance Orders effecting the changes to the parishes of Calne & Calne Without and the Parishes of Bishopstrow, Warminster and Sutton Veny.**

#### 55 **Notices of Motion**

There were no notices of motion.

#### 56 **Recommendations of the Standards Committee on Changes to the Constitution**

The Chairman invited Councillor Stuart Wheeler, Cabinet Member, to present the report which requested Council to consider proposed changes to the constitution as recommended by the Standards Committee in relation to the Council's Code of Conduct, Financial Regulations and Procurement Regulations.

The Chairman stated that he would allow each recommendation to be considered and voted upon separately.

Councillor Stuart Wheeler stated, in response to a question submitted by Councillor Christopher Newbury, that: each complaint into alleged breaches of

the Code of Conduct would be dealt with on its own facts; that Councillors would be given an opportunity to give an initial response to complaints; and that the change in the guidance should result in fewer complaints being referred for investigation.

Having been put to the vote, it was;

**Resolved**

**That Council makes no changes to the Code of Conduct but adopts the proposed guidance as shown at Appendix 2c of the report presented to assist Members in meeting their obligations under the Code and agrees that any review of the guidance is overseen by the Standards Committee.**

Recorded Vote:

*Councillor Russell Hawker requested that his vote against the above decision be recorded.*

Councillor Wheeler then presented the recommendations regarding the Financial Regulations.

There being no questions, the meeting;

**Resolved**

**That Council approve adoption of a revised Part 9 of the Constitution, as shown at Appendix 3a of the report of the report presented.**

Councillor Wheeler then presented the recommendations regarding the Procurement Regulations.

There being no questions, the meeting;

**Resolved**

**That Council approve adoption of a revised Part 10 of the Constitution (with subsequent parts renumbered), as shown at Appendix 4 of the report presented.**

**57 Annual Treasury Management report 2015-16**

The Chairman invited Councillor Dick Tonge, Cabinet member for Finance, to present a report which would enable Council to consider the performance against the parameters set out in the approved Treasury Management Strategy for 2015-16; noting that the report was required by the Prudential Code for Capital Finance in Local Authorities and the CIPFA Code of Practice for Treasury Management in the Public Services. It was also noted that the report had been considered by Cabinet at its meeting on 14 June 2016

There being no further debate, the meeting;

**Resolved**

**To note:**

- a) **The Prudential Indicators, Treasury Indicators and other treasury management strategies set for 2015-16 against actual positions resulting from actions within the year as detailed in Appendix A of the report presented;**
- b) **The investments during the year in the context of the Annual Investment Strategy as detailed in Appendix B of the report presented.**

**58 Urgent Executive Decisions taken by Cabinet - Exemption from Call-in**

In accordance with paragraph 41 of Part 8 of the Constitution (Overview and Scrutiny Procedure Rules), Council received a report which detailed the decision to exempt decisions by Cabinet at its meeting on 14 June 2016 regarding the 'Help to Live at Home Service Commissioning' from the Scrutiny call-in process due to the need to complete the decision making process urgently, with the full reasons for urgency being detailed in the report presented.

It was noted that such an exemption from the call-in process was exercised only in very exceptional circumstances and this was in fact the first time it had been used since at least the Council became a unitary authority in 2009.

In response to an issue raised by Councillor Chris Caswill, Councillor Jerry Wickham stated that he would give a response under the Councillor Questions item later on the agenda.

**Resolved:**

**That Council notes that the Cabinet decisions, namely in relation to 'Help to Live at Home Service Commissioning' dated 14 June 2016, were determined as matters of urgency thereby exempting them from the Scrutiny call-in process, in the interests of the Council and the public and for the reasons outlined in the report presented.**

**59 Cabinet Scheme of Delegation**

At the Chairman's invitation, the Leader, Baroness Scott of Bybrook, OBE, presented a report which informed Council of a change to her Cabinet namely that following the resignation of Councillor Keith Humphries from the Cabinet, his responsibilities for Health (including Public Health) and Adult Social Care had been transferred to the new Cabinet Member, Councillor Jerry Wickham. The report noted that the change had taken effect from the 27 June 2016.

There being no further debate, the meeting;

## **Resolved**

**To note the change to the Cabinet Scheme of Delegation for Individual members of the Cabinet as detailed in the report and Appendix presented.**

### **60 Membership of Committees**

The Chairman invited Group Leaders to present any requests for changes to committee membership in accordance with the allocation of seats to political groups previously approved by Council.

Following requests made by Councillor Glenis Ansell, Leader of the Liberal Democrat Group, and The Baroness Scott of Bybrook, OBE, Leader of the Conservative Group, it was,

## **Resolved**

### **1) Environment Select Committee**

- **Remove Councillor Alan Macrae as a Full Member.**
- **Add Councillor Mike Hewitt as a Full Member.**

### **2) Standards Committee**

- **Remove Councillor Jerry Wickham as a Full Member.**
- **Add Councillor John Smale as a Full Member.**

### **3) Pensions Committee**

- **Remove Councillor Mark Packard as a Full Member.**
- **Add Councillor Gordon King a Full Member.**

### **4) Northern Area Planning Committee**

- **Remove Councillor Mark Packard as a Full Member.**
- **Add Councillor Glenis Ansell as a Full Member.**
- **Add Councillor Bill Douglas as a Substitute Member.**

### **61 Minutes of Cabinet and Committees**

The Chairman moved that Council receive and note the following minutes as listed in the separate Minutes Book.

The Chairman then invited questions from members on points of information or clarification on the above minutes and gave the Chairmen of those meetings the opportunity to make any important announcements on the work of their respective Committees.

There being no further questions, the meeting;

## **Resolved:**

**That the minutes of the circulated Minutes Book be received and noted.**

**Cabinet – 19 April, 17 May, 14 June**  
**Cabinet Capital Assets – 17 May**  
**ONS Management – 24 May, 21 June**  
**Health Select – 19 April**  
**Strategic Planning – 13 April, 11 May, 2 June, 15 June**  
**Northern Area Planning – 4 May, 1 June, 22 June**  
**Eastern Area Planning – 12 May**  
**Southern Area Planning – 28 April**  
**Western Area Planning – 27 April, 18 May**  
**Standards Committee – 29 June**  
**Joint Strategic Economic Committee – 11 Feb, 28 April**  
**Health and Wellbeing Board – 14 April**  
**Dorset and Wiltshire Fire Authority – 1 April**

## 62 Councillors' Questions

The Chairman reported receipt of questions from Councillors Ernie Clark, Bill Douglas, Chris Caswill, Christopher Newbury and Chris Hurst details of which were circulated in Agenda Supplement No. 1 together with responses from the relevant Cabinet member or Committee Chairman, details of which are attached as Appendix C. Where questions had related to a specific item on the agenda, they had been dealt with under that item.

Questioners were permitted to each ask one relevant supplementary question per question submitted and where they did so, the relevant Cabinet member responded as summarised below:

1. Councillor Chris Caswill to Councillor Stuart Wheeler (16/23)

Councillor Caswill thanked Councillor Wheeler for the detailed response given.

2. Councillor Chris Hurst to Councillor Jerry Wickham (16/32)

Councillor Jerry Wickham, in a verbal response to the question, provided a definition of what constituted a hate crime; what action the Council would be taking to increase the public's awareness of the issues, and how they could report incidents. In taking action, the Council aimed to reduce harm, support victims and prosecute where necessary.

Councillor Hurst thanked Councillor Wickham for the response and asked that when the communication material was released, it could be prominently displayed on the Council's website so that Councillors could easily refer people to it.

3. Councillor Chris Caswill to Councillor Baroness Scott (16/24)

In response to a supplementary question, Councillor Baroness Scott stated that the Sustainable Transport Plan was not led by Wiltshire Council nor by the Health & Wellbeing Board, so she was not able to state when the plans would be made public. The Health & Wellbeing Board would receive an update in due course.

4. Councillor Chris Caswill to Councillor Jerry Wickham (16/29)

In response to a supplementary question, Councillor Wickham stated that Mears had improved the service they delivered, and that Wiltshire Council would be working closely with Mears and monitoring their performance as appropriate.

(Duration of meeting: 10.30 am - 7.01 pm)

The Officer who has produced these minutes is Yamina Rhouati of Democratic Services, direct line 01225 718024, e-mail [Yamina.Rhouati@wiltshire.gov.uk](mailto:Yamina.Rhouati@wiltshire.gov.uk)

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APPENDIX 2

**Wiltshire Council**

**Council**

**12 July 2016**

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**Councillor Ernie Clark, Hilperton Division**

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

**Question (Ref16-21)**

At a cabinet meeting earlier this year, you replied to my question by stating that the five year housing land supply figures for the North And West Housing Market Area were in the process of being prepared.

- a) What progress has been made and when will the 2016 figure be announced?
- b) Do you agree that this delay is placing many area of the county at risk from speculative planning applications?

**Response**

- a) The process to update the Council's annual housing land supply statement starts in April each year. The review is ongoing and will be published when complete. Last year this was achieved towards end September 2016 and it is expected that we will be able to achieve a similar timeline this year.
- b) There is always a risk of speculative planning applications regardless of the five year land supply position.

(Ref16-21)

**Wiltshire Council**

**Council**

**12 July 2016**

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**Councillor Bill Douglas, Chippenham Hardens and England Division**

**To Councillor Toby Sturgis, Cabinet Member for Strategic Planning, Development Management, Strategic Housing, Operational Property and Waste and Cllr Richard Tonge, Cabinet Member for Finance**

**Question (Ref16-22)**

At the Area Board presentation on Affordable House building on Monday 27<sup>th</sup> of June we were advised that only 84 affordable houses had been built in the last five years in the Chippenham Area. Developers build most of the affordable houses under our 25% allocation scheme. However the Developers have built very few houses in the past few turbulent years. With the unpredictable state of the market after our exit from the EU that situation is set to continue into the foreseeable future. Developers only build when they can sell at the right price and the Inspector has supported their right to do this.

Therefore can the Cabinet Member supply the figures showing how much money is available to Wiltshire Council and, as the land cost is the main deterrent when building, how much Wiltshire Council land is available within the Chippenham Core Strategy Development Areas that can be made available for building.

With this information available we would hope that, working with Developers, we can find a way to increase the numbers.

**Response**

Within the broad 'strategic areas' for growth at Chippenham (Areas A to E) as identified within the Wiltshire Core Strategy at paragraph 5.56 there is 273.8 hectares of land owned by Wiltshire Council.

In terms of the allocations within the Chippenham Site Allocations Plan as proposed to be modified (May 2016) there is no land of significance in the Council's ownership.

The majority of funding is already committed to the Council House Build Programme as detailed below. The only funding not yet committed would be the balance on commuted sums which as at 30<sup>th</sup> June 16 would be £1.959m however there are conditions on the funding that have to be adhered to.

(Ref16-22)

The following funding has already been committed to the Council House Build Programme for period 2014/20/15 to 2018/2019

HRA £34m

1-4-1 £0.632m

DOH Grant £0.800m

Adult Social Care Grant £2.075m

Commuted Sums £2.251m

The following funding has been committed to RP Schemes:

1-4-1 £2.234m

**Councillor Chris Caswill, Chippenham Monkton Division**

**To Councillor Stuart Wheeler, To Councillor Stuart Wheeler, Cabinet Member for Hubs, Governance, Support Services, Heritage, Arts and Customer Care**

**Question (Ref16-23)**

How many Freedom of Information requests were received for each of the Council years 2014-15 and 15-16? How many in each year received answers and how many were refused answers? How many appeals have been made in each year to the Information Commissioner, with what outcomes?

**Response**

The Council received a total of 1,513 Freedom of Information/Environmental Information Regulation (FOI/EIR) requests in 2014/2015 and 1,458 in 2015/2016

The number of requests decreased by 4% in 2015/2016.

There have been no financial penalties placed on the Council by the ICO in respect of FOIs or EIRs. Any associated costs have been in relation to the resource time of officers in responding to requests and appeals.

There is also a reputational impact for the Council as decision notices are published on the ICO website.

Year	Total FOI Requests	Total responses	Total refusals	Total appeals to ICO	Outcome of Appeals	Reasons
2014/2015	1,513	1,419	94	4	1 upheld	Section 43 not able to be applied – information was not considered commercially sensitive
					1 part upheld	Information provided outside of timeframe, not considered to be a vexatious request but some considered information considered commercially sensitive
					1 not upheld	Discrepancy over the response provided
					1 withdrawn	Settlement of claim
2015/2016	1,458	1,418	40	8	5 upheld	2 x information not received within allowed timeframe 2 x responses not provided 1 x review not conducted
					1 not upheld	Complainant believes information was held
					1 withdrawn	Handling of request
					1 pending	Awaiting outcome

**Wiltshire Council**

**Council**

**12 July 2016**

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**Councillor Christopher Newbury, Warminster Copheap and Wylve Division**

**To Councillor Stuart Wheeler, Cabinet Member for Hubs, Governance, Support Services, Heritage, Arts and Customer Care**

**Question (Ref16-30)**

Attached below is an appendix to a report which went to the Wiltshire Council Standards Committee on 21 January 2015. All the complaints made to the Monitoring Officer between no. 16/12 of 2012 and no. 80/14 of 2014 are listed, and the list shows whether they were referred for investigation or not, although some were still pending.

Could the Council please provide an updated version of this appendix, showing which of the complaints listed in it would have been referred for investigation if the new guidance document proposed by the Standards Committee on 29 June 2016 had been in force in each of the relevant councils then?

**Response**

In accordance with the provisions set out in Part 4 of the Constitution, a verbal response will be provided at the meeting.

**Wiltshire Council**

**Council**

**12 July 2016**

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**Councillor Chris Hurst, Royal Wootton Bassett South Division**

**To Councillor Jerry Wickham, Cabinet Member for Public Health**

**Question (Ref16-32)**

In light of the appalling increase in hate crimes following the European Union Referendum, it is extremely important that this Council sends a clear message condemning such appalling actions. Diversity has strengthened our communities and the people of Wiltshire need to know that this Council stands for tolerance and respect for all regardless of your background.

- 1) Will the Council follow other Local Authorities in issuing a statement condemning hate crimes?
- 2) Have any Council staff been victims of these appalling attacks, and if so, how are they being supported?
- 3) What strategies are in place for tackling racial abuse and xenophobia in Wiltshire?

**Response**

In accordance with the provisions set out in Part 4 of the Constitution, a verbal response will be provided at the meeting.

Question (Ref16-32)

**Wiltshire Council**

**Council**

**12 July 2016**

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**Councillor Chris Caswill, Chippenham Monkton Division**

**To Councillor Baroness Scott of Bybrook OBE, Leader of the Council and  
Councillor Jonathon Seed, Cabinet Member for Housing, Leisure, Libraries and  
Flooding**

**Question (Ref16-24)**

How long, and since when, have the Council retained Wheelscape Ltd for the preparation of the planning application for a skate park in Monkton Park in Chippenham? How much have Wheelscape been paid to date and what is the outstanding financial commitment to them?

**Response**

The council's main contractor for the Chippenham skate park project was appointed via a procurement exercise in February 2015. Wheelscape are contracted to design and build the skate park. The contract price for Wheelscape is £275,000. This is split between the work required to secure planning permission for the skate park and main construction works. To date Wheelscape have been paid £5,000 for their work to design the Skate park and submit the planning application.

**Wiltshire Council**

**Council**

**12 July 2016**

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**Councillor Christopher Newbury, Warminster Copheap and Wylve Division**

**To Councillor Stuart Wheeler, Cabinet Member for Hubs, Governance, Support Services, Heritage, Arts and Customer Care**

**Question (Ref16-31)**

On the proposed guidance document on the meaning of the Wiltshire Council code of conduct, will the council be recommending town and parish councils, and Salisbury City Council, to adopt it too? If so, will it be consulting them on the draft document in advance and also explaining the effects of adopting it?

**Response**

In accordance with the provisions set out in Part 4 of the Constitution, a verbal response will be provided at the meeting.



**Wiltshire Council**

**Council**

**12 July 2016**

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**Councillor Ernie Clark, Hilperton Division**

**To Councillor Stuart Wheeler, To Councillor Stuart Wheeler, Cabinet Member for Hubs, Governance, Support Services, Heritage, Arts and Customer Care**

**Question (Ref16-33)**

The Wiltshire Times states that this council has spent £530,304 to 'gag' thirty three former staff members. In 2011 alone it apparently paid £233,173 to just seven members of staff.

Who authorised these thirty three payments and why were they required? Is this not a mis-use of public money if this council has nothing to hide?

[http://www.gazetteandherald.co.uk/news/14567483.Wiltshire\\_Council\\_spends\\_500k\\_on\\_gagging\\_former\\_employees/](http://www.gazetteandherald.co.uk/news/14567483.Wiltshire_Council_spends_500k_on_gagging_former_employees/)

**Response**

In accordance with the provisions set out in Part 4 of the Constitution, a verbal response will be provided at the meeting.

(Ref16-33)

**Wiltshire Council**

**Council**

**12 July 2016**

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**Councillor Chris Caswill, Chippenham Monkton Division**

**To Councillor Baroness Scott of Bybrook OBE, Leader of the Council and  
Councillor Jonathon Seed, Cabinet Member for Housing, Leisure, Libraries and  
Flooding**

**Question (Ref16-25)**

Including staff time, what has been the cost of preparing the planning application for a skate park in Monkton Park in Chippenham? What is the estimated cost of construction of the facility, should it be approved?

**Response**

The first part of this question was asked in February 2016 and the answer is available online as part of the paper for this meeting. For convenience the answer has been replicated below..

*Officer time has not been quantified in respect of this as the onus, through contract, has been on the contractor to prepare the application. Officer time has been spent facilitating meetings e.g. with Skate Park users via the Local youth Network.*

The contract price for the design and build of the Skate Park is £275,000. This is split between the work required to secure planning permission for the skate park and main construction works. The budget for the construction stage is £263,000.

Question (Ref16-25)

## **Wiltshire Council**

### **Council**

**12 July 2016**

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#### **Councillor Chris Caswill, Chippenham Monkton Division**

**To Councillor Baroness Scott of Bybrook OBE, Leader of the Council and  
Councillor Jerry Wickham, Cabinet Member for Public Health**

#### **Question (Ref16-26)**

A Sustainability and Transformation Plan (STP) for health and social care services in the whole area of Wiltshire, Swindon and Bath and North East Somerset has to be submitted to Government by 16 September. A draft STP was due to have been submitted by the end of June. These are plans which will determine the delivery of services in Wiltshire, and also reductions in costs and service delivery. Where have or will be any of these plans be publicly available and available for discussion and scrutiny by elected members other than yourself? Are you in a position to share the information with Councillors and the wider public?

#### **Response**

The timescales set by NHS England for the STP require that a draft plan is submitted by 30th June, this is a checkpoint submission to identify baseline finances across the footprint and direction of travel over the next five years to close the health and wellbeing gap, the quality gap and the finance gap and form the basis of a conversations between footprint areas and National Leadership within the NHS. The guidance for the June submission highlights that the plans are a 'work in progress'. It is anticipated that once this draft checkpoint plan has been reviewed by NHSE and categorised then work will begin to flesh out the priority areas across the footprint with further data and more detailed plans ahead of the final submission in September.

It is during this time, between end of June and September that a full engagement plan with partners will be developed. The Senior Responsible Officer for the STP presented the draft outline plan to Wiltshire Health Select Committee recently, and whilst the plan has gone to various NHS meetings the draft plan has not been formally approved by any NHS boards or governing bodies within the footprint as this is not a requirement of the checkpoint submission. Healthwatch Wiltshire sit on the STP board and will be fully engaged with public engagement once this draft plan has been agreed/approved by the regulators, HWW have written a letter to the senior officer that highlights their understanding of the limited patient engagement up until this point is due to the tight timescales and have requested sight of the communications plan in order that this engagement can be done effectively before the final submission of the plan in September.

Question (Ref16-26)

**Wiltshire Council**

**Council**

**12 July 2016**

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**Councillor Chris Caswill, Chippenham Monkton Division**

**To Councillor Baroness Scott of Bybrook OBE, Leader of the Council and  
Councillor Jerry Wickham, Cabinet Member for Public Health**

**Question (Ref16-27)**

The leader of the STP team is on record as having concerns about the governance of the STP process. As Chair of the Wiltshire Health and Wellbeing Board do you share those concerns? What steps are being taken by you and /or the Board to improve the governance arrangements?

**Response**

The governance arrangements of the STP process were discussed at the last Wiltshire Health and Wellbeing Board on the 9 June and at the subsequent STP board on 23rd June; and it was agreed that a working group would be set up to review the arrangements to ensure that an agreement was reached across the footprint as to most appropriate governance arrangements. Effective engagement, clear governance and local accountability should be the cornerstone of any plan and its implementation.

**Wiltshire Council**

**Council**

**12 July 2016**

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**Councillor Chris Caswill, Chippenham Monkton Division**

**To Councillor Baroness Scott of Bybrook OBE, Leader of the Council and  
Councillor Jerry Wickham, Cabinet Member for Public Health**

**Question (Ref16-28)**

I see from Marlborough News Online that the STP team have employed management consultants for the preparation of these plans, and the cost has been shared with the 'STP's main members'. Are Wiltshire Council contributing to those costs and, if so, how much?

**Response**

The development of the STP is a requirement of NHS planning guidance. As such, Wiltshire Council is not contributing to the cost of consultants used in the preparation of these plans.

**Councillor Chris Caswill, Chippenham Monkton Division**

**To Councillor Jerry Wickham, Cabinet Member for Public Health**

**Question (Ref16-29)**

Congratulations on your Cabinet appointment. I appreciate its early days for you as yet, but there are nevertheless continuing and serious questions about the Council's Help to Live at Home Service that need urgent public attention. (a) What steps will you be taking to assure yourself that the Help to Live at Home Service is fit for purpose? (b) Which of the current and previous HTLAH providers have been found to be 'requiring improvement' or similar since the HTLAH scheme was launched? And in each case, how many times? (c) What account has been taken of the reasons given by Leonard Cheshire for not accepting the terms offered by the Council for extending their contract? (d) Will you make public, and discuss with the Health Select Committee, the refreshed service specification and new evaluation criteria for HTLAH? (e) Are you yet in a position to name the new providers, and if not when will you do so?

**Response**

- a) There are a number of measures that we employ to ensure that HTLAH meets the standards set by the Council:
- I. Strategic meetings to ensure that a common direction is maintained by all organisations involved with HTLAH
  - II. Contract review meetings with individual providers to ensure local compliance
  - III. Regular informal meetings to deal with local issues
  - IV. Quality Assurance spot checks to ensure processes and policies of the providers are being followed
  - V. Customer Reference Group spot checks to ensure Customers are satisfied with the service
  - VI. Regular contact is maintained with CQC and NHS colleagues to pick up any issues that may arise on a daily basis.
  - VII. Weekly data collection from providers which includes hours, visits, staff and customer numbers, missed visits, compliments and complaints
- b) CQC have recently changed their inspection regime, the current results are:
- I. Somerset Care: currently 'good' overall, previously 'requires improvement'
  - II. Mears: currently 'good' overall, previously 'action required'

Question (Ref16-29)

- III. Leonard Cheshire: currently 'requires improvement', previously 'good'
  - IV. MiHomecare: currently 'requires improvement', however, a new inspection report is due to be published within the next couple of weeks and this will show a decline in standards to 'inadequate'
  - V. Aster Living: at the time of leaving the service they were deemed 'good'.
- c) The terms offered to Leonard Cheshire were based on their original bid price with inflationary uplifts applied; this did not meet their financial requirements. We have since held an open tender process resulting in a new provider for their contract areas with a price that reflects the current costs of providing this innovative service. The new price for the re-tendered service was significantly less than the increased rate which Leonard Cheshire requested.
- d) The refreshed service specification and evaluation criteria are freely available upon request and are in the public domain . I very much welcome working with the Health Select Committee on this and a number of other issues.
- e) The new service provider for the three tendered contract areas is 'Mears Care Ltd'

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**Wiltshire Council**

**Council**

**18 October 2016**

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## **Petitions Update**

### **Petitions Received**

As of 3 October 2016, two petitions have been received by Wiltshire Council since the last report to Council on 12 July 2016.

### **Proposal**

**That Council notes the petitions received and the action taken, as set out in the Appendix to this report.**

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**Yamina Rhouati**  
**Democratic Governance Manager**

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<b>NAME</b>	<b>DATE RECEIVED</b>	<b>RESPONDENTS</b>	<b>ACTION</b>
Mr and Mrs Proctor  Petition for replacement road signs at Sherfield English Road. Existing sign is illegible following damage by a council contractor.	05.07.16	45	The petition was brought to the attention of the local member and Cabinet Member for Highways and Transport. The petitioner was advised that other statutory works had been prioritised since the issue was first reported, however, due to the inconvenience caused, this work will be prioritised for completion in this financial year. The Council would usually seek recompense from the responsible party, however was not able to trace the contractor in this instance.
Mrs Johnson  Petition for speed humps and improved signage to prevent speeding on London Road, Shrewton.	25.08.16	75	The petition was brought to the attention of the local member and Cabinet Member for Highways and Transport. The petitioner was advised to log the issue on the Community Issues System to allow further investigation by the Community Area Transport Group.

Note: This does not include petitions received in respect of regulatory matters ie planning and licensing which are dealt with under different procedures.

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**Wiltshire Council**

**Cabinet and Council**

**11 October and 18 October 2016**

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**Medium Term Financial and Efficiency Plan 2017-2020**

**Councillor Dick Tonge – Cabinet Member for Finance**

**Key Decision: Yes**

## **Executive Summary**

This report updates Council on the latest financial forecast from 2017-2020. In February 2016 central government issued a four year offer to all local authorities regarding future funding (2016-2020). Councils need to give notice to DCLG of the intention to accept this offer by October 2016, and in doing so must set out an efficiency strategy to ensure that the council can maintain its financial standing in light of this offer. This report sets out Wiltshire's draft acceptance of that offer and its efficiency strategy and the assumptions behind that to deliver a balanced budget within that financial funding envelope.

Whilst the final setting of council tax and the social care levy will be reported in February 2017 Council meeting, this report sets out the Council's intentions based on current information regarding its funding proposal. The intended acceptance of the offer is subject to the current government proposal remaining unchanged as well as other key factors, such as decisions on limits to council tax increases and decisions on un-ring fenced grants outside of the offer. In addition, precept levels from Fire, Police and Parish/Town Councils will be reported at that time to inform the detailed band calculations.

## **Proposals**

Cabinet are invited to propose to Council to approve:

- The Efficiency Statement at Appendix A for submission to the DCLG, subject to conditions at paragraph 2.7 of this report, as part of the conditions to accept the current four year funding 'deal' offered by central government.
- Subject to conditions at paragraphs 2.6 and 2.7 of this report, as part of its Medium Term Financial Plan (MTFP) set out a Council Tax increase of 2% each year for 2017-2020. This does not fetter future administrations from having a lower Council tax increase should further savings be made.
- Subject to conditions at paragraphs 2.6 and 2.7 of this report, as part of its MTFP set out a Social Care Levy increase of 2% each year for 2017-2020.

## **Reason for the Proposals**

To meet Government's requirement to accept the four year funding offer and thus the statutory requirement to set the Council Tax and Social Care Levy. The final calculations will be reported to Council in February 2017 once the final government offer and precepts from partnership bodies are known

**Carolyn Godfrey and Dr Carlton Brand - Corporate Directors**

## Wiltshire Council

### Cabinet and Council

11 October and 18 October

## Medium Term Financial and Efficiency Plan 2017-2020

### Purpose of Report

1. The purpose of this report is to enable the Council to consider and assess its medium term financial plan, and the four year funding offer from Government.

### Background

- 1.1 As part of the 2016/17 provisional and final local government settlements, the Secretary of State for the Department for Communities and Local Government (DCLG) issued a proposed four year settlement offer to council's covering 2016 to 2020. Councils' had until October 2016 to accept this offer. If this offer is accepted then the allocation within the settlement would form the minimum funding for the authority during that period. Wiltshire sought agreement from DCLG to respond after Full Council on 18<sup>th</sup> October has had time to consider this matter.

#### - **Four year settlement**

- 1.2 On 6<sup>th</sup> February 2016 DCLG issued the following proposed four year settlement for Wiltshire Council. The baseline funding reflects the returned NNDR that in turn reflects Government's assessment of Wiltshire Council's need.

Wiltshire					
		2016-17	2017-18	2018-19	2019-20
	Settlement Funding Assessment	87.71	72.31	63.66	57.39
	of which:				
	Revenue Support Grant	34.73	18.29	8.05	0.00
	Baseline Funding Level	52.98	54.02	55.62	57.39
	Tariff/Top-Up	-18.31	-18.67	-19.22	-19.83
	Tariff/Top-Up adjustment	0.00	0.00	0.00	-2.24
	Safety Net Threshold	49.01	49.97	51.44	53.09
	Levy Rate (p in £)	0.26	0.26	0.26	0.26

- 1.3 This identifies that the Government Funding via the RSG will fall to zero in 2019/20. At the same time work is on-going to look at changing the current National Non-Domestic Rates (NNDR) funding returned to councils from 50:50 to 100% in total for England and Wales. Although it is noted it is assumed that would mean 2% would go to the Fire Authority, and that Wiltshire will not retain 100% of NNDR collected in the County as £19.83m will still be retained by Government as the Tariff to support other councils' needs as part of the national needs distribution formula. In addition there is a risk yet unresolved that a further £2.24m is removed. The £2.24m in 2019/20 relates to a funding anomaly identified by council's in the first round of the offer that has been corrected for some, and that DCLG say will be corrected by 2019 through other work but has not said how, only given the commitment to do this.
- 1.4 Work to redesign this funding and system is ongoing, and as such any offer is subject to the outcomes of that work. As yet no announcements have been forthcoming with any other offer for Wiltshire Council.
- 1.5 As such the proposed settlement is subject to potential change. In addition the impact of other factors, such as European Union Article 50 negotiations, on Government funding are unclear. However, at this stage of planning it is not possible to assess the potential impact of any changes with enough clarity, for the purposes of the rest of this paper it is assumed there are no such changes, if there are the Council would need to negotiate a change to its settlement to meet the proposed Medium Term Financial Plan set out later in this report.

**- Use of capital receipts**

- 1.6 In addition, as part of the November 2015 Spending Review, the Government announced that it would introduce flexibility for the period of the Spending Review for local authorities to use capital receipts from the sale of non-housing assets to fund the revenue costs of service reform and transformation. Draft Guidance on the use of this flexibility was issued as part of the Provisional Local Government Finance Settlement on 17 December 2015.
- 1.7 The Draft Guidance issued by the Secretary of State under section 15(1)(a) of the Local Government Act specified that:
- Local authorities will only be able to use capital receipts from the sale of property, plant and equipment received in the years in which this flexibility is offered. They may not use their existing stock of capital receipts to finance the revenue costs of reform.

- The expenditure for which the flexibility can be applied should be the up-front costs that will generate future ongoing savings and/or transform service delivery to reduce costs or to improve the quality of service delivery in future years. The ongoing revenue costs of the new processes or arrangements cannot be classified as qualifying expenditure.
- The key determining criteria to use when deciding whether expenditure can be funded by the new capital receipts flexibility is that it is forecast to generate ongoing savings to an authority's net service expenditure.
- In using the flexibility, the Council will have due regard to the requirements of the Prudential Code and to the CIPFA Local Authority Accounting Code of Practice.

1.8 A condition of both announcements was that local councils would issue an 'efficiency statement' or plan setting out how it proposed to manage its medium term financial plan. This papers sets out Wiltshire Council's acceptance of that offer and thus related Efficiency Plan for 2016-2020.

## 2. **Main considerations**

### - ***2016/17 Budget Monitoring***

2.1 The latest budget monitoring to Cabinet has identified actions to deliver a balanced budget by the end of the year. It is thus assumed that this and the impact on reserves will be the position for planning 2017-2020.

### - ***Update on the Council's Vision***

2.2 The Council's current Business Plan sets out the goals up to 2017. As such we need to look beyond and plan for the next four years. Appendix A sets out a summary of what this council aims to deliver in building stronger and resilient communities, particularly protecting the vulnerable and creating and maintaining employment.

2.3 Our vision focuses on four themes to deliver further improved services at lower costs:

- ***One Wiltshire Estate & Devolution*** – we will create multi-functional hubs across the county to join up public services, and provide centres for greater community ownership and interaction. These hubs will help facilitate greater devolution of services to local areas as well as the ability for more local points of resolution. Our capital infrastructure programme will facilitate the ability to focus, with our Local Enterprise Partnership (LEP), on joined up community highway networks better and creating employment.



- ***Integrated Health Care*** – we will work across health services for young people and adults to eradicate waste and inefficiencies in care. We will focus on balancing managing and preventing demand with protecting the most vulnerable with the necessary care.
- ***Efficient processing*** – we will invest in technology to improve the ways residents, businesses and visitors engage with and keep pace with the way individuals can use e-devices to pay, report and apply in everyday life. This will ensure more transactions are automated, reducing the time and costs associated with them while retaining face to face transactions with residents who are not computer enabled.
- ***Commercialism*** – we will look to remove subsidisation from non-core services, but ensure that we seek first to maintain these services by trading these more effectively within and outside of the county as appropriate. For example costs such as maintaining our buildings which we will seek to be part funded from bringing more third party partners into our building.

2.4 Our outcomes remain the same, and against this planning background we seek to improve performance within the financial envelope set out below in our MTFP.

- **General Revenue Fund Medium Term Financial Plan**

2.5 Wiltshire Council regularly updates its MTFP alongside setting its annual Council Tax levels. As such the last consideration of this Plan was discussed and appraised by Council in February 2016. Taking account of the four year offer proposed by Government covering the next three financial years (2017-2020), Cabinet have set out the following updates to that MTFP:

<b>High Level MTFS 4 Year Financial Model</b>	<b>2016-2017 Approved Financial Plan</b>	<b>2017-2018</b>	<b>2018-2019</b>	<b>2019-2020</b>	<b>2020-2021</b>
	<b>£m</b>	<b>£m</b>	<b>£m</b>	<b>£m</b>	<b>£m</b>
<b>Funding Changes</b>					
Increase in Council Tax	(220.402)	(4.386)	(4.470)	(4.606)	(4.744)
Social Care Levy	(4.322)	(4.541)	(4.676)	(4.816)	(4.960)
Council Tax base growth		(2.248)	(2.315)	(2.384)	(2.456)
RSG/ Formula Grant	(34.726)	16.436	10.240	8.050	0.000
Rates Retention	(54.135)	(1.641)	(1.691)	(1.724)	(1.776)
<b>Total Funding Changes</b>	<b>(313.585)</b>	<b>3.620</b>	<b>(2.912)</b>	<b>(5.480)</b>	<b>(13.936)</b>
<b>Other income changes in Plan</b>					
New Homes Bonus Income changes		1.841	0.000	0.000	4.000
Fees and charges Income		(1.400)	(1.404)	(1.407)	(1.409)
Parish Council Local Council Tax Support		(0.121)	0.000	0.000	0.000
Educational Support Grant		1.819	0.767	1.007	0.000
Rural Support Grant		0.635	0.614	(0.614)	2.661
Transition Grant		0.003	3.014	0.000	0.000
<b>Total Savings Changes</b>		<b>2.777</b>	<b>2.991</b>	<b>(1.014)</b>	<b>5.252</b>
<b>Revenue Investment per Business Plan and demand/demography (note Priorities 1, 2, 3, 6, 7, 8 and 11 receiving investment from Capital and grants)</b>					
Priority 1: Highways		1.800	0.000	0.000	0.000
Priority 2: Stimulate economic growth					
Priority 3: Innovative Community led approaches					
Priority 4: Improving attainment and skills of Young Children					
Priority 5: Support the most vulnerable in our society					
Adult Care		2.600	3.000	3.000	5.000
Children & Families		2.000	1.500	1.000	1.000
Priority 6: Investing in council houses					
Priority 7: Military Civil integration					
Priority 8: Delegate land to Parish & Town Councils					
Priority 9: Create Campuses		0.000	1.500	1.500	1.500
Priority 10: Integrate Public Health					
Priority 11: Develop the skill of our workforce and councillors					
<b>Investment carried forward from 2012-2015 Business Plan</b>					
Waste contract management and increased demand		1.000	1.000	1.000	1.000
<b>Corporate growth</b>					
Staffing - pay & NLW		4.650	5.282	6.369	4.377
Inflation - general (not split to services)		0.000	0.000	3.000	4.000
Pension Backfunding		0.570	0.627	0.690	0.759
Use of Rural Reserves		(6.000)			
Capital Financing to fund current capital program, including campuses		0.000	0.500	0.500	0.500
<b>Total Growth Changes</b>		<b>6.620</b>	<b>13.409</b>	<b>17.059</b>	<b>18.136</b>
<b>TOTAL COST REDUCTION PLAN REQUIRED</b>		<b>13.017</b>	<b>13.488</b>	<b>10.565</b>	<b>9.452</b>

2.6 Key to this financial plan are certain assumptions:

- Council Tax is increased each year by 2%.
- A Social Care Levy is applied each year at 2%.
- Housing and thus the council tax base continues to grow by 2% p.a. giving rise to this level of new council tax income, and address waste collection and other pressures.
- Inflation predictions remain in line with the average forecast by the Bank of England.
- NNDR net growth targets are met.
- Demand in Adult and Children's care continues in line with current demographic and inflationary pressures, including the National Living Wage pressures.
- Other staffing costs increase by 1% pay and 1% pensions, and there is one more year of incremental pay increase freeze in 2017/18.
- All savings are made in 2016/17 and that the Rural and Transitional Reserves are not utilised in this year.
- Capital proposals are in line with the Capital Programme.

2.7 This also assumes that the Government's four year offer remains unchanged and thus is subject to the following assumptions / conditions:

- Any negative changes to Wiltshire's settlement arising out of Article 50 negotiations are funded by Central Government.
- That the needs based assessment does not adversely impact on this offer and actually reflects the rural and mixed complexity of our county.
- That the reform of the NNDR distribution grant does not have a detrimental effect on the current offer, and that as part of any additional funding for new services it is agreed that the full cost of these new services are fully funded on transfer.
- Any changes to council tax or other fund raising powers do not detrimentally affect the Council's funding or other assumptions in this efficiency statement. For example any 'cap' on council tax of less than 2% would need to be fully funded to make good any shortfall from the assumptions in this Statement.

- Unprotected grants, in particular SEN (Special Educational Needs) grants are not affected by the offer and adversely reduced.
- That by accepting the deal we are still able to negotiate with central government changing council tax relief.
- Any proposal to cap Parish / Town councils does not prevent empowerment of these bodies to increase precepts where they are taking on responsibilities from the Council.

2.8 Based on these assumptions the council is faced with a shortfall in the following financial years as follows:

<i>High Level MTFS 4 Year Financial Model</i>	2016-2017 Approved Financial Plan	2017-2018	2018-2019	2019-2020	2020-2021
	£m	£m	£m	£m	£m
<b>TOTAL COST REDUCTION PLAN REQUIRED</b>		13.017	13.488	10.565	9.452

2.9 The Council's saving proposals are set out within the following areas of focus:

<i>High Level MTFS 4 Year Financial Model</i>	2016-2017 Approved Financial Plan	2017-2018	2018-2019	2019-2020	2020-2021
	£m	£m	£m	£m	£m
<b>TOTAL COST REDUCTION PLAN REQUIRED</b>		13.017	13.488	10.565	9.452
<b>Priority 12: Realign our resources and secure VFM</b>					
One Wiltshire Estate		(0.500)	(1.000)	(1.500)	(1.000)
Community Empowerment and devolution		(0.500)	(1.000)	(2.000)	(3.000)
Integrated Health Care		(0.500)	(1.250)	(2.000)	(2.000)
Commercialism		(1.000)	(1.000)	(1.000)	(1.000)
Connecting residents to enable first point of resolution through technology		(0.250)	(2.000)	(2.000)	(0.452)
Procurement efficiencies		(3.000)	(2.000)	0.000	0.000
General efficiency targets to absorb pay increased costs		(6.267)	(3.238)	(0.065)	0.000
Fees and Charges		(1.000)	(2.000)	(2.000)	(2.000)
<b>TOTAL COST REDUCTION PLAN</b>		<b>(13.017)</b>	<b>(13.488)</b>	<b>(10.565)</b>	<b>(9.452)</b>
<b>DIFFERENCE</b>		<b>0.000</b>	<b>(0.000)</b>	<b>(0.000)</b>	<b>(0.000)</b>

2.10 At this point in time management are developing more detailed proposals for February Full Council. The majority of these are management actions, such as restructures. As these proposals are developed further Council will be updated and as always the full budget books will be presented alongside the final council tax setting resolution paper. Where a saving requires further consultation with trade unions and / or public the Council will follow its procedure to ensure full openness and transparency is abided with in reaching any decisions. At this stage no such consultations have been identified.

- **General Fund and Earmarked Reserves**

2.11 The current level of General Fund reserves, as reported in Period 4 monitoring, are set out below. The latest forecast on general fund balances currently stands at £12.206 million at 31 March 2017.

<b>General Fund Reserve</b>	<b>£ million</b>	<b>£ million</b>
Balance as at 1 April 2016		(12.206)
Projected overspend at period 4	8.300	
Service Recovery Plans	(8.300)	
Total Forecast movement		0.000
<b>Forecast Balance 31 March 2017</b>		<b>(12.206)</b>

2.12 At present it is assumed that all other areas currently overspending will be on line by the year end following management action. A review of the assessment of need has been undertaken by the Section 151 Officer to link all the General Fund balances to risk.

2.13 Earmarked reserves are as per the following extracted from the audited 2015/16 Statement of Accounts (Note 48). The majority of these are ring fenced.

<b>Earmarked Reserve</b>	<b>Reserve 2014/15 £000</b>	<b>Movement £000</b>	<b>Reserve 2015/26 £000</b>
PFI Reserve	(4,416)	112	(4,304)
Insurance Reserve	(3,315)	4	(3,311)
Locally Managed Schools' Balances - to be spent on educational services	(9,724)	1,088	(8,636)
Elections Reserve	(330)	0	(330)
Area Board Reserve	(191)	131	(60)
Revenue Grants Earmarked Reserve	(5,518)	(176)	(5,694)
Digital Inclusion	(183)		(183)
PFI Housing Scheme Earmarked Reserve	(3,092)	112	(2,980)
Transformation Reserve	(736)	736	0
Action 4 Wiltshire Reserve	(180)	15	(165)
Business Plan Priority Funding Reserve	(141)	141	0
Economic Development & Planning Reserve	(11)	(3)	(14)
Single voice of Customer Reserve	0	(700)	(700)
<b>Total</b>	<b>(27,837)</b>	<b>1,460</b>	<b>(26,377)</b>

2.14 There is no provision for NNDR risks.

- 2.15 Based upon use of the General Fund Reserves as set out in the Cabinet Budget Monitoring (period 4) report in September 2016, it is assumed that the level of reserves for the period 2017-2020 will remain unchanged from that reported to Council in February 2016:
- 2.16 At this stage it is assumed that this level will meet the minimum requirement, subject to conditions and assumptions set out at paragraphs 2.6 and 2.7 of this report.

- ***Next steps in setting 2017/18 Council Tax and Social Care Levy***

- 2.17 The MTFP will be updated for any changes from assumptions reported to Council. That will include the Council Tax base setting report to Cabinet in December and the detailed calculation of council tax levels and budget books to Council in February.
- 2.18 In addition, Cabinet are currently undertaking a series of financial funding public meetings to assess the current four year deal.

3. **Risk Assessment**

- 3.1 The lack of guidance and other uncertainty due to funding reform means that the following risks in accepting the deal exist:
- Risk: The Settlement does not change, for example the amount of tariff (reduction in Wiltshire's allocation to redistribute to other councils) does not change.
  - Risk: It assumes that the funding is sufficient to meet the council's needs assessment. The needs assessment is based on 2010 data and will not be reset to 2020.
  - Risk: Leading on from this there is a risk of miscommunication that the public are informed that councils are getting more money. This deal does not account for any changes to Business Rates Reform or Needs Assessment.
  - Risk: The 2019/20 offer has additional tariff to reflect that in the first iteration of the deal a number of councils had a negative RSG allocation in the final year which would have meant in effect they returned council tax. As such an arbitrary reduction to councils with large tariffs was added. DCLG have said they expect this to be removed by 2019, but have not identified or confirmed how.
  - Risk: Appeals risks are still borne by the local authority and actually the deal is undermined due to factors outside the council's control, such as the upcoming rates revaluation or central government reliefs being extended even further without recompense.
- 3.2 The risks of not accepting the deal are:
- each council that does not accept the offer will only receive a one year

settlement, and as such has less certainty and also in theory one of a handful could see their future year settlements come in at less than the current deal. Although as RSG goes to zero, it is not clear what this could mean in practice. However, there would be increased vulnerability to further funding changes.

- Wiltshire Council could appear to be unsupportive of DCLG's policy which was in response to requests from local government for greater certainty over future years' funding;
- uncertainty about the profile of Rural and Transitional Grant allocations albeit that the grants protected form a very small proportion of the council's overall funding

#### 4. **Equality and Diversity Impacts of the Proposal**

- 4.1 None have been identified as directly arising from this report, although equality and diversity impacts have been considered by officers and portfolio holders when preparing budget proposals.

#### 5. **Financial Implications**

- 5.1 The financial implications are outlined in the report. The Scrutiny Finance Task Group has assessed the offer and the MTFP and will feedback comments to Overview and Scrutiny Management Committee, Cabinet and Council.

#### 6. **Legal Implications**

- 6.1 The legal implications are outlined in the report.

#### 7. **Public Health Implications**

- 7.1 None have been identified as arising directly from this report.

#### 8. **Environmental Implications**

- 8.1 None have been identified as arising directly from this report.

9. **Safeguarding Implications**

9.1 None have been identified as arising directly from this report.

10. **Options Considered**

10.1 The options are to accept or reject the four year funding offer. The proposal is to accept and a risk assessment is set out in this report.

**Carolyn Godfrey, Carlton Brand, Maggie Rae**  
Corporate Directors

**Ian Gibbons**  
Associate Director, Legal (Monitoring Officer)

**Michael Hudson**  
Associate Director, Finance

Report Author: **Michael Hudson** - Associate Director, Finance

**Appendices:**

Appendix A - Efficiency Plan 2017 – 2020 for submission to DCLG



**Response to DCLG – Wiltshire Council's Efficiency Statement 2016/17 to 2019/20**

Dear Sajid,

**Re: Four year funding deal and Efficiency Statement**

Further to your announcement in February 2016 regarding the proposed four year funding settlement offered to all councils, Wiltshire Council has voted to accept this offer subject to certain conditions. You will find appended to this letter an Efficiency Statement that we trust meets the requirement of your offer. We look forward to continued discussions on this settlement and becoming a self-funding council.

Yours sincerely

Baroness Scott of Bybrook  
Leader of Wiltshire Council

## Wiltshire Council's Efficiency Statement 2016/17 to 2019/20

### 1. Introduction

1.1 As part of the 2016/17 provisional and final local government settlements, the Secretary of State for the Department for Communities and Local Government (DCLG) offered four year settlement offer to council's covering 2016 to 2020. If this offer is accepted then the allocation within the settlement would form the minimum funding for the authority during that period.

1.2 Wiltshire Council's offer is as follows:

Wiltshire					
	2016-17	2017-18	2018-19	2019-20	
Settlement Funding Assessment	87.71	72.31	63.66	57.39	
of which:					
Revenue Support Grant	34.73	18.29	8.05	0.00	
Baseline Funding Level	52.98	54.02	55.62	57.39	
Tariff/Top-Up	-18.31	-18.67	-19.22	-19.83	
Tariff/Top-Up adjustment	0.00	0.00	0.00	-2.24	
Safety Net Threshold	49.01	49.97	51.44	53.09	
Levy Rate (p in £)	0.26	0.26	0.26	0.26	

1.3 In addition, as part of the November 2015 Spending Review, the Government announced that it would introduce flexibility for the period of the Spending Review for local authorities to use capital receipts from the sale of non- housing assets to fund the revenue costs of service reform and transformation. Draft Guidance on the use of this flexibility was issued as part of the Provisional Local Government Finance Settlement on 17 December 2015.

1.4 A condition of both announcements was that local councils would issue an 'efficiency statement' setting out how it proposed to manage its medium/longer term financial plan. This paper sets out Wiltshire Council's acceptance of that offer and thus related Efficiency Plan for 2016-2020.

## 2. Assumptions in accepting DCLG's Offer

2.1 Wiltshire Council notes that at the stage of accepting DCLG's offer there are some significant assumptions that could change and thus makes its acceptance and efficiency statement on the following conditions:

- Any negative changes to Wiltshire's settlement arising out of Article 50 negotiations are funded by Central Government.
- That the needs based assessment does not adversely impact on this offer and actually reflects the rural and mixed complexity of our county.
- That the reform of the NNDR distribution grant does not have a detrimental effect on the current offer, and that as part of any additional funding for new services it is agreed that the full cost of these new services are fully funded on transfer.
- Any changes to council tax or other fund raising powers do not detrimentally affect the Council's funding / other assumptions in this efficiency statement. For example any 'cap' on council tax would need to be fully funded to make good any shortfall from the assumptions in this Statement.
- Unprotected grants, in particular SEN (Special Educational Needs) grants are not affected by the offer and adversely reduced.
- That by accepting the deal we are still able to negotiate with central government changing council tax relief.
- Any proposal to cap Parish / Town councils does not prevent empowerment of these bodies to increase precepts where they are taking on responsibilities from the Council.

## 3. The Medium Term Financial Plan (MTFP)

3.1 The Council's MTFP has been updated to account for assumptions, including the proposed four year settlement. The MTFP recognised the Council's Business Plan and continued investment in building stronger and resilient communities, particularly protecting the vulnerable and creating and maintaining employment. It accounts for the need to continue to provide for the current and forecast levels of demand for services and their reshaping, such as Early Help / Special Educational Needs and Adult Social Care that will provide for a continued improvement in client outcomes.

3.2 The financial plan assumes that certain pressures such as pay and inflationary increases will be absorbed and saved by services. As such the MTFP is identified to align with the current funding settlement proposed by Government:

## High Level MTFs 4 Year Financial Model

	2016-2017 Approved Financial Plan	2017-2018	2018-2019	2019-2020	2020-2021
	£m	£m	£m	£m	£m
<b>Funding Changes</b>					
Increase in Council Tax	(220.402)	(4.386)	(4.470)	(4.606)	(4.744)
Social Care Levy	(4.322)	(4.541)	(4.676)	(4.816)	(4.960)
Council Tax base growth		(2.248)	(2.315)	(2.384)	(2.456)
Council Tax Reduction Scheme		0.000	0.000	0.000	0.000
Council Tax Freeze Grant 2015/16		0.000	0.000	0.000	0.000
RSG/ Formula Grant	(34.726)	16.436	10.240	8.050	0.000
Rates Retention	(54.135)	(1.641)	(1.691)	(1.724)	(1.776)
Collection Fund	0.000	0.000	0.000	0.000	0.000
Other Central Grants including Educational Service Grant		0.000	0.000	0.000	0.000
<b>Total Funding Changes</b>	<b>(313.585)</b>	<b>3.620</b>	<b>(2.912)</b>	<b>(5.480)</b>	<b>(13.936)</b>
<b>Other income changes in Plan</b>					
New Homes Bonus Income changes		1.841	0.000	0.000	4.000
Fees and charges Income		(1.400)	(1.404)	(1.407)	(1.409)
Parish Council Local Council Tax Support		(0.121)	0.000	0.000	0.000
Educational Support Grant		1.819	0.767	1.007	0.000
NHS Funding for social care		0.000	0.000	0.000	0.000
Rural Support Grant		0.635	0.614	(0.614)	2.661
Transition Grant		0.003	3.014	0.000	0.000
<b>Total Savings Changes</b>		<b>2.777</b>	<b>2.991</b>	<b>(1.014)</b>	<b>5.252</b>
<b>Revenue Investment per Business Plan and demand/demography (note Priorities 1, 2, 3, 6, 7, 8 and 11 receiving investment from Capital and grants)</b>					
Priority 1: Highways		1.800	0.000	0.000	0.000
Priority 2: Stimulate economic growth					
Priority 3: Innovative Community led approaches					
Priority 4: Improving attainment and skills of Young Children					
Priority 5: Support the most vulnerable in our society					
Adult Care		2.600	3.000	3.000	5.000
Children & Families		2.000	1.500	1.000	1.000
Priority 6: Investing in council houses					
Priority 7: Military Civil integration					
Priority 8: Delegate land to Parish & Town Councils					
Priority 9: Create Campuses		0.000	1.500	1.500	1.500
Priority 10: Integrate Public Health					
Priority 11: Develop the skill of our workforce and councillors					
<b>Investment carried forward from 2012-2015 Business Plan</b>					
Waste contract management and increased demand		1.000	1.000	1.000	1.000
<b>Corporate growth</b>					
Staffing - pay & NLW		4.650	5.282	6.369	4.377
Inflation - general (not split to services)		0.000	0.000	3.000	4.000
Pension Backfunding		0.570	0.627	0.600	0.750

3.3 The Council's saving proposals are set out within the following areas of focus:

<i>High Level MTFS 4 Year Financial Model</i>	2016-2017 Approved Financial Plan	2017-2018	2018-2019	2019-2020	2020-2021
	£m	£m	£m	£m	£m
<b>TOTAL COST REDUCTION PLAN REQUIRED</b>		<b>13.017</b>	<b>13.488</b>	<b>10.565</b>	<b>9.452</b>
<b>Priority 12: Realign our resources and secure VFM</b>					
One Wiltshire Estate		(0.500)	(1.000)	(1.500)	(1.000)
Community Empowerment and devolution		(0.500)	(1.000)	(2.000)	(3.000)
Integrated Health Care		(0.500)	(1.250)	(2.000)	(2.000)
Commercialism		(1.000)	(1.000)	(1.000)	(1.000)
Connecting residents to enable first point of resolution through technology		(0.250)	(2.000)	(2.000)	(0.452)
Procurement efficiencies		(3.000)	(2.000)	0.000	0.000
General efficiency targets to absorb pay increased costs		(6.267)	(3.238)	(0.065)	0.000
Fees and Charges		(1.000)	(2.000)	(2.000)	(2.000)
<b>TOTAL COST REDUCTION PLAN</b>		<b>(13.017)</b>	<b>(13.488)</b>	<b>(10.565)</b>	<b>(9.452)</b>
<b>DIFFERENCE</b>		<b>0.000</b>	<b>(0.000)</b>	<b>(0.000)</b>	<b>(0.000)</b>

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3.4 Key to this financial plan are certain assumptions:

- Council Tax is increased each year by 2%.
- A Social Care Levy is applied each year at 2%.
- Housing and thus the council tax base continues to grow by 2% p.a. giving rise to this level of new council tax income, and conversely thus waste collection pressures.
- Inflation predictions remain in line with the average forecast by the Bank of England.
- NNDR net growth targets are met.

- Demand in Adult and Children's care continues in line with current demographic and inflationary pressures, including the National Living Wage pressures.
- Other staffing costs increase by 1% pay and 1% pensions, and there is one more year of incremental pay increase freeze in 2017/18.
- All savings are made in 2016/17 and that the Rural and Transitional Reserves are not utilised in this year.
- Capital proposals are in line with the Capital Programme.

3.5 A more detailed savings proposal will be included in the budgets that are agreed annually by Council to meet this financial plan.

3.6 As part of any reduction in posts the ability to use capital receipts to fund transformation is highly likely to be utilised. For this purpose that the Council is proposing to use £3m to £4m of Capital Receipts in 2017-20 to funding staffing costs as well as £5m for IT transformation.

3.7 When considering the business case for the release of employees on Voluntary Severance/Early Retirement, the Councils' approach is to ensure that the cost of the release of the employee concerned, including both redundancy and pension strain costs, should be recovered from salary savings within at least 18 months of the employee leaving. There is also a requirement that any release would also be subject to meeting 'business need' and thereby retain the right people in the right place.

#### 4 **The Prudential Code**

4.1 The Council will have due regard to the requirements of the Prudential Code and the impact on its prudential indicators from implementing the proposed scheme within this Efficiency Strategy.

4.2 As transformation proposals develop and the cost of Voluntary Severance is determined, the expenditure to be incurred will be included in the capital programme to be funded by capital receipts generated in the financial year. The capital expenditure prudential indicators will be amended and approved as appropriate. In line with Golden Rule 3 of the proposed Capital Strategy the first call on capital receipts generated in the year will be utilised to meet the cost of voluntary severance. These receipts have not been earmarked as funding for any other proposed capital expenditure and therefore there is no

anticipated additional impact on the Council's prudential indicators as set out in the Council's Treasury Management Strategy.

- 4.3 The Council will also have due regard to the Local Authority Accounting Code of Practice when determining and including the entries required from undertaking and funding this scheme within the 2016/17 Council's Statement of Accounts.

5 **Monitoring this Strategy**

- 5.1 This strategy will be monitored throughout the financial year and may be updated and replaced as proposals are developed and expenditure is incurred. Also as the Guidance is still in draft form changes may require the revision of this Strategy.
- 5.2 The Strategy will next be updated in December 2016 and February 2017 following any announcement by Government in relation to potential changes to its spending and formula reviews; announcements on council tax and levy raising powers; Wiltshire's Council Tax base assessment; further review of saving proposals; and other changes or risks as appropriate.



## OVERVIEW AND SCRUTINY MANAGEMENT COMMITTEE

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### MINUTES OF THE OVERVIEW AND SCRUTINY MANAGEMENT COMMITTEE MEETING HELD ON 10 OCTOBER 2016 AT THE KENNET ROOM - COUNTY HALL, TROWBRIDGE BA14 8JN.

#### Present:

Cllr Simon Killane (Chairman), Cllr Glenis Ansell, Cllr Chuck Berry, Cllr Christine Crisp, Cllr Stewart Dobson, Cllr Howard Greenman, Cllr Jon Hubbard, Cllr George Jeans, Cllr Jacqui Lay, Cllr Tony Trotman, Cllr John Walsh, Cllr Bridget Wayman, Cllr David Jenkins (Substitute), Cllr Paul Oatway QPM (Substitute) and Cllr Mark Packard (Substitute)

#### Also Present:

Cllr Dick Tonge

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#### 86 Apologies

Apologies were received from Councillors Alan Hill, Gordon King and Steven Oldrieve, who were substituted by Councillors Paul Oatway QPM, Mark Packard and David Jenkins respectively.

#### 87 Declarations of Interest

There were no declarations.

#### 88 Chairman's Announcements

There were no announcements.

#### 89 Public Participation

There were no questions or statements submitted.

#### 90 Medium Term Financial and Efficiency Plan 2017-2020

At its meeting on 6 September 2016 the Committee had been informed of the need for the Council to respond to the government's offer of a four-year funding settlement by the end of October 2016. The Committee had requested the Financial Planning Task Group scrutinise the proposed medium term financial plan ahead of consideration by Cabinet on 11 October 2016 and Council on 18 October 2016. The proposed settlement would provide the council with a four year offer on its funding settlement in place of the current annual arrangement,

and require provision of an efficiency statement detailing to the government how the council intended to make required savings over that four year period.

The Committee received an update from Councillor Dick Tonge, Cabinet Member for Finance, supported by Michael Hudson, Associate Director for Finance, on the Cabinet report to be tabled at the meeting on 11 October 2016 which had the response to the government as Appendix A, and highlighted the responses to questions that had been raised at public consultation events, and quoted the DCLG paper that states that if the council did not take up the settlement offer, the current annual settlement formula would apply. There was also a separate government consultation on changes to the collection and distribution of National Non-Domestic Rates (NNDR), where 100% of the funds would be allocated to local government, although councils such as Wiltshire would still be subject to a tariff, and would be expected to take on more responsibility.

The Committee sought additional clarity from the Cabinet Member on several points, seeking details of work that had been undertaken with the Department for Communities and Local Government, Local Government Association and other bodies to ensure that the government was encouraged to accept the caveats and assumptions being proposed in the efficiency statement. It was also stated in response to queries that the four-year offer did not apply to town and parish councils.

The Chairman of the Financial Planning Task Group, Councillor Glenis Ansell, then presented a report on behalf of the Task Group. A draft had been circulated to all members of the Task Group and Chairs of Select Committees who had also been invited to attend the meetings for comment ahead of its publication. Particular attention was drawn to the level of savings that were suggested in the proposed efficiency statement, and how to deal with areas of overspend such as children and adult social care.

A motion to endorse the recommendations of the Task Group was moved by Councillor Ansell, seconded by Councillor George Jeans.

The Committee then debated the proposal. There was discussion of the Task Group's assessment of the risks of not accepting the four-year settlement offer as outlined in recommendation 4 as detailed in the report, and an amendment was moved by Councillor Chuck Berry, seconded by Councillor Christine Crisp, as follows:

*To endorse the Task Group recommendations subject to the following in place of recommendation 4 (a-d):*

*[That the Management Committee] Recognises that the consultation for 100% retention of business rates may result in changes to funding; and that the impact will have to be evaluated when DCLG make their proposal resultant from the current consultation.*

The Committee discussed the proposed amendment, with some members feeling the wording was simpler, but others feeling it failed to acknowledge the other risks arising from uncertainty in the government offer. It was noted the proposal to Cabinet to respond to the government offer set out a number of assumptions and caveats to the council's acceptance of the offer, should it choose to accept, and it was debated whether the Committee should separately note its concerns in addition to those in the Cabinet report. Following a vote the amendment was lost.

The Committee continued to debate the report and proposal, discussing the method of assessing the council's needs and the suggestion that a task group be created to examine the One Public Estate programme which was required to achieve many of the predicted savings.

Following debate the Cabinet Member thanked the Task Group for their work, although he had several comments in relation to their report, including:

- a) At paragraph 8 the Cabinet proposal had been listed incorrectly, clarifying that the second recommendation on proposed council tax levels of 2% each year for 2017-2020 did not fetter future council administrations from having a lower council tax increase should further savings be made.
- b) That contrary to paragraph 21b the level of top-up rates providing a safety net in any drop of NNDR was known and as detailed in paragraph 9.
- c) That there was no option to reject the proposed multi-year settlement now and request another settlement at a later date, as suggested in paragraph 23, and that the options were simply to accept a four-year settlement or continue with annual settlements.

The Chairman of the Financial Planning Task Group also thanked the members of the Task Group and the supporting officers for scrutinising the proposals so thoroughly in the short period possible due to government timescales for a response. At the conclusion of debate, it was,

### **Resolved**

**That the Overview and Scrutiny Management Committee:**

- 1) Welcomes the Executive's engagement with overview and scrutiny in considering the matter of the four year settlement offer, the Efficiency Statement and the Medium Term Financial Plan 2017-2020.**
- 2) Recognises that either accepting or declining the four year settlement both carry risk; that on the balance of the information received during the task group's deliberations it is not in a position to make a clear recommendation on the matter; and it is appropriate to leave the decision to Full Council taking into account of the issues highlighted by overview and scrutiny.**

- 3) Recognises that declining the four year settlement would create significant challenges in the council's financial planning and that any alternative single year settlements may be less favourable.
- 4) Recognises that accepting the four year settlement would also carry significant risks, including:
  - a) Designing an MTFP around a funding settlement that may change and an NNDR system that is in the process of reform
  - b) Wiltshire's funding allocation being based on a needs assessment from 2010 and this not being reset until 2020
  - c) Uncertainty around which services may be transferred to the council, the levels of funding accompanying these and the flexibility for local discretion in their delivery
  - d) Uncertainty around NNDR re-evaluation
- 5) Endorses the Financial Planning Task Group focusing its work programme on the key saving areas agreed by Full Council, including self-funding council services, working closely with relevant select committees.
- 6) Investigates establishing a task group to engage with the One Wiltshire Estate programme to support the identification and delivery of savings across the public sector in Wiltshire.
- 7) Looks forward to continued Executive engagement on budget monitoring, the delivery of savings and the development of annual budgets through the Financial Planning Task Group and on service transformation and customer experience through the select committees.

91 **Date of Next Meeting**

The date of the next meeting was confirmed as 1 November 2016.

92 **Urgent Items**

There were no urgent items.

(Duration of meeting: 12.30 - 1.45 pm)

The Officer who has produced these minutes is Kieran Elliott (Senior Democratic Services Officer), of Democratic Services, direct line (01225) 718504, e-mail [kieran.elliott@wiltshire.gov.uk](mailto:kieran.elliott@wiltshire.gov.uk)

Press enquiries to Communications, direct line (01225) 713114/713115

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**Report of the Financial Planning Task Group:**

**Four Year Settlement Offer, Efficiency Statement and Medium Term Financial Plan 2017-2020**

**Proposal**

1. To endorse the findings of the Financial Planning Task Group following its consideration of:
  - The four year funding settlement offered by Central Government;
  - The Efficiency Statement required by the Department for Communities and Local Government (DCLG) as a condition of the settlement offered;
  - The council's Medium Term Financial Plan (MTFP) 2017-2020.
2. To refer these to Cabinet and Council for consideration.

**Background**

3. As part of the 2016/17 provisional and final local government settlements, the Secretary of State for the DCLG issued a proposed four year settlement offer to council's covering 2016 to 2020. Local authorities had until October 2016 to accept this offer. If the offer is accepted then the allocation within the settlement would form the minimum funding for the authority during that period. Wiltshire sought agreement from DCLG to respond after Full Council on 18 October has considered the matter.
4. In keeping with the approach developed in Wiltshire to setting the council's annual budget, overview and scrutiny (OS) was engaged at an early stage, ahead of Cabinet consideration and Council decision. On 6 September 2016 the Management Committee agreed that the Financial Planning Task Group would undertake focused work looking at the settlement offered by Central Government, the Efficiency Statement required as a condition of the offer and the potential impacts on the council's MTFP. This reflected the task group's established role undertaking monitoring of the council's revenue and capital budgets as well as engaging on the development of its financial plans.
5. The task group comprises the following members and the select committee chairmen listed also participated:

Cllr Glenis Ansell (Chairman)  
Cllr George Jeans  
Cllr Pip Ridout  
Cllr Ian Thorn  
Cllr Roy While

Cllr Chuck Berry, Health Select Committee  
Cllr Jon Hubbard, Children's Select Committee  
Cllr Bridget Wayman, Environment Select Committee

6. The task group met on four occasions and received briefings from the Corporate Directors, the Cabinet Member for Finance and the Associate Director for Finance on the high-level proposals in development. Cllrs Ansell and Wayman also met with the Associate Director for Operational Children's Services to discuss the budgetary challenges and potential for efficiencies in placements for Looked After Children (LAC).
7. In undertaking this work the task group considered the following issues:
  - Council services' changing budget allocations in recent years
  - Potential impacts and risks of National Non-Domestic Rates (NNDR) being consulted on by DCLG
  - Assumptions regarding income
  - Requirements of the Efficiency Statement
  - Four year settlement offered, cost pressures due to demand and inflation and the resulting funding gap
  - Opportunities to reduce costs and increase income
  - Deliverability of current Business Plan priorities
8. A report to Cabinet on this matter was published on 3 October and is also included in the agenda pack. This will be considered by Cabinet on 11 October alongside Overview and Scrutiny's comments and recommendations. The report invites Cabinet to propose that Council approve:
  - An Efficiency Statement for submission to the DCLG, subject to certain conditions, as part of acceptance of the current four year funding 'deal' offered by central government.
  - Subject to certain conditions, as part of its Medium Term Financial Plan (MTFP) set out a Council Tax increase of 2% each year for 2017-2020.
  - Subject to certain conditions, as part of its MTFP, set out a Social Care Levy increase of 2% each year for 2017-2020.

#### **Four year settlement offer and National Non-Domestic Rates (NNDR) reform**

9. The four year settlement offered to the council by central government is set out below. It illustrates that council funding via the Revenue Support Grant will be gradually reduced over the next four years, falling to zero in 2019/20. It



should be noted that the council is in year one of the four year settlement offer.

Wiltshire					
		2016-17	2017-18	2018-19	2019-20
	Settlement Funding Assessment	87.71	72.31	63.66	57.39
	of which:				
	Revenue Support Grant	34.73	18.29	8.05	0.00
	Baseline Funding Level	52.98	54.02	55.62	57.39
	Tariff/Top-Up	-18.31	-18.67	-19.22	-19.83
	Tariff/Top-Up adjustment	0.00	0.00	0.00	-2.24
	Safety Net Threshold	49.01	49.97	51.44	53.09
	Levy Rate (p in £)	0.26	0.26	0.26	0.26

10. As outlined in the Cabinet report, Central Government are considering changing the current National Non-Domestic Rates (NNDR) system and the results of this reform process will influence how much Business Rates the council retains and its certainty over future year funds. As such the task group notes that the proposed settlement is subject to potential change and the merits of the four year settlement must be seen in the context of that risk.
11. A key aspect of the proposed new NNDR system is to increase the NNDR returned to councils from 50% to 100%. However, it is assumed that a proportion of NNDR collected in Wiltshire will be retained by Central Government as the Tariff to support other councils' needs as part of the national needs distribution formula. The amount retained by Central Government is determined by an assessment of the county's needs, but the current assessment is based on 2010 data and will not be reset until 2020. Therefore, the risk remains that Wiltshire receives a level of funding that does not reflect its actual need.
12. The task group notes the council's draft response to the NNDR consultation and wishes to emphasise the following points made:
  - Councils should have discretion to shape transferred services to suit residents including the ability to alter the eligibility criteria or how a scheme is run.
  - Any services devolved to councils should be accompanied by a genuinely sufficient level of funding.
  - The differing rules and requirements of DCLG and DOH should be harmonised in order that the opportunities for significant savings through pooled sector budgets can be fully exploited.

## Savings

13. Acceptance of the current four year settlement would require the council to make annual savings of £13.017M, £13.488M, £10.565M and £9.452M over the next four years. (It is acknowledged that declining the offer would also require the delivery of an unknown level of savings). A high-level indication of where the necessary savings could be found is set out in the report to Cabinet and in the table below. More detailed proposals will be included in the annual budgets to be agreed by Full Council.

<i>High Level MTFS 4 Year Financial Model</i>	2016-2017 Approved Financial Plan	2017-2018	2018-2019	2019-2020	2020-2021
	£m	£m	£m	£m	£m
<b>TOTAL COST REDUCTION PLAN REQUIRED</b>		13.017	13.488	10.565	9.452
Priority 12: Realign our resources and secure VFM					
One Wiltshire Estate		(0.500)	(1.000)	(1.500)	(1.000)
Community Empowerment and devolution		(0.500)	(1.000)	(2.000)	(3.000)
Integrated Health Care		(0.500)	(1.250)	(2.000)	(2.000)
Commercialism		(1.000)	(1.000)	(1.000)	(1.000)
Connecting residents to enable first point of resolution through technology		(0.250)	(2.000)	(2.000)	(0.452)
Procurement efficiencies		(3.000)	(2.000)	0.000	0.000
General efficiency targets to absorb pay increased costs		(6.267)	(3.238)	(0.065)	0.000
Fees and Charges		(1.000)	(2.000)	(2.000)	(2.000)
<b>TOTAL COST REDUCTION PLAN</b>		(13.017)	(13.488)	(10.565)	(9.452)
<b>DIFFERENCE</b>		0.000	(0.000)	(0.000)	(0.000)

14. Below the task group provides comments on some of the Business Plan themes set out in the report to Cabinet and other potential areas for savings discussed.
15. **One Wiltshire Estate & Devolution:** The task group agrees that there are opportunities to find savings and efficiencies through better use of the county's public sector estate, including the Voluntary and Community Sector (VCS). It recommends focused scrutiny engagement on this topic.
16. **Integrated Health Care:** The task group agrees that there is significant scope for savings and better services through the integration of health and care service delivery. It recommends that the Cabinet Member and Health Select Committee maintain their focus on this.
17. **Connecting residents to enable first point of resolution through technology:** This objective relies on a commitment to delivering high-speed broadband across the county (particularly in rural areas) and increasing ICT literacy, while continuing to support those who cannot engage 'digitally'. Those services with the highest processing costs should be considered first for digitisation. The work of the My Wiltshire System Task Group and scrutiny engagement with the council's Digital Strategy will be important in this area.
18. The task group is concerned that having made significant savings over the past few years the council has ever-decreasing scope to find further

efficiencies and reduce the provision of non-statutory services without radical transformation.

19. In addition, the task group notes that:

- a) The Revenue Budget Monitoring report presented to Cabinet in September showed an overall overspend as at 31 July 2016 of £8.3 million or 2.6% of the council's overall budget (with management actions identified). The task group will be looking for developing trends when it considers the next Revenue Budget report in December.
- b) As at 31 March 2016 the General Fund reserve stood at £12.206 million, with the majority of earmarked reserves ring fenced, little scope to reduce reserves further and no provision for risks relating to NNDR reform.

20. This context makes the delivery of the savings set out in the MTFS all the more pressurised. Achieving them will rely on accurate projections of demand and in some areas radical re-thinks of how services are managed and delivered. Scrutiny can play an important role by focusing its work programme on appropriate areas.

### **Assumptions**

21. Key to the proposed MTFP are certain assumptions as set out in the Cabinet report. The task group has commented on some of these below:

- a) **Assumption: Council Tax is increased each year by 2% (note this would be subject to Council decisions each year)**

The restriction on increasing council tax by more than 2% without holding a referendum (with a restrictive referendum process) significantly reduces councils' ability to manage their finances. Whether different rules will apply under four year settlements, with councils only limited to total raises of 8% over four years, is not yet clear

- b) **Assumption: NNDR net growth targets are met, the reform of NNDR does not reduce the funding offer and any new services are fully funded on transfer.**

The proposed reforms to the NNDR system shift risk to the council in terms of an increasing reliance upon NNDR income and therefore the county's business economy. The level of top-up rates providing a safety net beneath any catastrophic drop in NNDR are still unknown.

- c) **Assumption: Adult and Children's care demand continues in line with current projections**

Factors outside of the council's control mean that significant unforeseen costs can emerge very quickly in these areas. There have therefore been

historic difficulties in making accurate projections of demand and delivering the budgets on target. They therefore represent areas of risk where significant service transformation may be needed if savings targets are to be achieved.

## **General conclusions**

22. There are many unresolved factors that will affect the true merit of the four year settlement offered (outlined in this report and in the report to Cabinet). Accepting the settlement before these issues are resolved therefore carries risks. However, a four year settlement would provide some degree of financial certainty allowing the council to plan its savings and expenditure.
23. Declining a four year settlement and opting instead for a continuance of one year settlements may retain a greater degree of flexibility in terms of adapting to challenges as they change or emerge. Doing so could also present the opportunity of considering a four year deal at a later date once some of the factors currently in flux are resolved. However, the significant majority of councils are expected to choose the four year settlement and declining it would create uncertainty and greater difficulties in financial planning. There is also a risk that alternative one year settlements are less favourable to the council.

## **Recommendations**

**The Task Group recommends that OS Management Committee,**

- 1. Welcomes the Executive's engagement with overview and scrutiny in considering the matter of the four year settlement offer, the Efficiency Statement and the Medium Term Financial Plan 2017-2020.**
- 2. Recognises that either accepting or declining the four year settlement both carry risk; that on the balance of the information received during the task group's deliberations it is not in a position to make a clear recommendation on the matter; and it is appropriate to leave the decision to Full Council taking into account of the issues highlighted by overview and scrutiny.**
- 3. Recognises that declining the four year settlement would create significant challenges in the council's financial planning and that any alternative single year settlements may be less favourable.**
- 4. Recognises that accepting the four year settlement would also carry significant risks, including:**
  - a) Designing an MTFP around a funding settlement that may change and an NNDR system that is in the process of reform**
  - b) Wiltshire's funding allocation being based on a needs assessment from 2010 and this not being reset until 2020**

- c) **Uncertainty around which services may be transferred to the council, the levels of funding accompanying these and the flexibility for local discretion in their delivery**
  - d) **Uncertainty around NNDR re-evaluation**
5. **Endorses the Financial Planning Task Group focusing its work programme on the key saving areas agreed by Full Council, including self-funding council services, working closely with relevant select committees.**
  6. **Investigates establishing a task group to engage with the One Wiltshire Estate programme to support the identification and delivery of savings across the public sector in Wiltshire.**
  7. **Looks forward to continued Executive engagement on budget monitoring, the delivery of savings and the development of annual budgets through the Financial Planning Task Group and on service transformation and customer experience through the select committees.**
- 

**Cllr Glenis Ansell, Chairman of Financial Planning Task Group**

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[henry.powell@wiltshire.gov.uk](mailto:henry.powell@wiltshire.gov.uk)

#### **Appendices**

None

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**Public meetings in Chippenham 26<sup>th</sup> September; Devizes 27<sup>th</sup>; Salisbury 28<sup>th</sup>; Trowbridge 29<sup>th</sup> and Marlborough 5<sup>th</sup> October**

**Summary of the Questions and Answers relating to the 4 year offer, these will be attached to the Cabinet and Council paper on this subject**

***Q1 – Has the Council lobbied Government about the cuts to funding?***

A1 – Yes. The Council has lobbied continually over the past years and has supported the Local Government Association, the County Council Network and the Society of County Treasurers and several other bodies that lobby Government on funding. In addition the Council's Chief Financial Officer is a member of the National Committee that is reviewing funding and the future of business rates. All Councils are concerned about the cuts.

***Q2 – What happens if the Council doesn't take up the 4 year offer?***

A2 – Councils that choose not to take up the offer will be subject to the existing process for determining the level of central funding that they will receive.

***Q3 – Will the Council definitely get the funding shown in the 4 year offer?***

A3 – We have to work on that assumption, although we understand that the needs formula that underpins the system will be revised before the end of the offer period in 2020. We expect that there could be changes but it is unclear what they could be.

***Q4 – What happens at the end of 4 years?***

A4 – We don't know with enough clarity. We continue to lobby and seek to influence the future consultation that is taking place on 100% of Business Rates being allocated to Councils, on a needs basis, which may have affect funding.

***Q5 – When will the basis of 'need' be reviewed by Government?***

A5 – There is no firm date for this but it is expected to be before 2020. The Council's view is that there should be a high weighting for rurality, older people and children's safeguarding. The Government will set out the criteria and thus distribution formula for needs.

***Q6 – Why is the support grant falling? How much has it fallen since the financial crisis?***

A6 – It is falling as the Government addresses the country's financial deficit. Over the decade to 2020 the government support grant to Wiltshire will have fallen by nearly £100m to zero.

***Q7 – Does the Council receive other Government grants?***

A7 – Yes. There are ring-fenced grants for schools, housing benefits and other smaller grants but these can't be used for other purposes. In addition there are other specific grants but they are not material in terms of affecting the overall grant reduction and demand pressures.

***Q8 – When will the Government agree the 4 year offer?***

A8 – We are likely to hear further details in the Chancellor's Autumn Statement on 23<sup>rd</sup> November 2016 and then the detail in the funding settlement is likely to be announced early December 2016.

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**Wiltshire Council**

**Council**

**18 October 2016**

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## **Revised Planning Obligations Supplementary Planning Document**

### **Executive Summary**

On 12 May 2015, Council adopted a Community Infrastructure Levy (CIL) Charging Schedule, Planning Obligations Supplementary Planning Document (SPD), CIL Instalments Policy and Regulation 123 List. The Council became a CIL Charging Authority on 18 May 2015.

It has become clear that the Regulation 123 List would benefit from review to clarify which infrastructure projects may be funded through CIL in order to address perceived uncertainties.

The Government's Planning Practice Guidance recognises that Regulation 123 Lists may need updating and advises "*Authorities may amend their charging schedule, subject to appropriate consultation. However, where a change to the Regulation 123 list would have a very significant impact on the viability evidence that supported the examination of the charging schedule, this should be made as part of a review of the charging schedule*" (PPG ref: 25-098-20140612).

As the Planning Obligations SPD clarifies the relationship between CIL and planning obligations, changes were also proposed to this document in the interest of clarity and accuracy, and to recognise that the Regulation 123 List would be reviewed and updated periodically.

On 26 February 2016, the Cabinet Member for Strategic Planning, Development Management, Strategic Housing, Operational Property and Waste resolved by delegated decision to approve a Draft Revised Regulation 123 List and Draft Revised Planning Obligations SPD for consultation.

The Council undertook consultation for six weeks on both documents (14 March to 25 April 2016) and also made available a Draft Updated Infrastructure Delivery Plan for comment. Comments received during the consultation period have been taken into account and final versions of the documents were proposed.

On 13 September 2016, Wiltshire Council's Cabinet adopted a Revised CIL Regulation 123 List and recommended to Council that it adopts the proposed Revised Planning Obligations SPD.

Adopting the proposed Revised Planning Obligations SPD will assist the effective operation of CIL.

## **Proposals**

That Council:

- (i) Notes the response to the consultation on the Draft Revised Planning Obligations Supplementary Planning Document set out in **Appendix 2**.
- (ii) Adopts the proposed Revised Planning Obligations Supplementary Planning Document (**Appendix 1**).
- (iii) Agrees that the Associate Director for Economic Development and Planning, in consultation with the Cabinet Member for Strategic Planning, Development Management, Strategic Housing, Operational Property and Waste undertake the final stages associated with the formal adoption of the Supplementary Planning Document, including any minor textual changes in the interest of clarity and accuracy.

## **Reason for Proposals**

To assist with the effective operation of CIL and planning obligations and ensure appropriate infrastructure is secured as part of development proposals.

**Dr Carlton Brand**  
**Corporate Director**

## **Revised Planning Obligations Supplementary Planning Document**

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### **Purpose of Report**

1. To:
  - a) Update Council on the response to the consultation on the Draft Revised Planning Obligations Supplementary Planning Document (February 2016).
  - b) Recommend that the Revised Supplementary Planning Document be adopted by Council.

### **Relevance to the Council's Business Plan**

2. Adopting the Revised Planning Obligations SPD will support the effective implementation of the Community Infrastructure Levy (CIL) and planning obligations within Wiltshire. CIL and planning obligations support the Council's vision to create resilient communities by ensuring new development helps to deliver infrastructure to support growth.

### **Background**

3. On 12 May 2015, Council adopted a Community Infrastructure Levy (CIL) Charging Schedule, Planning Obligations Supplementary Planning Document (SPD), CIL Instalments Policy and Regulation 123 List. The Council became a CIL Charging Authority on 18 May 2015.
4. The Regulation 123 List supports the CIL Charging Schedule, setting out strategic infrastructure types or projects that Wiltshire Council may fund, wholly or partly, through CIL.
5. Projects on the Regulation 123 List cannot be funded by planning obligations. The Planning Obligations SPD clarifies the relationship between CIL and planning obligations and should be read alongside the Regulation 123 List.
6. The existing CIL Regulation 123 List had been in operation since 18 May 2015. It became apparent as development proposals have come forward that the List would benefit from reviewing to clarify which infrastructure projects may be funded through CIL in order to address perceived uncertainties.

7. Planning Practice Guidance (PPG) recognises Regulation 123 Lists may need updating. It advises charging authorities should ensure changes are explained and subject to appropriate local consultation. It says “*Authorities may amend their charging schedule, subject to appropriate consultation. However, where a change to the regulation 123 list would have a very significant impact on the viability evidence that supported the examination of the charging schedule, this should be made as part of a review of the charging schedule*” (PPG ref: 25-098-20140612).
8. CIL is only one of the mechanisms used to fund the infrastructure required to support Wiltshire’s growth. Core Policy 3 of the Wiltshire Core Strategy and the Planning Obligations SPD set out how CIL works alongside, rather than replaces, Section 106 agreements. Section 106 agreements ensure delivery of infrastructure that is directly related to a development. They are important to ensure that sustainable development can be achieved with infrastructure delivered at the right time alongside development.
9. Changes were also proposed to the Planning Obligations SPD in the interests of clarity and accuracy and to recognise that the Regulation 123 List will be reviewed and updated periodically.
10. On 26 February 2016, the Cabinet Member resolved by delegated decision to approve a Draft Revised Regulation 123 List and Draft Revised Planning Obligations SPD for consultation. Following consultation both documents were to be finalised for consideration by Cabinet and, subject to the Cabinet resolution, the SPD recommended to Council for adoption.
11. The Council undertook consultation for six weeks on both documents (14 March to 25 April 2016) and also made available a Draft Updated Infrastructure Delivery Plan for comment. Comments received during the consultation period have been taken into account and final versions of the documents were proposed.
12. While Cabinet can approve revisions to the Regulation 123 List, Council reserved the power under the constitution to agree amendments to Local Development Documents, including SPDs. The SPD will need to be adopted by Council following a recommendation by Cabinet.
13. On 13 September 2016, Wiltshire Council adopted a Revised CIL Regulation 123 List, included at **Appendix 3**, and recommended to Council that it adopts the proposed Revised Planning Obligations SPD.

### **Main Considerations for Council**

14. From 14 March until 25 April, 2016, the Council consulted for six weeks upon the Draft Revised Planning Obligations SPD. Further information can be found on the Council’s website at:  
[http://www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/community\\_infrastructurelevy.htm](http://www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/community_infrastructurelevy.htm).
15. A Consultation Statement detailing the approach to the consultation, consultation responses and proposed changes to address matters raised is set

out in **Appendix 2**. This demonstrates how the document has been prepared in line with legislation and the Council's Statement of Community Involvement. In total, there were 87 respondents to the consultation.

16. In summary, the main issues raised during the consultation were as follows:

*Draft Revised Planning Obligations SPD*

- Suggestions on how it could allow for recent and anticipated changes to national planning policy regarding affordable housing (including starter homes).
- Concerns about the pooling of Section 106 contributions and how this is monitored.
- Concerns about how open space in new developments is managed and whether this can be undertaken by parish councils.
- Comments on minor textual and formatting issues and how to improve the clarity.

17. Sections 5 of **Appendix 2** presents more detail on the representations made on the Draft Revised Planning Obligations SPD and sets out officer responses and proposed changes.

18. The proposed final version of the Revised Planning Obligations SPD is set out in **Appendix 1**. The Revised SPD shows tracked changes to the existing adopted SPD that have arisen as a result of changes proposed in the consultation draft, new changes arising from the consultation feedback and further minor changes in the interest of clarity and accuracy. Section 7 of the consultation report clarifies the nature of the changes to the SPD.

### **Overview and scrutiny engagement**

19. There has been no engagement with the Committee.

### **Safeguarding Implications**

20. There are no safeguarding implications from this proposal.

### **Public Health Implications**

21. CIL and Section 106 agreements will help fund infrastructure to support growth. Well-planned development supports the health and wellbeing of local communities by providing green infrastructure, sports facilities and measures to encourage walking and cycling.

### **Procurement Implications**

22. There are no direct procurement implications.

### **Environmental and Climate Change Considerations**

23. CIL and Section 106 agreements will help fund infrastructure to support

sustainable development and adapt to a changing climate, by funding specific projects. For example, sustainable transport, strategic open space and green infrastructure, flood mitigation measures, sustainable energy infrastructure and strategic habitat protection. They should ensure all projects are assessed on their sustainability merits.

### **Equalities Impact of the Proposal**

24. The public consultation aimed to ensure all interested parties were able to comment on the Draft Revised Planning Obligations SPD.

### **Risk Assessment**

25. To ensure effective implementation of CIL and planning obligations, revisions should be made to the existing Planning Obligations SPD to clarify what infrastructure may be funded by CIL and planning obligations and to recognize that the Regulation 123 List will be reviewed and updated periodically.

### **Risks that may arise if the proposed decision and related work is not taken**

26. By retaining the existing SPD, the Council would continue to address perceived uncertainties over CIL and planning obligations funding on an application-by-application basis, with potential for legal challenge.

### **Risks that may arise if the proposed decision is taken and actions that will be taken to manage these risks**

27. Risks have been considered under Legal Implications.

### **Financial Implications**

28. The financial implications of finalising the Revised Planning Obligations SPD will be met from the Economic Development and Planning budget.

### **Legal Implications**

29. Regulation 123 of the CIL Regulations 2010 (as amended) prevents the Council from seeking contributions from development towards the same type or item of infrastructure through both CIL and Section 106 agreements. The Revised Planning Obligations SPD clarifies the relationship between CIL and Section 106 agreements.
30. Section 26(1) of the Planning and Compulsory Purchase Act 2004 allows for a Local Planning Authority to revise Local Development Documents, including SPDs. This follows the same process as the preparation of an SPD. In accordance with Part 5 Regulations 11 to 16 of the Town and Country Planning (Local Planning) (England) Regulations 2012, before a local planning authority can adopt an SPD (or revisions to one) it must consult for not less than four weeks and then prepare a Consultation Statement setting out who was consulted, a summary of the main issues and how they have been addressed in the SPD.

31. As soon as reasonably practicable after the local planning authority adopt a supplementary planning document they must:
- a) Make available in accordance with Regulation 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012, by publishing on their website and making available for inspection at their principal offices and other places within their area as the local planning authority consider appropriate (e.g. all council libraries and main office hubs) during normal office hours, the:
    - Supplementary planning document, and
    - an adoption statement, which includes the date on which the supplementary planning document was adopted and, pursuant to Section 23(1) of the Planning and Compulsory Purchase Act 2004, any modifications made since the draft supplementary planning document was subject to consultation, and
  - b) Send a copy of the adoption statement to any person who has asked to be notified of the adoption of the supplementary planning document.
32. Any person with sufficient interest in the decision to adopt the supplementary planning document may apply to the High Court for permission to apply for judicial review of that decision, and that any such application must be made promptly and in any event not later than three months after the date on which the supplementary planning document was adopted.

### **Options Considered**

33. On 13 September 2016, the Council adopted the Revised Regulation 123 List. Alongside the Revised 123 List, some changes are also necessary to the existing Planning Obligations SPD in the interest of clarity and accuracy, and to recognise that the Regulation 123 List will be reviewed and updated periodically. The adoption of the Revised Planning Obligations SPD will provide clarity on the types or items of infrastructure that the Council will seek through CIL and Section 106 agreements.

### **Conclusions**

34. Adopting the Revised Planning Obligations SPD will assist the effective operation of CIL and planning obligations. It will ensure that the Council, within viability constraints, can maximise developer contributions for infrastructure to support sustainable growth in the county.

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**Alistair Cunningham**  
**Associate Director, Economic Development and Planning**

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Date of Report: October 2016

## **Appendices**

Appendix 1: Revised Wiltshire Planning Obligations Supplementary Planning Document (September 2016)

Appendix 2: Wiltshire Community Infrastructure Levy - Consultation Report (August 2016)

Appendix 3: Wiltshire Revised Community Infrastructure Levy Regulation 123 List (September 2015)

## **Background Papers**

The following documents have been relied on in the preparation of this report:

None



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2. Legislative and policy framework	p.6	
3. The council's approach to developer contributions	p.9	
4. Affordable housing	p.10	
5. Education	p.12	
6. Open space/ green infrastructure	p.16	
7. Transport/ highways	p.20	
8. Flood alleviation and sustainable <del>urban drainage schemes</del> <del>systems</del>	p.24	Comment [FL1]: SPD40
9. Community and health facilities	p.27	
10. Other planning obligations	p.30	
11. Negotiating planning obligations in Wiltshire	p.31	
12. Procedure and management	p.34	
<hr/>		
<del>Appendix 1 – Summary of the council's approach to planning obligations and CIL</del>		Comment [FL2]: SPD14
Appendix <del>2-1</del> – Affordable housing zones map (Core Policy 43)		Comment [FL3]: SPD15
Appendix <del>3-2</del> – Useful links		Comment [FL4]: SPD17



## 1. Introduction

- 1.1. The adopted Wiltshire Core Strategy (2015) provides for at least 42,000 homes and approximately 178 ha of employment land in Wiltshire from 2006 to 2026.
- 1.2. Ensuring that the necessary infrastructure is put in place to support this new development requires developer contributions, using the following mechanisms (as discussed in Section 2 below):
  - Planning conditions (*see paragraph 2.2*)
  - Section 278 agreements to deliver highways works (*see paragraph 2.5*)
  - Planning obligations (*see paragraph 2.7*)
  - Community Infrastructure Levy (CIL) (*see paragraph 2.4513*)
- 1.3. Supplementary planning documents should be prepared only where necessary and in line with paragraph 153 of the National Planning Policy Framework (NPPF). They should build upon and provide more detailed advice or guidance on the policies in the Local Plan. They should not add unnecessarily to the financial burdens on development.
- 1.4. This Revised Planning Obligations Supplementary Planning Document (SPD) supports policies within the adopted Wiltshire Core Strategy (January 2015), particularly Core Policy 3 Infrastructure Requirements. It should be read in conjunction with the Wiltshire CIL Charging Schedule and the Wiltshire Regulation 123 List (*see paragraph 2.12*). The Council will periodically review and update the Regulation 123 List.
- 1.5. This SPD will identify the planning obligations that will be sought by the council for development that generates a need for new infrastructure.
- 1.6. While it is not part of the statutory development plan, this SPD will be a material consideration in determining planning applications.
- 1.7. Chapter Two of this SPD sets out the legislative and policy framework that shapes the Council's approach to planning obligations and CIL. Chapters three through to 10 clarify which types of infrastructure will be funded by each mechanism. Chapters 11 and 12 describe the processes for negotiating, implementing and monitoring planning obligations.

Comment [FL5]: SPD20

Comment [FL6]: SPD1

## 2. Legislative and policy framework

2.1. The legislative and policy framework for planning obligations includes the following:

- Town and Country Planning Act 1990 (as amended)
- Planning Act 2008 (as amended)
- The Community Infrastructure Levy Regulations 2010 (as amended)
- The National Planning Policy Framework (NPPF) (2012)
- The Planning Practice Guidance (PPG) (2014)
- The Wiltshire Core Strategy (2015)

### Planning conditions

2.2. Planning conditions (under the Town and Country Planning Act 1990) require actions needed in order to make a development acceptable in planning terms. They relate directly to the actual physical development and its construction on-site but cannot be used to request financial contributions.

2.3. Paragraph 206 of the NPPF requires conditions to be necessary, relevant to planning and the development, enforceable, precise, and reasonable in all other respects.

2.4. In Wiltshire, planning conditions are likely to cover, amongst other things, the requirement to:

- undertake archaeological investigations prior to commencement
- remediate contaminated land
- implement necessary local site-related transport improvements
- undertake appropriate flood risk solutions
- submit details of materials to be used in the development, and
- control opening hours of environmentally unfriendly but necessary uses.

### Section 278 agreements

2.5. Section 278 agreements (under the Highways Act 1980) are made between a highway authority and a person who agrees to pay all or part of the cost of highways works.

2.6. Regulation 123 of the CIL Regulations 2010 (as amended) prevents section 278 agreements being used to fund items on the Regulation 123 List. The exception is where the section 278 agreement relates to roads that are the responsibility of Highways England. There are no pooling restrictions on section 278 agreements. Pooling is discussed in more detail in paragraph 2.4312.

Comment [FL7]: SPD21

### Planning obligations

2.7. A planning obligation may be required by the council to:

- Control the impact of development, for example, a proportion of the housing must be affordable;
- Compensate for the loss or damage caused by the development, for example, loss of a footpath;

- Mitigate a development's impact, for example, increase public transport provision.

2.8. To mitigate the impacts of development, planning obligations can be:

- Financial obligations requiring monetary contributions to the local authority to fund works or services, and
- In-kind obligations requiring specific actions to be performed by specific parties

2.9. The Council can secure planning obligations through a legal agreement (under section 106 of the Town and Country Planning Act 1990) with an applicant. Or it will expect the applicant to enter into a unilateral undertaking, which is a type of planning obligation where only the applicant need be bound by the obligation. A planning obligation is attached to the land, which means that it will remain enforceable even when the land is sold.

2.10. Regulation 122 of the CIL Regulations 2010 (as amended) sets out three statutory tests for planning obligations, namely that:

*"A planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:*

- (a) Necessary to make the development acceptable in planning terms;*
- (b) Directly related to the development; and*
- (c) Fairly and reasonably related in scale and kind to the development."*

If a planning obligation does not meet all of these tests it cannot legally be taken into account in granting planning permission. The local planning authority needs to be convinced that, without the obligation, permission should be refused.

2.11. Planning obligations cannot be used to deliver projects which will be provided for by CIL. The Wiltshire Regulation 123 List sets out the infrastructure projects that the Council may fund, in whole or in part, through CIL and so cannot be the subject of an obligation.

2.12. Regulation 123 of the CIL Regulations 2010 (as amended) limits the pooling of planning obligations towards infrastructure not on the Regulation 123 List. The pooling limit includes all planning obligations entered into since 6 April 2010. No more than five separate planning obligations may be pooled towards an infrastructure type or project if it is capable of being funded by CIL. This includes planning obligations attached to applications under section 73 of the Town and Country Planning Act 1990, which vary a planning condition. Phased payments as part of a planning obligation collectively count as a single obligation. There are no pooling limits in relation to affordable housing and for infrastructure that is not capable of being funded by CIL.

### Community infrastructure levy

- 2.13. CIL is a fixed, non-negotiable charge on new development. The amount is based upon the size of a development and is charged in pounds per square metre. It varies according to the type of development (e.g. residential, retail or employment uses) and in which area of Wiltshire the development takes place. The Wiltshire CIL Charging Schedule sets out the CIL rates that apply to different types of development in different parts of the county.
- 2.14. CIL applies to development that creates net additional floorspace (measured as Gross Internal Area) of at least 100 square metres. Development of less than 100 square metres is also liable for CIL if it involves the creation of at least one new dwelling. CIL is calculated at the same time as an applicant seeks planning permission. It is payable upon commencement of development in line with the charging authority's proposed instalments policy. There are several types of development that do not pay CIL, by virtue of the rates being £0, and these are listed in the Wiltshire CIL Charging Schedule.
- 2.15. CIL will be used to help fund infrastructure projects on the Wiltshire Regulation 123 List. These projects are taken from the Wiltshire Infrastructure Delivery Plan, which identifies infrastructure necessary to deliver housing and employment development in the Wiltshire Core Strategy. The intention behind CIL is that it will contribute towards the funding of infrastructure to support the cumulative impact of development across the county. Planning obligations will be used to mitigate the site-specific impact of development and deliver affordable housing.
- 2.16. A broad definition of 'infrastructure' for the purposes of CIL funding is set out in section 216(2) of the Planning Act 2008 and includes:
- Roads and other transport facilities
  - Flood defences
  - Schools and other education facilities
  - Medical facilities
  - Sporting and recreational facilities
  - Open spaces

### 3. The Council's approach to developer contributions

3.1. Core Policy 3 Infrastructure Requirements of the Wiltshire Core Strategy outlines the council's approach to planning obligations, which will be sought to:

- Mitigate the direct impact(s) of a development
- Secure its implementation
- Control phasing where necessary, and
- Secure and contribute to the delivery of infrastructure made necessary by development.

3.2. Since the adoption of Wiltshire's CIL Charging Schedule, the scope of planning obligations is reduced. However, planning obligations will still be sought towards affordable housing. The council may also seek planning obligations, where it is not appropriate to use planning conditions, towards site-specific infrastructure projects not on the Wiltshire Regulation 123 List. ~~Such site-specific infrastructure projects may fall under the following categories:~~

- ~~Education~~
- ~~Open space/ green infrastructure~~
- ~~Transport/ highways~~
- ~~Flood alleviation and sustainable urban drainage schemes~~
- ~~Community and health facilities~~
- ~~Air quality, contaminated land and noise monitoring and mitigation measures~~
- ~~Fire hydrants~~
- ~~Local employment, skills training and enterprise benefits~~
- ~~Waste and recycling containers~~
- ~~Art and design in the public realm~~
- ~~Site-specific measures to protect and enhance the historic environment~~

Comment [FL8]: SPD2

3.3. Larger developments, especially residential, typically have greater impacts and may require site-specific infrastructure, such as schools, community facilities and transport/ highways improvements. These can still be secured through planning obligations, even under the tighter restrictions introduced by the CIL Regulations 2010 (as amended).

3.4. For large developments, master plans and other planning policy guidance may provide further details. In securing planning obligations on large developments, the council will apply the statutory tests and avoid duplication with CIL. Where necessary, development viability will be taken into account on a site-by-site basis in assessing planning obligations, in accordance with paragraph 205 of the NPPF.

3.5. The following chapters address in more detail the various types of planning obligations that may be necessary for a development to mitigate against its impact on the local area.

## 4. Affordable housing

### General approach

- 4.1. The Council will continue to secure affordable housing through planning obligations. Full details of thresholds, application and requirements will be contained within the forthcoming Affordable Housing SPD. This should be read in conjunction with this SPD.
- 4.2. One of the key issues facing Wiltshire is the provision of new housing to help meet the needs of its communities. Securing the provision of new affordable housing in all developments will be given a high priority in terms of planning obligations.
- 4.3. The NPPF ([March 2012](#)) definition for affordable housing includes social, affordable and intermediate housing for rent or sale. ~~They are~~ [Affordable housing is](#) provided to eligible households whose needs are not met by the market. Eligibility is determined with regard to local incomes and local house prices. [This SPD will apply to any definition of affordable housing in future versions of the NPPF.](#)
- 4.4. Planning obligations used to secure affordable housing should include provisions for the housing to remain affordable for future eligible households.

### Policy context and framework

- 4.5. Any requirements for affordable housing will be justified in accordance with the NPPF and the Wiltshire Core Strategy (Core Policies and the development templates), as amended by the provisions of the PPG at the time of writing (see *Table 4.1*).

Policy	Requirement
<b>NPPF</b>	
Paragraph 50	To deliver a wide choice of high quality homes and where local authorities have identified that affordable housing is needed, set policies for meeting this need on site, unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified
<b>Wiltshire Core Strategy</b>	
Core Policy 3 <i>Infrastructure requirements</i>	Planning obligations sought to mitigate the direct impact of development, contribute towards delivery of infrastructure made necessary by the development, and provision of local facilities and services.
Core Policy 43 <i>Providing affordable homes</i>	<p>Sites of five or more dwellings:</p> <p>At least 30% (net) affordable housing within the '30% affordable housing zone' on Policies Map<sup>1</sup>.</p> <p>At least 40% (net) affordable housing within the '40% affordable housing zone' on Policies Map.</p> <p>In exceptional circumstances, the council will accept a commuted sum.</p>

Comment [FL9]: SPD24

<sup>1</sup> See *Appendix 21*.



Policy	Requirement
Core Policy 44 <i>Rural exceptions sites</i>	Only affordable houses for local need. Must follow criteria in CP44.  Does not apply to principal settlements or market towns. Only local service centres, large and small villages and other settlements (CP1).  The council will work in a positive way with parish councils and others.
Core Policy 45 <i>Meeting Wiltshire's housing needs</i>	Affordable homes provided should meet identified local needs including the appropriate tenure, size and type of home.
Core Policy 46 <i>Meeting the needs of Wiltshire's vulnerable and older people</i>	New homes should take account of the needs of older and vulnerable people. Affordable housing policies in CP43 will apply to extra care housing/very sheltered housing and any other accommodation for vulnerable people.

Table 4.1 – Summary of affordable housing policies

## Thresholds and application

- 4.6. Core Policy 43 seeks at least 30% or 40% (net) affordable housing provision on-site depending upon the location of development (see [Appendix 2-1](#) for a map of the affordable housing zones). In exceptional circumstances, the Council will accept a commuted sum. ~~However, a Ministerial Statement (28 November 2014) changed the position by requiring that contributions should not be sought from developments of 10 units or less and which have a maximum combined floorspace of no more than 1000sqm (Gross Internal Area). Local authorities can apply a threshold of five units or less in designated rural areas, including national parks and Areas of Outstanding Natural Beauty (AONBs), but must then seek affordable housing and tariff style contributions on development of between six and 10 units in the form of cash payments commuted until after completion of units within the development.~~ Provision may vary on a site by site basis, taking into account local need, mix and development viability. ~~In applying the affordable housing policy for developments of 10 units or less, the Council will have regard to the Ministerial Statement of 28 November 2014<sup>2</sup> and the associated changes to the Planning Practice Guidance.~~ On rural exception sites<sup>3</sup>, Core Policy 44 allows affordable houses for local need<sup>4</sup>.

Comment [FL10]: SPD25

Comment [FL11]: SPD27

<sup>2</sup> Department for Communities and Local Government, the Minister of State for Housing and Planning (Brandon Lewis), (28 November 2014). House of Commons: Written Statement (HCWS50) *Support for small scale developers, custom and self-builders*. Available: <http://www.parliament.uk/documents/commons-vote-office/November%202014/28%20Nov%202014/2.%20DCLG-SupportForSmallScaleDevelopersCustomAndSelf-Builders.pdf>. Last accessed 24th August 2016.

<sup>3</sup> ~~The restrictions on seeking affordable housing and tariff style planning obligations introduced by the Ministerial Statement (28 November 2014) do not apply to development on Rural Exception Sites, although they should not be sought from residential annexes or extensions.~~

<sup>4</sup> ~~The restrictions on seeking affordable housing and tariff style planning obligations introduced by the Ministerial Statement (28 November 2014) do not apply to development on Rural Exception Sites, although they should not be sought from residential annexes or extensions.~~

- 4.7. Affordable housing requirements apply to houses that fall under Use Class C3 of the Use Classes Order 1987 (as amended). It includes market housing, self-contained student housing, homes for the active elderly, sheltered housing and extra care or very sheltered housing. Affordable housing requirements do not apply to nursing homes, residential care homes, hotels and student accommodation (non self-contained).

## 5. Education facilities and school places

### General approach

- 5.1. Education impacts of development will be addressed through the use of planning conditions, planning obligations and through the application of CIL receipts.
- 5.2. Wiltshire's school population is predicted to increase over the period to 2026 both in the primary and secondary sectors. This is as a result of population growth, economic factors and housing development. There will be a need for a significant increase in school places and in some areas new schools in both sectors. There may also be the need to increase the provision of special school places across the wider catchment area. New development in Wiltshire may also place demands on infrastructure in neighbouring authorities. For example, pupils in Mere and Tisbury attend secondary schools in Gillingham and Shaftesbury respectively. The Department of Education will provide only formula funding where there is a demographic increase in actual numbers. This will not cover the full cost of assembling land and building a school.
- 5.3. Some development schemes in isolation will result in a significant net increase in the number of residents and a cluster of neighbouring developments will often lead to a significant local increase in population. These factors can and will create the need for new schools on sites in the development locality or extensions to existing schools. This will be necessary unless there is local capacity available in schools or capacity is likely to become available at the right time.
- 5.4. A specific local education need may be identified that is linked to development. ~~CIL is unlikely to cover the full cost of land or the provision of a new school, or extension to existing schools.~~ Therefore, this may be secured through planning obligations. The Council can pool up to five separate planning obligations towards a specific project not on the Regulation 123 List. In some cases, the scale of a development may be sufficient by itself to justify a new school. The developer will then be expected to provide the site free of charge and pay the full construction costs, including all design fees and charges.
- 5.5. Provision of education facilities either on-site or in the vicinity of significant development(s) may be required where justified. To justify any such requirement, the council will demonstrate that sufficient school age children will be generated to necessitate a new school or an extension to an existing school. The council will also demonstrate that the additional children could not be provided for within existing schools in the catchment area.
- 5.6. ~~The council will seek to open new (4-11) schools for primary phase pupils. For secondary phase pupils, the Council will seek to open new (11-16) or (11-18) schools, however all-through (4-16 or 4-18) schools will also be considered where appropriate for school organisation arrangements. For new primary schools the expectation is that a school will be rather than any other school organisation arrangements. For primary schools there is a strong preference for schools which take in~~ between one (210 places) and three forms of entry (630 places). Smaller new schools will only be considered if it is not possible to expand existing schools and the ~~cumulative~~ additional demand ~~from development~~ does not require seven classes.
- 5.7. Under the Childcare Act 2006, the council must provide up to 15 hours free early years funding for all three and four year olds. Since September 2014, the council must provide

Comment [FL12]: SPD3

Comment [FL13]: SPD39

free early years funding for 40% of all two year olds. The council may seek provision of early years facilities through development.

#### Policy context and framework

- 5.8. Any education requirements will be justified in accordance with the NPPF, the Wiltshire Core Strategy (Core Policies and the development templates) and saved policies (see Table 5.1).

Policy	Requirement
<b>NPPF</b>	
Paragraphs 38 and 72	Locate key facilities, such as primary schools, within walking distance of most properties, where practical, and provide a sufficient choice of school places
<b>Wiltshire Core Strategy</b>	
Core Policy 3 <i>Infrastructure requirements</i>	Planning obligations sought to mitigate the direct impact of development, contribute towards delivery of infrastructure made necessary by the development, and provision of local facilities and services.
<b>Saved policies</b>	
Kennet District Local Plan  HC37 <i>Demand for Education</i>	Seeks contributions towards schools from new development
West Wiltshire District Plan  S1 <i>Education</i>	Seeks contributions towards schools from new development
West Wiltshire District Plan  S2 <i>Primary schools</i>	Allocates land for new or extensions to existing primary schools
Salisbury District Local Plan  PS4 <i>New school sites at Landford and Shrewton</i>	Safeguards sites for new schools from other forms of development
Salisbury District Local Plan  PS5 <i>New education facilities</i>	Seeks contributions from developers for new education facilities
Salisbury District Local Plan  PS6 <i>Playgroups, childminding facilities and day nurseries</i>	Supports provision of playgroups, childminding facilities and day nurseries

Table 5.1 – Summary of education policies

- 5.9. Table 5.2 sets out how the council will use planning obligations and CIL to secure education facilities from development, including known site-specific education requirements resulting from strategically important sites allocated in the Wiltshire Core

Strategy are set out in the development templates in Appendix A to the adopted Wiltshire Core Strategy and in subsequent development plan documents, such as the Chippenham Site Allocations Plan and the Wiltshire Housing Site Allocations Plan. They are informed by the Infrastructure Delivery Plan, which will be updated periodically over the plan period. Infrastructure requirements may therefore change. The Council will be flexible and responsive to any changes.

Strategic Site	Specific Requirement	Mechanism for securing developer contribution	
		Planning Obligation	CIL
Ashton Park Urban Extension, Trowbridge	2 x 2FE primary school	✓	✗
	Secondary school site	✓	✗
Churchfields and Engine Shed, Salisbury	2FE primary school	✓	✗
Fugglestone Red, Salisbury	2FE primary school	✓	✗
Hampton Park, Salisbury	4FE primary school	✓	✗
Longhedge, Salisbury	2FE primary school	✓	✗
UKLF, Wilton	4FE primary school	✓	✗
Kings Gate, Amesbury	4FE primary school	✓	✗
	Secondary school expansion	✓	✗
	Nursery, primary, special and secondary schools (including sites), where the need can be attributed to five or fewer developments	✓	✗
	Other cumulative impacts of development upon nursery, primary, special and secondary school provision (excluding sites)	✗	✓

Table 5.2 Known site-specific education requirements

Comment [FL14]: SPD29

### Thresholds and application

- 5.10. The council will calculate the number of nursery, primary and secondary aged children likely to come from a new housing development. Several factors are taken into account, including the most current data available on pupil numbers and forecasts, schools' capacities and details of other know housing applied for/ approved within the relevant school catchment area(s).
- 5.11. The likely number of pupils arising from a development will be calculated using pupil product figures, which have been derived from the number of children arriving in early years settings and schools over a 10 year period. These figures are:
- 0.04 per dwelling for 0-2 year olds (4 per 100 dwellings)
  - 0.09 per dwelling for 3-4 year olds (9 per 100 dwellings)
  - 0.31 per dwelling for primary aged pupils (31 per 100 dwellings)

- 0.22 per dwelling for secondary aged pupils (22 per 100 dwellings).
- 5.12. All one bed properties are considered unlikely to generate school age children and so are discounted entirely. A 30% discount is given on the social housing element of applications. This reflects pupils moving within the relevant designated areas (most relevant at secondary level) and so not needing to change their school place.
- 5.13. It will then be assessed whether the likely number of pupils can be accommodated within the existing capacity of the relevant catchment area school, taking into account other known granted or planning applications in their catchment area. The estimated pupil product calculated for a new housing development, plus the forecast numbers on roll at the appropriate school(s) are compared with their permanent capacities to identify the extent of any deficit that will need to be addressed. The determination of whether or not there is sufficient Early Years provision in the area of the development will be done via reference to the current [Wiltshire Childcare Sufficiency Report](#) and an assessment of the impact of the development on existing capacity.
- 5.14. Where the proposed housing development would lead to a forecast school and early years population in excess of the permanent capacity, the council would seek either land and/ or provision of education facilities to meet the shortfall in places.
- 5.15. Development proposals for around 400 to 500 houses may require a significant expansion of existing primary and secondary schools (combined or individually). Proposals for more than around 700 houses may require new nursery and primary schools to serve children generated by the development. In both instances, this will depend upon the extent of any surplus capacity within reasonable (defined) walking distance of the development. Proposals of this size may also require significant expansion of existing secondary schools, taking into account any surplus capacity within the catchment area.
- 5.16. A new secondary school is only likely to be required to serve a major urban expansion scheme. The council will consider the establishment of a new secondary school where long term demand is likely to lead to a school with 900 11-16 school places. Special schools have a relatively wide catchment area and large development proposals may require the expansion of special school provision serving a wider area.

5.16-5.17. The Council uses cost multiplier figures (updated annually) to determine the cost per place for nursery, primary and secondary places. These are applied to the pupil product figures when assessing the amount of financial contributions required from developers towards the provision of school places. Cost multiplier figures on which the final contribution will be calculated are those applicable on the date of signature of a legal agreement.

Comment [FL15]: SPD30

## 6. Open space/ green infrastructure

### General approach

6.1. The council will generally mitigate the site specific impact of development on Wiltshire's open space and green infrastructure through planning obligations. ~~CIL may be used to fund open space and green infrastructure projects.~~

Comment [FL16]: SPD4

6.2. Population increase from new developments creates increased pressure on the use of open space and green infrastructure. Open space and green infrastructure can include allotments, cemeteries, parks, children's and youth play space, public rights of way, green areas, outdoor fitness and outdoor sports playing fields. It can also include areas of nature conservation, habitat creation and habitat protection, and ecological impacts.

6.3. ~~The provision of new and improvements to existing public open space and green infrastructure will generally be funded through CIL, except where the requirement can be attributed to five or fewer developments, when they may be sought through planning obligations, subject to meeting the three statutory tests in Regulation 122 of the CIL Regulations 2010 (as amended).~~

Comment [FL17]: SPD5

6.4. Mitigation of ecological impacts will generally continue to be managed through planning conditions and obligations as these matters are typically site specific. However, in exceptional circumstances off-site compensation, such as habitat creation or enhancement, may be required to offset the effects of development where onsite mitigation is not possible. For example, a financial contribution may be required to fund capital works and ongoing management by the council or relevant third parties. This would exclude funding of strategic ~~Habitats Regulations Assessment (HRA)~~ mitigation strategies, as identified in the Regulation 123 list, Infrastructure Delivery Plan and / or paragraph ~~6.70-76~~ of the Wiltshire Core Strategy.

Comment [FL18]: SPD6

Comment [FL19]: SPD31

6.5. ~~The Habitats Regulations Assessment~~ of the Wiltshire Core Strategy identified that the cumulative effects of planned development has the potential to effect a number of European designations including the Salisbury Plain and the New Forest Special Protection Areas and the River Avon Special Area of Conservation; strategic mitigation strategies for these areas will be funded through CIL receipts. To meet the strict requirements of the Habitat Directive to ensure that these strategies are delivered, funds will be ring-fenced annually from CIL receipts prior to spending on any other infrastructure item.

Comment [FL20]: SPD7

### Policy context and framework

6.6. Any open space/ green infrastructure requirements will be justified in accordance with the NPPF, the Wiltshire Core Strategy (Core Policies and the development templates) and saved policies (see *Table 6.1*).

Policy	Requirement
NPPF	

Policy	Requirement
Paragraphs 16, 17, 73, 74, 99 and 114	Supports positive planning; encourages access to high quality open spaces and opportunities for sport and recreation; protects existing open space, sports and recreational buildings and land; takes into account climate change, and plans for a strategic approach to biodiversity and green infrastructure.
<b>Wiltshire Core Strategy</b>	
Core Policy 50 <i>Biodiversity and geodiversity</i>	Requires development to mitigate its ecological impact, enhance biodiversity and, where appropriate, contribute towards management of local sites
Core Policy 51 <i>Landscape</i>	Requires development to mitigate any negative impacts upon landscape character through sensitive design and landscape measures, and to conserve and, where possible, enhance landscape character
Core Policy 52 <i>Green infrastructure</i>	Requires development to retain and enhance existing on-site green infrastructure, make provision for accessible open spaces according to the adopted Wiltshire Open Space Standards, ensure long-term management of directly related green infrastructure, contribute towards the Wiltshire Green Infrastructure Strategy and improve links between the natural and historic landscapes
Core Policy 53 <i>Wiltshire's Canals</i>	Supports in principle the restoration and reconstruction of the Wilts & Berks and Thames and Severn canals as navigable waterways. Safeguards their alignments from new development. Permits proposals that develop the recreational and nature conservation potential.
Core Policy 57 <i>Ensuring high quality design and place-shaping</i>	Requires development to adhere to a high standard of design relating to the natural environment, such as the retention and enhancement of landscaping and natural features, for example trees, hedges, banks and watercourses, in order to take opportunities to enhance biodiversity and create wildlife and recreational corridors.
Core Policies 60, 61 and 62	See <i>Chapter 7 Transport/ highways, Table 7.1</i> for policies applying to rights of way, which may also be classified as open space/ green infrastructure
Core Policy 67	See <i>Chapter 8 Flood risk alleviation and sustainable urban drainage systems, Table 8.1.</i> for policies applying to such schemes that may also be classified as open space/ green infrastructure
Core Policy 68 <i>Water resources</i>	Requires development to contribute towards the delivery of the relevant River Basin or catchment management plan and, for non-residential development, incorporate water efficiency measures
Core Policy 69 <i>Protection of the River Avon SAC</i>	Requires development to mitigate its impact on the River Avon Special Area of Conservation (SAC)
<b>Saved policies</b>	
Kennet District Local Plan  HC34 <i>Recreation provision on large housing sites</i>	Contains the adopted open space standards for east Wiltshire



Policy	Requirement
Kennet District Local Plan  HC35 <i>Recreation provision on small housing sites</i>	Contains the adopted open space standards for east Wiltshire
North Wiltshire Local Plan  CF3 <i>Provisions of open space</i>	Contains the adopted open space standards for north Wiltshire
West Wiltshire Leisure and Recreation Development Plan Document  LP4 <i>Providing recreation facilities in new developments</i>	Contains the adopted open space standards for west Wiltshire
Salisbury District Local Plan  R2 <i>Open space provision</i>	Contains the adopted open space standards for south Wiltshire
Salisbury District Local Plan  R3 <i>Open space provision</i>	Contains the adopted open space standards for south Wiltshire

Table 6.1 - Summary of open space/ green infrastructure policies

- 6.7. The saved Local Plan policies contain the adopted Wiltshire open space standards. These will be replaced by Wiltshire-wide standards, which will be informed by an within the Open Spaces Study (2015 – 2026) Part 1 to be completed in 2015. The new standards will be formally adopted as part of the partial review of the Wiltshire Core Strategy programmed in the Council's Local Development Scheme.

Comment [FL21]: SPD32

## Thresholds and application

- 6.8. Thresholds for planning obligations are set out in the adopted Wiltshire open space standards. Four sets of open space standards are currently in operation across Wiltshire, with different standards applying in each of the former district areas. ~~These will be replaced by Wiltshire-wide standards which will be informed by an Open Spaces Study, to be completed in 2015, with the new standards adopted as part of the partial review of the Wiltshire Core Strategy by the end of 2015.~~ Core Policy 52 requires development to make provision in line with the adopted Wiltshire Open Space standards.
- 6.9. Onsite provision of open space and landscaping schemes may be offered to the council or its nominee (usually a town or parish council) by a developer for adoption to be managed in perpetuity by a management company on behalf of the council or town/ parish council. Where new publically accessible open space is proposed as part of a development, the council will require these facilities to be useable and of high quality. There are currently no specific standards against which the Council will undertake this assessment. It will be guided by the Open Spaces Study, ~~to be completed in 2015,~~ dependent upon individual site characteristics and, as such, in the interim period decisions will be made on a case by case basis. Open space must initially be maintained by the developer to the satisfaction of the council for at least 12 months after being provided on-site (this may be lengthened or shortened at the council's discretion). All new public open space must be secured and maintained in perpetuity for the benefit of the public. A commuted maintenance payment to cover a period of 20 years will also be required. The payment will be calculated using either the annual maintenance unit rates in place at the time of completion of the section 106 agreement, index linked to take into account inflations that may occur prior to receipt of payment, or the annual maintenance unit rates in place at the time the open space site is transferred to the council. These are calculated using rates from the current Spons external works and landscape price book.
- 6.10. Off-site provision of open space will be sought through planning obligations where it is not possible for the provision to be made on-site and the off-site open space is directly related to the proposed development. The off-site contribution will be calculated in line with the adopted Wiltshire Open Space standards and based on rates from the current Spons external works and landscape price book.

Comment [FL22]: SPD32

Comment [FL23]: SPD32

## 7. Transport/ highways

### General approach

- 7.1. Transport impacts of development will be addressed through the use of planning conditions, planning obligations and through the application of CIL receipts. Generally and in accordance with national guidance, the council will first try to address transport and highways issues through planning conditions. This might be for on-site highways infrastructure or off-street parking to ensure the efficacy of the proposed network.
- 7.2. Inevitably, developments generating or attracting significant trips will have an off-site impact. Appropriate mitigation will need to be identified in the supporting transport assessment. It might be possible to directly mitigate the off-site impact of development on the wider transport network. In these situations, mitigation will normally be secured through negatively framed planning conditions, with works carried out under a section 278 (highways) agreement. This agreement can be drafted alongside the section 106 agreement.
- 7.3. However, section 278 agreements cannot be used to mitigate the cumulative impact of developments. Instead, planning obligations (subject to pooling restrictions) would normally be sought towards, for example, highways infrastructure or revenue support for local bus services. Obligations will also be used for traffic regulation orders directly required by development, typically for controlling traffic parking by directional movement or by weight.
- 7.4. The principle settlements in Wiltshire (i.e. Chippenham, Salisbury and Trowbridge) are supported by transport strategies. These identify measures to mitigate the cumulative impacts of development. Consideration of these is a key determinant of the highways authority recommendation on a planning application. Specific proposals could be delivered by planning obligations (subject to pooling restrictions). Such measures include:
- Road improvement schemes
  - Junction capacity improvements
  - Measures to facilitate the shift from car use to more sustainable means of transport, primary bus, cycle or walking schemes but also improvements to rail infrastructure
- 7.5. The accessibility and connectivity of development will be taken into consideration, including local destinations reasonably required by future residents, or vice-versa in the case of non-residential development. For example, measures might include new or upgraded pedestrian and cycle facilities. These may be identified in transport assessments, cycle and footpath route audits and travel plans, or through the local knowledge of officers.
- 7.6. The provision of sustainable transport measures may be more challenging in rural areas but is likely to reflect those sought in more urban areas of the county.

Comment [FL24]: SPD33

## Policy context and framework

- 7.7. Any transport/ highways requirements will be justified in accordance with the NPPF, the Wiltshire Core Strategy (Core Policies and the development templates) and saved policies (see Table 7.1).

Policy	Requirement
<b>NPPF</b>	
Paragraphs 29 to 41	Promote sustainable transport measures
<b>Wiltshire Core Strategy</b>	
Core Policy 3 <i>Infrastructure requirements</i>	Planning obligations sought to mitigate the direct impact of development, contribute towards delivery of infrastructure made necessary by the development, and provision of local facilities and services.
Core Policy 60 <i>Sustainable transport</i>	Reduce the need to travel and deliver sustainable transport. Planning obligations sought to mitigate the impact of development on transport users, local communities and the environment.
Core Policy 61 <i>Transport and development</i>	Planning obligations sought towards sustainable transport improvements identified in transport assessments.
Core Policy 62 <i>Development impacts on the transport network</i>	Appropriate mitigation measures from development sought to offset any adverse impacts on the transport network at both the construction and operational stages.
Core Policy 63 <i>Transport strategies</i>	Planning obligations sought towards implementing the transport strategies for the principal areas of development in Wiltshire (i.e. Chippenham, Salisbury and Trowbridge) to address the need for integrated transport solutions in these settlements.
Core Policy 64 <i>Demand management</i>	Demand management mitigation measures sought to reduce reliance on the car and encourage the use of sustainable transport alternatives.
Core Policy 66 <i>Strategic transport network</i>	Identifies improvements to the A350 national primary route at Yarnbrook/ West Ashton. Mitigation measures sought to ensure important commuting routes for Annex II species are protected.
<b>Saved policies</b>	
West Wiltshire Leisure and Recreation DPD  CR1 <i>Footpaths and rights of way</i>	Protects public rights of way network from development and, where appropriate, seeks improvements as part of development proposals
<b>Other</b>	
Planning Practice Guidance	Provides further guidance, which will be referred to by the council in seeking transport/ highways contributions, especially around the use of conditions, transport assessments and travel planning.
DfT publications	Further design-related national guidance, e.g. Design Manual for Roads and the Manual for Streets

Table 7.1 – Summary of transport/ highways policies

## Thresholds and application

- 7.8. Planning obligations may be sought regardless of the size of the development proposed, depending upon the site related circumstances. However, developments not requiring a transport assessment<sup>5</sup> are unlikely to need to provide for any off-site works. Those that do can be anticipated to be required to mitigate their impact. Smaller developments will help reduce their limited impacts through the use of CIL receipts.
- 7.9. Where significant infrastructure is included on-site, it will likely need to be of a size to accommodate internal and any external trips it might facilitate. On-site infrastructure may need to be appropriately upgraded to accommodate planned connecting infrastructure. This will be required as a pro bono contribution, as part of the abnormal development costs.
- 7.10. In the principal settlements, planning obligations will have regard to the relevant transport strategy. Off-site measures will primarily be restricted to residential development because they generate trips. Contributions (subject to pooling restrictions) are normally sought on a per dwelling basis but this approach is subject to review.
- 7.11. Employment development attracts trips and is to be encouraged to support the increase in forecast population. It will normally be required only to address immediate and local transport impacts, where they have a deleterious effect on the transport network. Major employment and retail developments may be required to mitigate their impacts away from the immediate area, e.g. congestive impacts at identified junctions.
- 7.12. There will be some transport schemes that cannot be funded through planning obligations and these will be delivered through CIL receipts. ~~This will generally be targeted towards 'softer' transport measures, as identified in the Regulation 123 List, such as:~~
- ~~• Personalised travel planning~~
  - ~~• Town way finding schemes~~
  - ~~• Footpath and cycle route enhancements~~
  - ~~• Wider urban bus service support~~
  - ~~• Mobility schemes~~
  - ~~• Cycle stand provision~~
  - ~~On-highway public realm improvements~~
- 7.13. Any requirements for transport/ highways planning obligations will meet the three statutory tests in CIL Regulation 122 in the following way:
- **Necessary** – acceptability of the transport impacts of the development in the absence of mitigation, which is consider on a site-by-site or cumulative basis.
  - **Directly related** – impact of the development on the local transport network resulting from the trips directly associated with the development
  - **Scale** – measures that do not exceed only what is necessary to mitigate the development's own impact on the local network. However, negotiated

Comment [FL25]: SPD8

<sup>5</sup> Guidance on Transport Assessments, March 2007, GCLG/ DfT.

mitigation measures might result in, for example, local improvements to capacity at one junction at the expense of another. At least a five year life would be expected from any works on the highway.

**8. Flood alleviation and sustainable urban drainage schemes systems**

Comment [FL26]: SPD40

**General approach**

8.1. The council will continue to secure site-specific flood alleviation and sustainable urban drainage schemes systems (SuDS) mainly through planning conditions but, occasionally, through planning obligations.

Comment [FL27]: SPD40

8.2. The council is committed to implementing sustainable approaches to surface water drainage, expecting developments to incorporate sustainable urban drainage systems (SuDS). Additionally, several areas in Wiltshire are within Flood Zones 2 and 3. Developments proposed that fall into those zones will require additional evidence that no lower risk alternative sites were available.

Comment [FL28]: SPD40

8.3. All new development will need to include measures to reduce the rate of rainwater run-off and improve rainwater infiltration to soil and ground (sustainable urban drainage), unless site or environmental conditions make these measures unsuitable.

Comment [FL29]: SPD40

8.4. Development will be expected to incorporate a sustainable urban drainage system (SUDs), such as rainwater harvesting, green roofs, permeable paving, ponds, wetlands and swales, wherever possible.

Comment [FL30]: SPD40

8.5. The provision of green infrastructure, including woodland, should also be considered as a measure to reduce surface water run-off. Any opportunities to reinstate or create additional, natural functional floodplain through the development process will be encouraged.

**Policy context and framework**

8.6. Any requirements for flood alleviation and SuDS infrastructure will be justified in accordance with the NPPF, the Wiltshire Core Strategy (Core Policies and the development templates) and saved policies (see Table 8.1).

Policy	Requirement
<b>NPPF</b>	
Paragraphs 99 – 104	Meeting the challenge of climate, change, flooding and coastal change
<b>Wiltshire Core Strategy</b>	
Core Policy 3 <i>Infrastructure requirements</i>	Planning obligations sought to mitigate the direct impact of development, contribute towards delivery of infrastructure made necessary by the development, and provision of local facilities and services.
Core Policy 67 <i>Flood risk</i>	Requires all new development to include measures to reduce the rate of rainwater run-off and improve rainwater infiltration to soil and ground (sustainable urban drainage) unless site or environmental conditions make these measures unsuitable
<b>Saved policies</b>	
West Wiltshire District Plan  U1a <i>Foul water disposal</i>	Requires development to have adequate foul drainage and connect to mains drainage

Comment [FL31]: SPD40

Policy	Requirement
<b>Other</b>	
Environment Agency	<i>Sustainable Drainage Systems: An Introduction</i> , which sets out the 'surface water management train' approach recommended by the Environment Agency that developers will be expected to follow
Wiltshire Council	<i>A Developer's Guide to SuDS in Wiltshire</i>

Table 8.1 – Summary of flood alleviation and sustainable urban drainage schemes systems (SuDS) policies

Comment [FL32]: SPD40

### Thresholds and application

- 8.7. Major flood alleviation and SuDS projects will be delivered by the water companies, or via CIL and other infrastructure funding. Section 106 agreements will not be used to seek funding for these projects.
- 8.8. However, developers may be expected to mitigate the direct impacts of their development on local drainage and flood risk management through planning obligations. Planning obligations may be sought where the development requires:
- Off site management of surface water to ameliorate the impact of the development on the capacity of Sewage Treatment Works
  - Off site management of surface water to ameliorate the impact of the development on the risk of flooding to properties nearby
  - Off site works to manage the impact of the development on the risk of flooding from fluvial sources to properties nearby
- 8.9. The section 106 agreement will require the nature of the works to be undertaken to be agreed by the Council. Appropriate contracts will need to be in place to secure the delivery of off-site work before the development can commence. This will involve securing the agreement of the relevant landowner(s) as well as appropriate agreements from the local drainage company and/ or relevant regulatory bodies.
- 8.10. On-site infrastructure may also be provided to alleviate the risk of flooding, and reduce impacts on drainage infrastructure. Core Policy 3 states that water and sewerage, flood alleviation and sustainable drainage systems are essential infrastructure. This is to be provided by new development, which must be adequately served by on and off-site foul and surface water drainage systems. This will normally form part of the detailed matters submitted and agreed through the planning application process. The delivery can therefore be secured through a planning condition.
- 8.11. However, the ongoing maintenance of on-site infrastructure may need to be subject to a section 106 agreement. Off-site infrastructure will need to be maintained in order to ensure it continues to operate effectively. Additionally, some developments will incorporate on-site flood risk management and drainage infrastructure which will require maintenance beyond the normal timeframe of development.

Comment [FL33]: SPD34



- 8.12. The developer may be able to get this infrastructure adopted by the local drainage company if it meets their specifications. Where this cannot be achieved, the developer must put in place mechanisms to ensure the ongoing maintenance and effective operation of the infrastructure in perpetuity.
- 8.13. The council will include clauses within section 106 agreements to secure the ongoing maintenance of flood alleviation and SuDS. This could apply to both off-site and on-site provision. Normally the section 106 agreement will require either:
- the developer to enter into an agreement with the local drainage company to adopt the flood alleviation and SuDS prior to initial occupation/ use, or
  - the developer to prepare a management plan for the flood alleviation and SuDS, agreed by the council, and put in place mechanisms to deliver ongoing management of the infrastructure prior to initial occupation/ use.
- 8.14. Due to the unpredictable nature of flood risk and drainage issues, later implementation of maintenance is unacceptable.
- 8.15. It is necessary to ensure delivery of flood alleviation and SuDS alongside development. Therefore, any financial planning obligations must be paid upon commencement of development to allow sufficient time to deliver the required infrastructure. If the developer is undertaking the physical work themselves then it must be completed prior to initial occupation or use. The section 106 agreement will set out the phasing requirements for planning obligations related to flood alleviation and SuDS.

## 9. Community and health facilities

### General approach

- 9.1. Where there is a direct link to development, the council will fund community and health facilities through planning obligations. CIL may be used to fund other health facilities and community facilities such as multi-use community facilities, leisure centres and libraries and cultural facilities.

### Policy context and framework

- 9.2. Any requirements for community and health facilities will be justified in accordance with the NPPF, the Wiltshire Core Strategy (Core Policies and the development templates) and saved policies (see *Table 9.1*).

Policy	Requirement
<b>NPPF</b>	
Paragraphs 28 and 70	Support economic growth in rural areas, and the delivery of social, recreational and cultural facilities and services
Paragraphs 156, 162 and 171	Supports strategic policies to deliver health, security, community and cultural infrastructure and other local facilities, working with providers to assess the capacity of and the need for strategic infrastructure, and work with health providers to understand and take into account the health needs of the local population
<b>Wiltshire Core Strategy</b>	
Core Policy 3 <i>Infrastructure requirements</i>	Planning obligations sought to mitigate the direct impact of development, contribute towards delivery of infrastructure made necessary by the development, and provision of local facilities and services.
Core Policy 48 <i>Supporting rural life</i>	Supports improving access to services and infrastructure, community ownership and new shops in rural areas
Core Policy 49 <i>Protection of services and community facilities)</i>	Protects existing services and community facilities
<b>Saved policies</b>	
North Wiltshire Local Plan  CF2 <i>Leisure facilities and open space</i>	Supports proposals for leisure facilities (and open space) within settlement boundaries
Salisbury District Local Plan  PS1 <i>Community facilities</i>	Supports provision of health facilities.

Policy	Requirement
Salisbury District Local Plan  R4 <i>Indoor community and leisure provision</i>	Seeks provision of new indoor community and leisure facilities, or contributions towards existing facilities, from development
West Wiltshire Leisure and Recreation DPD  Policies LP1, LP2, LP3, LP4 and LP5	Protect and enhance existing open space or leisure and recreation provision. Seek provision of recreation facilities in new development.
West Wiltshire Leisure and Recreation DPD  Policies OS1 and OS2	Seek provision of new artificial turf and grass pitch provision from new development
West Wiltshire Leisure and Recreation DPD  Policies YP2	Seeks provision of youth facilities from new development

Table 9.1 – Summary of community and health facilities policies

- 9.3. Table 9.2 sets out Known site-specific community and health facilities requirements for health facilities resulting from new development allocated in the Wiltshire Core Strategy strategically important sites are set out in the development templates in Appendix A to the adopted Wiltshire Core Strategy and in subsequent development plan documents, such as the Chippenham Site Allocations Plan and the Wiltshire Housing Site Allocations Plan. They are informed by the Infrastructure Delivery Plan, which will be updated periodically over the plan period. Infrastructure requirements may therefore change. The Council will be flexible and responsive to any changes.

Strategic Site	Specific Requirement	Mechanism for securing developer contribution	
		Planning Obligation	GIL
Ashton Park Urban Extension, Trowbridge	Primary health facility	✓	✗
Churchfields and Engine Shed, Salisbury	Primary health facility	✓	✗

Table 9.2 Known site-specific health facilities requirements

Comment [FL34]: SPD35

## Thresholds and application

Revised Wiltshire Planning Obligations Supplementary Planning Document

- 9.4. Depending on the size of the residential development it may be possible that community facilities such as a village hall or changing rooms for a sports pitch for example are delivered through planning obligations directly linked to the development and are used in the development.
- 9.5. Large residential developments or a cluster of neighbouring developments will lead to a local increase in population. This can create a need for specific local health facilities if there is no existing local capacity or likely to be in the near future. ~~The average list size for a whole time equivalent GP is 1,750 patients. New development that results in more than 7,000 new residents (a patient list of four whole time equivalent GPs) may therefore~~ require a new facility or extensions to existing facilities to be provided.

Comment [FL35]: SPD36

## 10. Other planning obligations

10.1. The council reserves the right to seek additional section 106 planning obligations to those listed above; where justified by local circumstance and where such planning obligations can meet the statutory tests set out in CIL Regulation 122.

10.2. Examples of section 106 obligations may include but will not be limited to:

- Site-specific air quality, contaminated land and noise monitoring and mitigation measures
- Fire hydrants (*see paragraph 10.3*)
- Local employment, skills training and enterprise benefits
- Waste and recycling containers<sup>6</sup>
- Art and design in the public realm<sup>7</sup>
- Site-specific measures to protect and enhance the historic environment

Comment [FL36]: SPD9

Comment [FL37]: SPD41

10.3. Development may require the provision of fire hydrants and water supplied for firefighting. Where a direct need arising from the development is identified by the Fire Authority, the Council will seek this through a planning condition or, if this is not possible, a planning obligation. The developer is responsible for the cost of the hydrants and water supplies for firefighting. Consultation should be undertaken with the Fire Authority to ensure that the site is provided with adequate water supplies for use by the fire and rescue service in the event of a fire. Arrangements may include a water supply infrastructure, suitable siting of hydrants and/ or access to an appropriate water supply. Consideration should also be given to ensure access to the site, for the purpose of firefighting, is adequate for the size and nature of the development. CIL may be used to fund other emergency services infrastructure projects.

Comment [FL38]: SPD10

~~10.3.~~10.4. Planning obligations may be secured to ensure that provision is made directly on-site or, as appropriate, off-site.

<sup>6</sup> Wiltshire Council (2014), *Waste Storage and Collection Guidance for New Developments*. [This document is currently under review. See Appendix 4.](#)

<sup>7</sup> Wiltshire Council (2011), *Guidance Note for Art and Design in the Public Realm*.

## 11. Negotiating planning obligations in Wiltshire

- 11.1. The process for negotiating planning obligations is set within the framework of national legislation and guidance, and local policy and guidance, and other material considerations relevant in each particular case. The council must meet the statutory tests in the CIL Regulations 2010 (as amended) and consider the policy guidance in the NPPF and PPG.

### Role of the case officer

- 11.2. The case officer assigned to assess planning proposals will act as one point of contact for the negotiation of planning obligations.

### Pre-application stage

- 11.3. The council provides a pre-application advice service to anyone wanting help with a development proposal before the submission of a planning application. The aim is to provide responsive, consistent and timely advice. This de-risks the application process and reduces the time taken to deal with applications at the formal decision making stage. The charge for pre-application advice is set out on the 'Planning' pages of the council website.
- 11.4. Pre-application advice will identify policies of the development plan which generate a need for planning obligations. Where possible, it will specify expected heads of terms for any legal agreement or unilateral undertaking. The advice will provide details and/ or calculations of expected contributions, where relevant and possible. Potentially, this will assist applicants with the drafting of agreements or undertakings to enable them to be submitted before the submission of formal planning applications. Applicants will be encouraged to prepare agreements and undertakings in cooperation with the council's solicitors, and, wherever possible, use the council's template legal documents.
- 11.5. Applicants should use this SPD, alongside an analysis of their proposed works, to identify planning obligations necessary to mitigate the impacts of development.

### Application stage

- 11.6. The applicant or their agent must ensure that the formal process of applying for planning permission is followed. Guidance is set out on the 'Planning' pages of the council website.
- 11.7. Applicants are encouraged to submit forms and related documentation electronically (via the council website or Planning Portal). Paper submissions are also acceptable. Standard application forms are available in packs either on-line or on request.
- 11.8. Planning applications are validated on receipt using 'local validation checklists', available to view on-line or on request. The council can refuse to register a planning application unless it receives all of the information set out in the checklists. Where applications generate the need for planning obligations the local validation checklists require, as a minimum, the heads of terms of the inevitable legal agreement or unilateral undertaking to be set out in the application documentation. The pre-application enquiry process will inform this process.

- 11.9. In rare situations where an applicant is unwilling to meet any, or all, of the expected planning obligations they should set out their reasons in a separate statement. If necessary, this should be accompanied by a viability appraisal (see paragraph 11.12).
- 11.10. The council is not required to enter into protracted negotiations on the nature and extent of expected planning obligations during the formal application process. For this reason, the council reserves the right to refuse inadequately justified applications without further explanation. To avoid this scenario, pre-application discussions are encouraged.

### Thresholds

- 11.11. Some infrastructure types contain individual minimum thresholds, e.g. affordable housing, below which an obligation of that type will not be sought. In general, whether an obligation is sought will depend upon the nature, type, location and crucially impact of the proposal.

### Size of development

- 11.12. Larger developments tend to create a specific need for infrastructure provision and improvements. They may require site specific infrastructure, such as schools, open spaces, community facilities and highway improvements or enabling works, to be secured through planning obligations. This could apply to smaller developments with site specific impacts.

### Viability

- 11.13. On rare occasions the cost of obligations may be greater than the proposed development is able to bear. Where the outcome is judged to have a significant impact on residual land values and financial viability is raised as a concern, a financial appraisal of the proposed development by the applicant will be required to substantiate the claim. **This appraisal should form part of be submitted alongside the application documentation and where possible will be treated and kept as confidential by the Council.** The council will scrutinise the financial appraisal before confirming or otherwise viability.
- 11.14. A scenario may arise whereby the financial appraisal shows that little or no infrastructure could be provided. The potential for a planning refusal in these circumstances must be balanced against the benefit of bringing a site forward for development.
- 11.15. Paragraph 205 of the NPPF addresses concerns about delivery of development and development viability, stating that '*where obligations are being sought or revised, local planning authorities should take account of changes in market conditions over time and, wherever appropriate, be sufficiently flexible to prevent planned development being stalled.*'

Comment [FL39]: SPD37

### Input from local communities

- 11.16. The council would encourage developers to undertake pre-application consultation with local communities prior to submitting development proposals. This will enable them to gain a greater understanding of local concerns and issues, including the relative priority of any identified planning obligations at the local level, and should inform the detail of their planning application.

11.17. Parish and town councils are well placed to articulate the needs of the local community. They may identify necessary mitigation measures required from development proposals. In addition, neighbourhood plans may also play a key role in identifying and prioritising local infrastructure that could be delivered via planning obligations or the neighbourhood proportion of CIL receipts.

Comment [FL40]: SPD11



## **12. Procedure and management**

### **Post-decision monitoring and implementation**

- 12.1. To ensure proper and effective management of planning obligations copies of every agreement and undertaking will be placed on the planning register with the planning decision notice. Thereafter the council will monitor development sites to ensure obligations are met as and when 'triggers' set out in the agreements and undertakings are reached. On the rare occasions when obligations are not fulfilled the council will take appropriate enforcement action.
- 12.2. The council will publish reports setting out details of planning obligations negotiated, details of extant planning obligations where development has not yet commenced, details of works undertaken and/or expenditure from planning obligations where development has commenced, and details of expenditure planned in the future.

### **Phasing of infrastructure and timing of payments**

- 12.3. The phasing of infrastructure provision or the timing of the payment of financial contributions required within a planning obligation will be negotiated separately as part of the agreement or undertaking. The rate of delivery of infrastructure will be in line with the needs of the development.

### **Indexing and interest payments**

- 12.4. The council will require indexing clauses within agreements and undertakings for all obligations which require financial contributions to be made. These will apply where delays in payment are either built-in to the agreement/ undertaking (for example, phased payment conditions) and/ or driven by external influences (for example, delayed commencement of the development). Contributions will be indexed from the date of the agreement/ undertaking to the date of receipt. The form of indexing will be appropriate to the nature of the obligation.
- 12.5. Interest sums will apply where payments are made later than the date due as set out in the agreement/ undertaking.

### **Legal costs**

- 12.6. The council's legal costs for the drafting or checking of legal agreements must be met by the applicant.

### **Complying with in-kind contributions**

- 12.7. Where an in-kind obligation is required through an s106 agreement the developer should provide evidence of compliance with the obligation to the council, as outlined in the terms of the specific clauses. This evidence should be provided to the council's Section 106 and CIL Monitoring Officer. If approval is required from the council on an element of the in-kind obligation, the Section 106 and CIL Monitoring Officer should be the first point of contact.

**Non-financial obligations**

12.8. The delivery of non-financial contributions, or in-kind obligations, will be monitored by the appropriate service areas responsible for project delivery. For example, where there is an affordable housing element to a legal agreement, the New Housing Team will monitor this section of the agreement to ensure that it is complied with.

**Financial contributions**

12.9. Once a financial contribution is received by the council the service area or organisation with the responsibility for delivery of the s106 project will be informed.

12.10. CIL Regulation 123 states that the pooling of contributions from more than five separate planning obligations towards a specific type of infrastructure or infrastructure project will not be permitted. ~~(for example, pooling contributions to pay for improvements to Wiltshire's parks).~~

Comment [FL41]: SPD12

12.11. ~~Only in very exceptional circumstances where no more than five separate developments are proposed in close proximity to each other and the cumulative effect will result in the need for a specific mitigating measure which hasn't been pooled since 2010, the council may pool contributions for each of these developments in order to fund the necessary measures.~~

Comment [FL42]: SPD13

12.12. Any pooling of contributions will be in line with CIL Regulations and guidance.

## Appendix 1 – Examples of how the Council will apply the R123 List and Planning Obligations in practice

Comment [FL43]: SPD14

Infrastructure type	Specific requirement	Site/location	Delivery mechanism	
			S106	CIL
<b>Affordable housing</b>	See Wiltshire Core Strategy (Core Policies 43, 44, 45 and 46), Planning Obligations SPD (draft March 2015) and Affordable Housing SPD (TBC)		✓	✗
<b>Education facilities</b>	2 x 2FE primary schools	Ashton Park Urban Extension/ Trowbridge	✓	✗
	2FE Primary School	Churchfields & Engine Shed / South Wiltshire	✓	✗
	2FE Primary School	Fuggleston Red / South Wiltshire	✓	✗
	1FE Primary School	Hampton Park / South Wiltshire	✓	✗
	2FE Primary School	Longhenge / South Wiltshire	✓	✗
	1FE Primary School	UKLF, Wilton / South Wiltshire	✓	✗
	1FE Primary School	Kings Gate / Amesbury	✓	✗
	Secondary school expansion	Kings Gate / Amesbury	✓	✗
	Secondary school site	Ashton Park Urban Extension/ Trowbridge	✓	✗
	Nursery, primary, special and secondary schools (including sites), where the requirement can be attributed to five or fewer developments		✓	✗
	Other cumulative impact of development upon nursery, primary, special and secondary school provision (excluding sites, which will be secured through s106)		✗	✓
<b>Sustainable transport</b>	Site-specific transport/ highways mitigation and sustainable transport improvements (e.g. site-specific		✓	✗

Infrastructure type	Specific requirement	Site/location	Delivery mechanism	
			S106	CIL
	highway works, including localised safety improvements, reinstatement of highways etc. and site-specific works to amenity land, access roads etc.)			
	Strategic, county-wide sustainable transport improvements, except where the requirement can be attributed to five or fewer developments		X	✓
Open space/ green infrastructure	Site-specific open space/ green infrastructure, including parks, children's play space, green areas, outdoor sports and playing fields, where the requirement can be attributed to five or fewer developments		✓	X
	Strategic open space/ green infrastructure, including parks, children's play space, green areas, outdoor sports and playing fields		X	✓
	Site-specific ecological impacts of development, where the requirement can be attributed to five or fewer developments		✓	X
	Strategic habitat protection and nature conservation		X	✓
Flood mitigation measures	SUDS, exceptional drainage or flood risk management measures		✓	X
Community and cultural facilities	Site-specific requirements for community and cultural facilities, where the requirement can be attributed to five or fewer developments		✓	X
	Strategic provision of community and other cultural facilities, such as multi-use community facilities, leisure centres and libraries and cultural facilities, except where the requirement can be attributed to five or fewer		X	✓

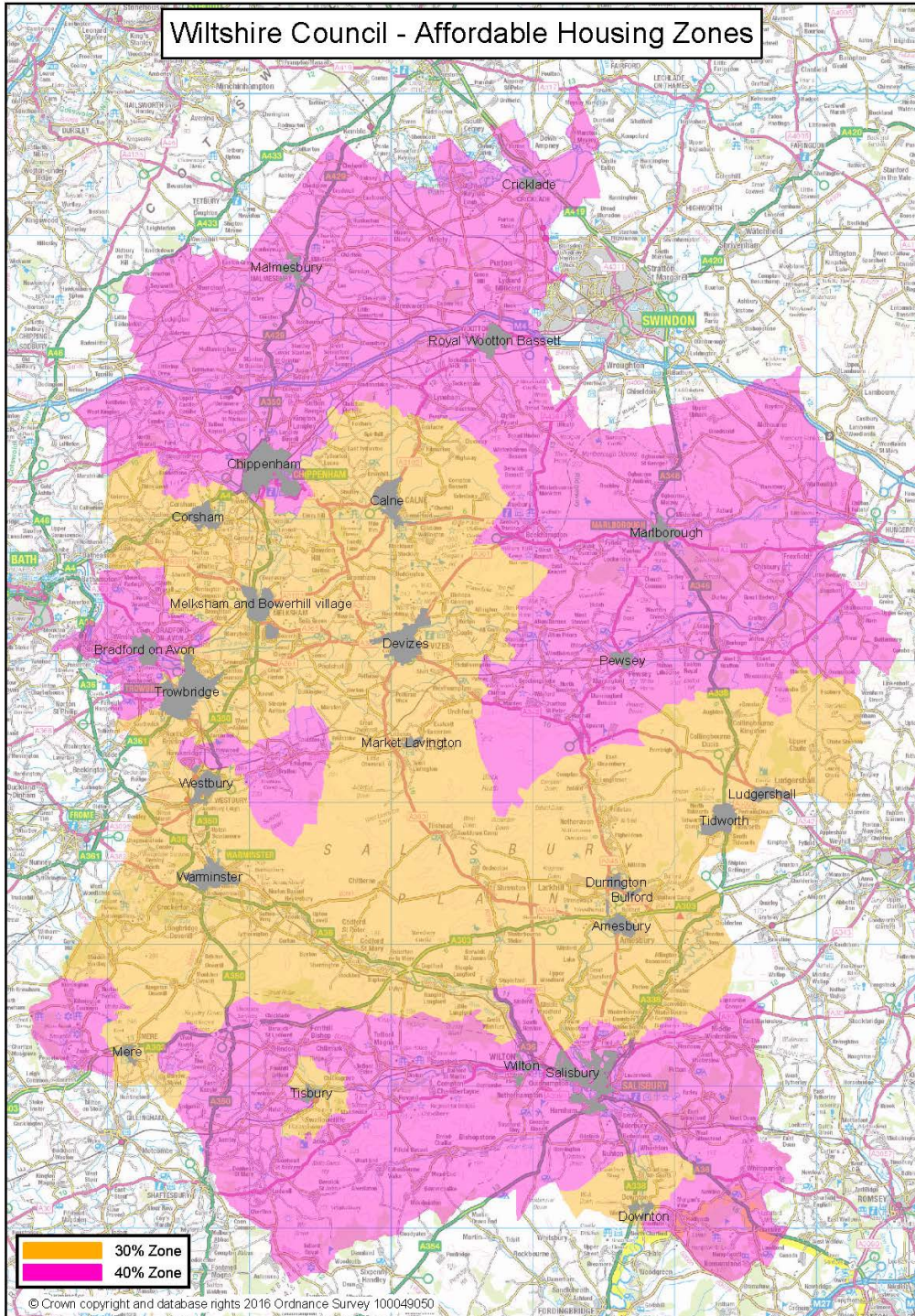
Infrastructure type	Specific requirement	Site/location	Delivery mechanism	
			S106	CIL
	developments			
	Waste and recycling containers		✓	X
Emergency services	Fire stations, ambulance stations/ standby points and police stations		X	✓
	Fire hydrants (if not secured through planning conditions)		✓	X
Health facilities	Primary Health Facility	Ashton Park Urban Extension/Trowbridge	✓	X
	Primary Health Facility	Churchfields & Engine Shed / South Wiltshire	✓	X
	Primary health facilities, where the requirement can be attributed to five or fewer developments		✓	X
	Other cumulative impact of development upon the provision of health facilities		X	✓
Gross boundary infrastructure	Strategic cross-boundary infrastructure, except for site-specific projects where the need can be attributed to five or fewer developments		X	✓
	Site-specific, cross-boundary infrastructure, where the need can be attributed to five or fewer developments		✓	X
Historic environment and public realm infrastructure	Site-specific public realm infrastructure, where the requirement can be attributed to five or fewer developments		✓	X
	Strategic public realm infrastructure, e.g. streetscene and built environment, community safety measures, heritage asset improvements, visitor management issues and public art, except where the requirement		X	✓

Infrastructure type	Specific requirement	Site/location	Delivery mechanism	
			S106	CIL
	can be attributed to five or fewer developments			
Other	Employment and skills training, where the requirement can be attributed to five or fewer developments (e.g. job brokerage, construction phase skills training, end user skills training, apprenticeships and work placements, local enterprise supply chain and training commuted sum improvements)		✓	X

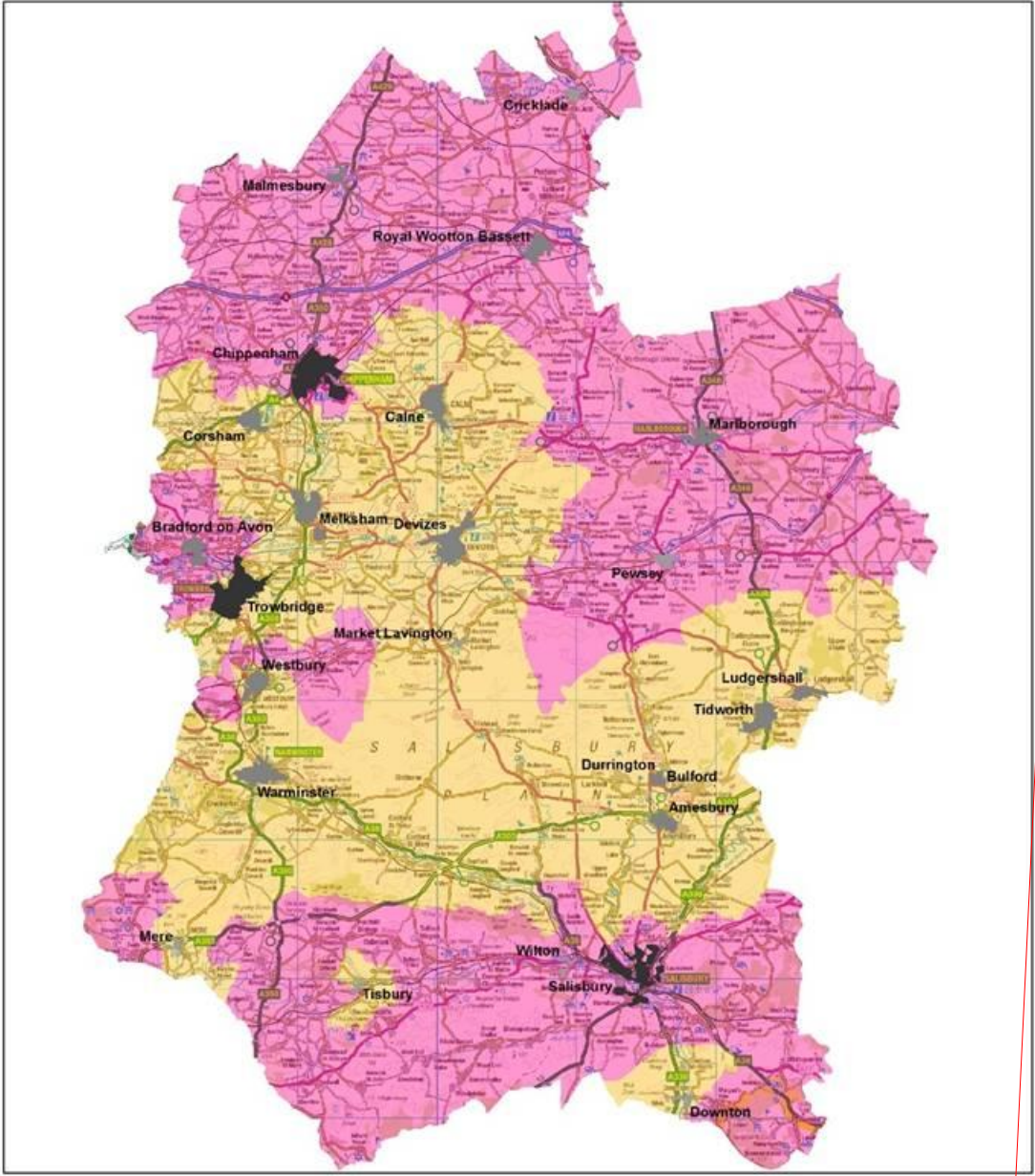
Appendix 2.1 – Wiltshire Affordable Housing Zones Map (Core Policy 43)

Comment [FL44]: SPD15

Comment [FL45]: SPD16



Comment [FL46]: SPD16



- Key:**
- 40% affordable housing zone
  - 30% affordable housing zone



## Appendix 3.2 – Useful links

### Planning legislation

- [CIL Regulations 2010](#)
- [CIL Regulations \(amended\) 2011](#)
- [CIL Regulations \(amended\) 2012](#)
- [CIL Regulations \(amended\) 2013](#)
- [CIL Regulations \(amended\) 2014](#)
- [CIL Regulations \(amended\) 2015](#)

### National planning policy

- [Planning Practice Guidance \(PPG\)](#)
- [National Planning Policy Framework \(NPPF\)](#)
- [Planning Practice Guidance \(PPG\)](#)

### Local planning policy

- [Wiltshire Core Strategy](#)
- [Wiltshire Community Infrastructure Levy](#)

### Local planning application process advice and fees

- [Planning and building control](#)

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Wiltshire Community Infrastructure Levy

**CIL Consultation Report**

Response to the Consultation on the Draft Revised Regulation 123 List, Draft Revised Planning Obligations Supplementary Planning Document, and Draft Updated Infrastructure Delivery Plan 3

August 2016

[TRANSLATIONS]

DRAFT

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## 1. Introduction

### Overview

- 1.1. Between 14 March and 25 April 2016, the Council consulted upon a Draft Revised Community Infrastructure Levy (CIL) Regulation 123 List and a Draft Revised Planning Obligations Supplementary Planning Document (SPD). The Council made available for comment a Draft Updated Infrastructure Delivery Plan (IDP) at the same time.
- 1.2. It became apparent, as development proposals have come forward, that the Regulation 123 List (adopted May 2015) would benefit from reviewing to provide clarity over those infrastructure projects that may be funded through CIL.
- 1.3. Alongside the changes to the Regulation 123 List, some changes were also proposed to the Planning Obligations SPD (adopted May 2015) in the interests of clarity and accuracy, and to recognise that the Regulation 123 List will be reviewed and updated periodically.
- 1.4. The Government's Planning Practice Guidance recognises that Regulation 123 Lists may need to be updated over the lifetime of the CIL Charging Schedule. The Council does not consider that the proposed amendments would have a very significant impact on the viability evidence that supported examination of the Charging Schedule and is therefore compliant with the online Planning Policy Guidance (PPG) at paragraph 098 (reference ID: 25-098-20140612). Therefore, a review of the Charging Schedule is not required. The Council may amend the Regulation 123 List without also revising its Charging Schedule, ensuring that any changes are clearly explained and subject to appropriate local consultation.

### Background

- 1.5. The purpose of the Community Infrastructure Levy (CIL) Regulation 123 List is to support the Wiltshire CIL Charging Schedule. The Regulation 123 List sets out the strategic infrastructure types or projects that Wiltshire Council may fund, in whole or in part, through CIL. It does not apply to the ring fenced proportion of CIL passed to town and parish councils for them to allocate to community infrastructure projects.
- 1.6. Inclusion on the Regulation 123 List does not signify a commitment from the Council to fund (either in whole or in part). The order of the Regulation 123 List does not imply any preference or priority. The Council will periodically review and update the Regulation 123 List.
- 1.7. The Draft Revised Regulation 123 List has been informed by the Wiltshire Infrastructure Delivery Plan (IDP). The Regulation 123 List takes projects from the IDP, which is an evidence base document developed in consultation with

service providers and updated periodically. The IDP identifies the infrastructure requirements of planned growth set out in the adopted Wiltshire Core Strategy (January 2015). A final Updated IDP will be published on the Council's website.

- 1.8. Wiltshire Council may not seek planning obligations through section 106 agreements for any of the infrastructure projects on the Regulation 123 List.
- 1.9. CIL is one of the mechanisms used to fund the infrastructure required to support Wiltshire's growth. Core Policy 3 of the Wiltshire Core Strategy (adopted January 2015) and the Planning Obligations SPD set out how CIL would work alongside, rather than replace, Section 106 legal agreements. Section 106 agreements provide the mechanism to ensure infrastructure can be delivered where it is directly related and specific to a development. They are important to ensure that sustainable development can be achieved, with infrastructure delivered at the right time alongside development.
- 1.10. The Revised Planning Obligations SPD will support policies within the adopted Core Strategy, particularly Core Policy 3 Infrastructure Requirements. It will identify the types of planning obligations that may be sought by the Council from development that generates a need for new infrastructure. While it is not part of the statutory development plan, the Revised Planning Obligations SPD will be a material consideration in determining planning applications.
- 1.11. Both the CIL Regulation 123 List and the SPD should be read in conjunction with the CIL charging schedule (adopted in May 2015). The charging schedule sets out the amount of CIL that will be charged on new development.

### Consultation report

- 1.12. Regulations 11 to 16 of the Town and Country Planning (Local Planning) (England) Regulations 2012 set out the requirements for preparing a supplementary planning document. The same requirements apply to a review of an SPD. Regulation 12 requires the Council to prepare a statement setting out who was consulted, a summary of the main issues they raised and how those issues have been addressed in the supplementary planning document.
- 1.13. The Council has produced this document, a 'Consultation Statement', to set out:
  - the consultation methodology
  - the representations received on the draft Revised CIL Regulation 123 List, the draft Revised Planning Obligations SPD and the draft Updated Infrastructure Delivery Plan
  - a summary of the key issues, and how these have been considered by the Council
- 1.14. Key Council services, such as Development Management, New Housing, Sustainable Transport, Environment Services, Environmental Health, Libraries



and Heritage, Drainage, Countryside Management and Children and Education, have also been involved in the preparation of these documents and considering consultation feedback as appropriate.

### Structure of this document

- 1.15. Chapter 2 lists the various ways by which the Council consulted upon the draft Revised CIL Regulation 123 List, draft Revised Planning Obligations SPD and draft Updated IDP.
- 1.16. Chapter 3 provides a breakdown of the number of representations received.
- 1.17. Chapters 4, 5 and 6 summarises the key issues arising from the representations with officer comments and proposed actions **where necessary**.
- 1.18. Chapter 7 collates the proposed actions. It also sets out the next steps and a timetable.
- 1.19. Appendix A provides a list of those who submitted representations.
- 1.20. Appendix B collates the various consultation adverts and notices.

## 2. Consultation methodology

- 2.1. The Council advertised the Draft Revised Regulation 123 List, Draft Revised Planning Obligations SPD and made available for comment the Draft Updated IDP as follows:
- Town and parish newsletter (published week commencing 7 April 2016)
  - Local newspapers (i.e. Wiltshire Times, Wiltshire Gazette and Herald and Salisbury Journal) (published week commencing 7 April 2016)
  - Direct email/ letter notifications to all town and parish councils, neighbouring authorities, a wide range of national/ local developers, landowners and property agents, infrastructure providers, local businesses and Chambers of Commerce, charities and voluntary organisations and local interest groups
  - Hard copies of the Draft Revised Regulation 123 List and the Draft Revised Planning Obligations SPD available from the main Council offices and libraries (The Draft Updated IDP was made available online only)
  - Information published on the Council's website and electronic copies of all consultation documents available from the Council's website at [www.wiltshire.gov.uk/communityinfrastructurelevy](http://www.wiltshire.gov.uk/communityinfrastructurelevy) and online consultation portal at <http://consult.wiltshire.gov.uk/portal>
  - Comments accepted by post, email and online through the Council's consultation portal
  - Three information giving sessions for parish and Wiltshire councillors in Chippenham (7 April 2016), Salisbury (11 April 2016) and Trowbridge (5 April 2016)
- 2.2. The following consultation material was provided:
- Wiltshire Draft Revised Planning Obligations Supplementary Planning Document (February 2016)
  - Wiltshire Draft Revised Regulation 123 List (February 2016)
  - Wiltshire Draft Updated Infrastructure Delivery Plan (February 2016)
  - Representation Form (PDF and WORD versions)

### 3. Representations

- 3.1. In all, the Council received representations from 87 different individuals or organisations.
- 3.2. *Figure 3.1* below illustrates the breakdown of respondent by category. It shows that the largest number of responses came from the general public. Other representations were received from parish and town councils, landowners and developers, local interest organisations, infrastructure providers, and neighbouring authorities.

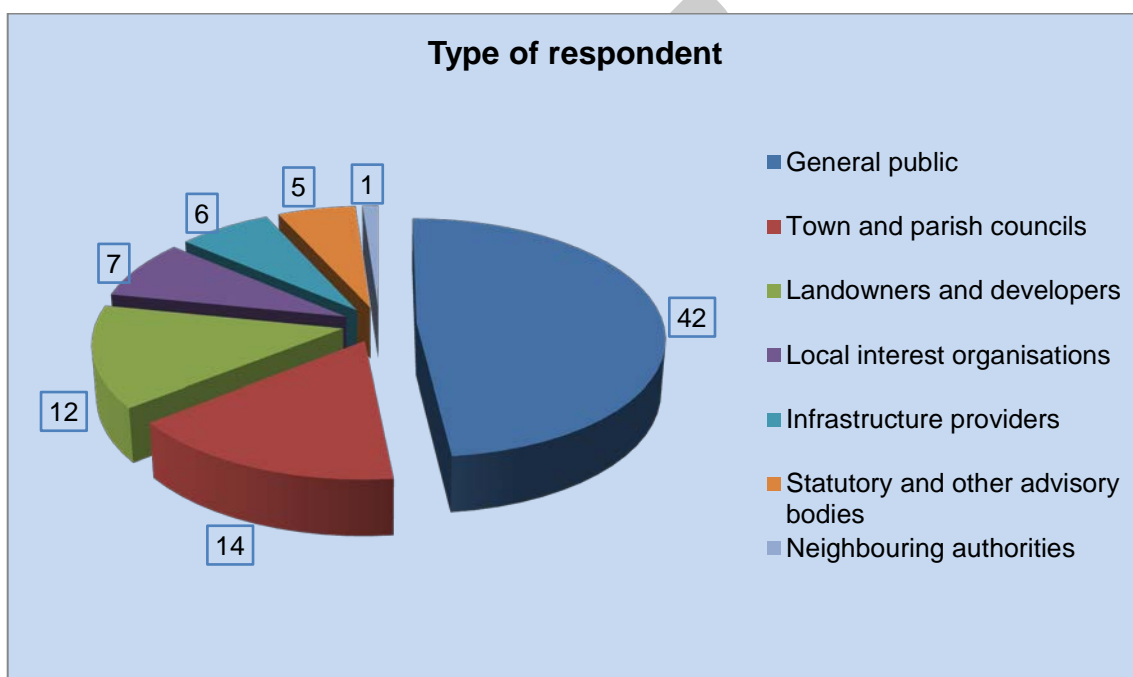


Figure 3.1 – Number of representations by category of respondent

- 3.3. *Figure 3.2* below illustrates the methods by which representations were received.

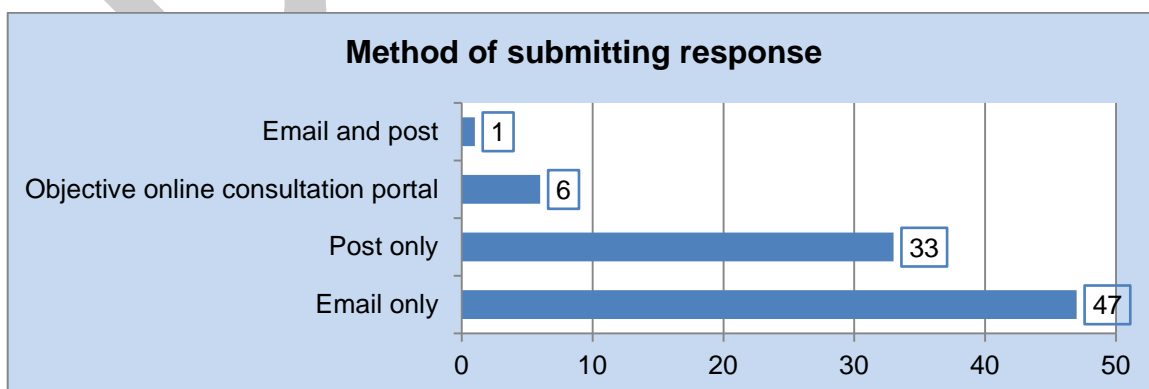


Figure 3.2 - Number of representations received by method

#### 4. Draft Revised Community Infrastructure Levy Regulation 123 List - summary of the main issues raised by the representations

4.1. *Table 4.1* summarises the main issues raised by the representations, with officer commentary and proposed actions, and is ordered by the following areas that reflect the document layout:

- General issues
- Education
- Sustainable transport
- Open space, green infrastructure and the environment
- Community and cultural
- Health and social care
- Emergency services
- Other

4.2. All individual representations are available to view in full through the Council's online consultation portal at <http://consult.wiltshire.gov.uk/portal>.

Table 4.1 – Draft Revised CIL Regulation 123 List - Main issues with officer comments and proposed actions

Topic	Consultee (Comment ID)	Comments	Officer responses/ proposed actions
<b>General issues</b>	Westbury Town Council (5)	Lack of projects for Westbury. CIL generated by development in the town is not being invested back in the area ( <i>see below for suggested projects</i> ).	<p>CIL is a mechanism that Wiltshire Council can use to fund strategic infrastructure across the County. Unlike with s106 agreements, CIL does not have to be spent in the area where the development takes place. It may be more appropriate for the Council to deliver some infrastructure by other means, such as through section 106 agreements. Other funding mechanisms could also be used, such as grant funding.</p> <p>However, the Draft Revised CIL Regulation 123 List does in fact identify several projects that could directly benefit Westbury, including:</p> <ul style="list-style-type: none"> <li>• Trans Wilts train service and improvements (Westbury – Swindon)</li> <li>• Westbury Railway Station Additional Platform</li> <li>• Provision of air quality monitoring infrastructure, and</li> <li>• Upgrades and improvements to Leighton Sports Centre</li> <li>• Wiltshire Heritage Museum (archaeological storage)</li> <li>• Library provision</li> </ul> <p>Nevertheless, if further projects are identified for Westbury that are suitable for CIL funding then they can be added to the Regulation 123 List at a later date.</p> <p>In addition, a percentage of CIL is ring-fenced for</p>

Topic	Consultee (Comment ID)	Comments	Officer responses/ proposed actions
			<p>spending on local, community projects through the neighbourhood proportion of CIL. Parish councils receive 15% of CIL generated from development in their area, or 25% if there is an adopted neighbourhood plan in place.</p> <p><b>No action</b></p>
	Redrow Homes (39) ( <i>Nathaniel Litchfield</i> )	<p>Lack of projects for Warminster. Extensive s106 contributions requested from Redrow's planning application at Land at St Andrew's Road, Warminster. Includes affordable housing, primary and secondary education, GP provision, public art, on-site public open space, public right of way improvements and sustainable transport connections.</p> <p>Advised by Wiltshire Council that CIL will cover outdoor sports provision, cemetery provision, stone curlew project and community facilities. However, cost of this only amounts to half of the estimated CIL from the development. With so few projects in Warminster on the draft Revised CIL Regulation 123 List, how will the Council spend the remaining CIL from this development? Question the way that the Council decides, in relation to specific planning applications, whether specific contributions, such as education, health facilities or community facilities, are collected through CIL or s106. Viability must be at the heart of this decision-making process – it is central to delivery but is being frustrated by the lack of transparency.</p>	<p>CIL is a mechanism that Wiltshire Council can use to fund strategic infrastructure across the County. Unlike with s106 agreements, CIL does not have to be spent in the area where the development takes place. It may be more appropriate for the Council to deliver some infrastructure by other means, such as through section 106 agreements. This can apply to directly related infrastructure that is necessary to make a development acceptable in planning terms.</p> <p>However, the Draft Revised CIL Regulation 123 List does in fact identify several projects that could directly benefit Warminster, including:</p> <ul style="list-style-type: none"> <li>• Stone Curlew and Salisbury Plain Special Protection Area</li> <li>• Nutrient Management Plan – to address the level of phosphate in the River Avon</li> <li>• Cranborne Chase and West Wiltshire Downs AONB green countryside training and visitor centre</li> <li>• Expansion of Warminster cemetery</li> <li>• Provision of air quality monitoring infrastructure</li> </ul>

Topic	Consultee (Comment ID)	Comments	Officer responses/ proposed actions
			<ul style="list-style-type: none"> <li>• Wiltshire Heritage Museum (archaeological storage)</li> <li>• Library provision</li> <li>• Improvements to Warminster Fire Station</li> </ul> <p>Nevertheless, if further projects are identified for Warminster that are suitable for CIL funding then they can be added to the Regulation 123 List at a later date.</p> <p>In addition, a percentage of CIL is ring-fenced for spending on local, community projects through the neighbourhood proportion of CIL. Parish councils receive 15% of CIL generated from development in their area, or 25% if there is an adopted neighbourhood plan in place.</p> <p><b>No action</b></p>
	<p>APT &amp; Persimmon Homes (36) (<i>Pegasus Planning Group</i>)</p> <p>Redrow Homes (39) (<i>Nathaniel Litchfield</i>)</p>	<p>Risk of double-dipping. CIL, not s106, should be used to deliver wider community benefits that are not directly necessary for a specific project. S106 should be used to secure site-specific infrastructure, such as on-site public open space, public art and affordable housing. Council also asking for education and NHS contributions, which arguably meet the broader impact of development. Conversely, Council advises that community facilities and outdoor sports provision, which also meet the broader impact of development, will be funded through CIL. Illogical and unjustified for some to be funded through CIL and some through s106.</p>	<p>'Double-dipping' is a term used to describe a potential scenario where a planning applicant is charged twice for the same item of infrastructure through both CIL and section 106 agreements. Wiltshire Council will not use both CIL and s106 agreements to fund the same item of infrastructure. The purpose of identifying specific projects on the Draft Revised CIL Regulation 123 List is to provide further clarity on what Wiltshire Council may fund, in whole or in part, through CIL. Any infrastructure project that Wiltshire Council includes on its CIL Regulation 123 List, it cannot then request s106 contributions towards. Therefore, by revising its CIL Regulation 123 List in this way, Wiltshire Council is improving the</p>

Topic	Consultee (Comment ID)	Comments	Officer responses/ proposed actions
			<p>openness and transparency of its approach to CIL and section 106 agreements and, thereby, eliminating any perception of 'double-dipping'.</p> <p>CIL is a mechanism that Wiltshire Council can use to fund strategic infrastructure across the County. Unlike with s106 agreements, CIL does not have to be spent in the area where the development takes place. It may be more appropriate for the Council to deliver some infrastructure by other means, such as through section 106 agreements. This applies to directly related infrastructure, which can include education and healthcare facilities that is necessary to make a development acceptable in planning terms.</p> <p><b>No action</b></p>
	Wainhomes (South West) Holdings Ltd (40) ( <i>Emery Planning</i> )	PPG guidance states that s106 contributions should be scaled back under CIL. However, the consultation documents state that the Council intends for CIL to be but one of the mechanisms used to fund infrastructure to support growth.	<p>The CIL Regulations 2010 (as amended) restrict the use of s106 agreements in three ways. Firstly, by ensuring that there is no overlapping between what is funded by CIL and what is funded by section 106 agreements. Secondly, by enshrining in law the three tests on the use of planning obligations from the National Planning Policy Framework (NPPF). Lastly, by limiting the pooling of planning obligations to no more than five per infrastructure project.</p> <p>However, the CIL Regulations 2010 (as amended) and the planning practice guidance (PPG) still envisage a role for section 106 agreements, which is to deliver directly related infrastructure. It is not and never has been the</p>



Topic	Consultee (Comment ID)	Comments	Officer responses/ proposed actions
			intention for CIL to completely replace s106 agreements.  <b>No action</b>
	Housebuilder Consortium Group (45) (Savills)	<p>The Draft Revised CIL Regulation 123 List (as does the current adopted CIL Regulation 123 List) creates further uncertainty about the relationship between CIL and s106 and changes the basis upon which the viability of the CIL rates was tested at examination.</p> <p>With the submission draft CIL Regulation 123 List, it was assumed that CIL would cover the cost of all the infrastructure types. On this basis, the assumption of £1,000 per dwelling for residual s106 costs was not unreasonable.</p> <p>However, the Draft Revised CIL Regulation 123 List means that the entire infrastructure required to make a development acceptable in planning terms (apart from the limited number of projects on the CIL Regulation 123 List) must be delivered through s106 agreements. This represents a substantial shift from funding this infrastructure through CIL to instead funding through s106 agreements. Such a major change would clearly and demonstrably impact upon the outputs from the viability evidence and their interpretation into the appropriate CIL residential rates. When all the potential s106 contributions are totalled, the amount is likely to come to substantially more than £1000 per dwelling.</p>	<p>The purpose of identifying specific projects on the Draft Revised CIL Regulation 123 List is to provide further clarity on what Wiltshire Council may fund, in whole or in part, through CIL. Any infrastructure project that Wiltshire Council includes on its CIL Regulation 123 List, it cannot then request s106 contributions towards. Therefore, by revising its CIL Regulation 123 List in this way, Wiltshire Council is improving the openness and transparency of its approach to CIL and section 106 agreements and, thereby, eliminating any perception of 'double-dipping'.</p> <p>The CIL Viability Study (November 2013) recognises that larger developments are likely to face greater section 106 costs. It assumed a higher allowance of £15,000 per dwelling for residual section 106 costs for developments of 70 units and over. Furthermore, the viability study incorporated a substantial buffer between the maximum viable rates of CIL and the recommended rates of CIL for each development type/ location. Therefore, the Council does not consider that the proposed changes to the CIL Regulation 123 List will have a 'very significant impact' on the viability evidence that underpinned the CIL charging schedule at examination.</p> <p>In any case, the CIL Regulations 2010 (as amended) restrict the use of s106 agreements in</p>

Topic	Consultee (Comment ID)	Comments	Officer responses/ proposed actions
			<p>three ways. Firstly, by ensuring that there is no overlapping between what is funded by CIL and what is funded by section 106 agreements. Secondly, by enshrining in law the three tests on the use of planning obligations from the National Planning Policy Framework (NPPF). Lastly, by limiting the pooling of planning obligations to no more than five per infrastructure project.</p> <p><b>No action</b></p>
	<p>Salisbury Area Greenspace Partnership (16)</p> <p>Salisbury City Council (19)</p> <p>Laverstock and Ford Parish Council (50)</p>	<p>Lack of projects for Salisbury compared with similar settlements, such as Chippenham. Accept that some projects will have cross-boundary benefits. Accept many strategic sites around the city have planning permission and will be contributing through s106. However, many strategic sites are without planning permission, as well as many smaller sites coming forward, so CIL will be generated. For instance, which funding sources will deliver off-site green infrastructure connecting new developments with the city, surrounding communities and the countryside? Suspicion that CIL from development in Salisbury will be used to fund infrastructure elsewhere in the County. Suggest that CIL be distributed across the County broadly in proportion to the amount of CIL generated by development in those areas.</p>	<p>CIL is a mechanism that Wiltshire Council can use to fund strategic infrastructure across the County. Unlike with s106 agreements, CIL does not have to be spent in the area where the development takes place. It may be more appropriate for the Council to deliver some infrastructure by other means, such as through section 106 agreements. Other funding mechanisms could also be used, such as grant funding.</p> <p>However, the Draft Revised CIL Regulation 123 List does in fact identify several projects that could directly benefit the Salisbury area, including:</p> <ul style="list-style-type: none"> <li>• A36 Southampton Road upgrades</li> <li>• Trans Wilts train service and improvements (Westbury – Swindon)</li> <li>• New railway station in Wilton</li> <li>• Stone Curlew and Salisbury Plain Special Protection Area</li> <li>• Nutrient Management Plan – to address the</li> </ul>

Topic	Consultee (Comment ID)	Comments	Officer responses/ proposed actions
			<p>level of phosphate in the River Avon</p> <ul style="list-style-type: none"> <li>• New Forest Recreation Management Project</li> <li>• Provision of air quality monitoring infrastructure</li> <li>• Upgrades to the Five Rivers Health and Wellbeing Centre</li> <li>• Wiltshire Heritage Museum (archaeological storage)</li> <li>• Library provision</li> </ul> <p>Nevertheless, if further projects are identified for Salisbury that are suitable for CIL funding then they can be added to the Regulation 123 List at a later date.</p> <p>In addition, a percentage of CIL is ring-fenced for spending on local, community projects through the neighbourhood proportion of CIL. Parish councils receive 15% of CIL generated from development in their area, or 25% if there is an adopted neighbourhood plan in place.</p> <p><b>No action</b></p>
	Salisbury City Council (19)	Question why certain projects from the Infrastructure Delivery Plan have been selected and others excluded from the draft Revised CIL Regulation 123 List? For example, no mention of projects to provide additional secondary school places in Salisbury and Wilton among the eight education projects.	<p>The Infrastructure Delivery Plan (IDP) identifies infrastructure projects necessary to deliver planned growth in the adopted Wiltshire Core Strategy. Not all of these projects are intended to be funded through CIL.</p> <p>CIL is a mechanism that Wiltshire Council can use to fund strategic infrastructure across the County. Unlike with s106 agreements, CIL does not have to be spent in the area where the</p>

Topic	Consultee (Comment ID)	Comments	Officer responses/ proposed actions
			<p>development takes place. It may be more appropriate for the Council to deliver some infrastructure, including education projects, by other means, such as through section 106 agreements. Other funding mechanisms could also be used, such as grant funding.</p> <p>Nevertheless, if further education projects are identified for Salisbury that would be more appropriately delivered through CIL funding then they can be added to the Regulation 123 List at a later date.</p> <p><b>No action</b></p>
	Housebuilder Consortium Group (45) (Savills)	The Draft Revised CIL Regulation 123 List identifies a limited range of projects under each infrastructure type without a clear rationale for why these projects have been chosen and others omitted. For each type, apart from the projects identified, all the funding will have to come through s106 agreements. An explanation of the rationale behind these choices would be helpful.	<p>While certain projects have been prioritised over others, the omission of any given project from the proposed revised Regulation 123 List does not preclude it from being latterly included in any subsequent revision of the List.</p> <p><b>No action</b></p>
	Housebuilder Consortium Group (45) (Savills)	<p>The Draft Revised CIL Regulation 123 List is contrary to the PPG because:</p> <ul style="list-style-type: none"> <li>• CIL should be the primary mechanism for funding infrastructure, whereas s106 should only account for the site-specific impact of development (Reference ID: 25-094-20140612 and 25-097-20140612). The proposed changes fundamentally alter this balance, giving s106 a very wide remit.</li> </ul>	<p>CIL is a mechanism that Wiltshire Council can use to fund strategic infrastructure across the County. Unlike with s106 agreements, CIL does not have to be spent in the area where the development takes place. However, the CIL Regulations 2010 (as amended) and the planning practice guidance (PPG) still envisage a role for section 106 agreements, which is to deliver directly related infrastructure. It is not and never has been the intention for CIL to completely replace s106 agreements.</p>

Topic	Consultee (Comment ID)	Comments	Officer responses/ proposed actions
		<ul style="list-style-type: none"> <li>The CIL Regulation 123 List should be based upon the draft that the charging authority presented at the CIL examination (Reference ID: 25-096-20140612). The proposed changes depart further from the submission draft and, in so doing, undermine the judgement and conclusions of the CIL Examiner.</li> <li>Any changes to the CIL Regulation 123 List, in the absence of a review of the charging schedule, should not have a 'very significant impact' on the viability evidence underpinning the charging schedule (Reference ID: 25-098-20140612). However, removing a great deal of infrastructure from the remit of CIL is likely to increase the cost of s106 agreements above the £1000 per dwelling assumption in the viability assessment. If the Council wishes to pursue these proposed changes then it should do so as part of a review of the charging schedule.</li> </ul>	<p>Planning Policy Guidance (NPPG ID: 25-098-20140612) permits the revision of Regulation 123 Lists. Infrastructure items can properly be included or removed from the List without undermining the conclusions of the CIL examination provided that there is not a very significant impact on the evidence supporting examination of the charging schedule.</p> <p>The purpose of identifying specific projects on the Draft Revised CIL Regulation 123 List is to provide further clarity on what Wiltshire Council may fund, in whole or in part, through CIL. Any infrastructure project that Wiltshire Council includes on its CIL Regulation 123 List, it cannot then request s106 contributions towards. Therefore, by revising its CIL Regulation 123 List in this way, Wiltshire Council is improving the openness and transparency of its approach to CIL and section 106 agreements and, thereby, eliminating any perception of 'double-dipping'.</p> <p>The CIL Viability Study (November 2013) recognises that larger developments are likely to face greater section 106 costs. It assumed a higher allowance of £15,000 per dwelling for residual section 106 costs for developments of 70 units and over. Furthermore, the viability study incorporated a substantial buffer between the maximum viable rates of CIL and the recommended rates of CIL for each development type/ location. Therefore, the Council does not consider that the proposed changes to the CIL Regulation 123 List will have a 'very significant</p>

Topic	Consultee (Comment ID)	Comments	Officer responses/ proposed actions
			<p>impact' on the viability evidence that underpinned the CIL charging schedule at examination.</p> <p><b>No action</b></p>
	Housebuilder Consortium Group (45) (Savills)	<p>The Council should reintroduce the submission draft CIL Regulation 123 List, which provided clarity about the relationship between CIL and s106. This would retain the link with the viability evidence supporting the examination of the charging schedule.</p>	<p>The link with the viability evidence is retained and Planning Policy Guidance (NPPG ID: 25-098-20140612) requires review of the charging schedule only where there is a very significant impact on the evidence supporting examination of the charging schedule.</p> <p>The purpose of identifying specific projects on the Draft Revised CIL Regulation 123 List is to provide further clarity on what Wiltshire Council may fund, in whole or in part, through CIL. Any infrastructure project that Wiltshire Council includes on its CIL Regulation 123 List, it cannot then request s106 contributions towards. Therefore, by revising its CIL Regulation 123 List in this way, Wiltshire Council is improving the openness and transparency of its approach to CIL and section 106 agreements and, thereby, eliminating any perception of 'double-dipping'.</p> <p>In simple terms, if an infrastructure project is on the Regulation 123 List then it cannot also be funded through section 106 agreements.</p> <p><b>No action</b></p>
	Redrow Homes (39) (Nathaniel Litchfield)	<p>Support removal of several caveats from Table 1 in the current adopted CIL Regulation 123 List.</p>	<p>Support noted.</p> <p><b>No action</b></p>

Topic	Consultee (Comment ID)	Comments	Officer responses/ proposed actions
	Chippenham Town Council (7)	Publishing a list of infrastructure projects for proposed strategic sites in Chippenham prior to the approval of the Chippenham Site Allocations Plan is premature and might prejudice the plan process and future planning applications.	The IDP reflects the latest available information and is periodically updated. The Plan takes priority.  <b>No action</b>
	Chippenham Town Council (7)	Parish councils reserve the right to add to the CIL Regulation 123 List	The Council welcomes input from parish councils and will periodically review the Regulation 123 List, when comments can be made. How and when the List is updated will be a matter for Wiltshire Council as Charging Authority.  Parish Councils have complete control over how they spend their proportion of CIL, as long as it is in line with the CIL Regulations 2010 (as amended).  <b>No action</b>
	Chippenham Town Council (7)	There should be improved communications with the local council, local members and the community regarding the content of the CIL Regulation 123 List. Parish councils wish to be involved in any future discussions, consultations and workshops.	Comment noted. The Council will continue to look for ways by which it can improve communications with the community, parish councils and other interested parties.  <b>No action</b>
	Persimmon Homes Wessex (52)	Generally support the Council's proposed changes to the CIL Regulation 123 List. The Council has used the existing list of infrastructure types as a basis for the draft Revised CIL Regulation 123 List. This should provide greater clarity for projects to be funded through CIL and, those, by implication to be delivered by other sources. Helpful for landowners and developers	Supported noted.  <b>No action</b>

Topic	Consultee (Comment ID)	Comments	Officer responses/ proposed actions
		on what will be funded through CIL. Greater certainty will enable a more efficient and effective framework for discussing planning obligations. Identifying specific projects allows more comprehensive and transparent understanding of the Council's approach to delivering strategic infrastructure and is of benefit to the general public and key stakeholders.	
	Persimmon Homes Wessex (52)	Reconsider whether appropriate to remove infrastructure projects previously identified on the Regulation 123 List, e.g. strategic flood and drainage, strategic green infrastructure and public realm improvements.	The previous Regulation 123 List did not include specific projects. Logically, therefore, no specific projects have been removed. However, if specific projects that would fall under the categories of strategic flood and drainage, green infrastructure and public realm improvements are identified then they could be added to the Regulation 123 List at a later date.  <b>No action</b>
	Persimmon Homes Wessex (52)	Reference should be made to the neighbourhood portion of CIL passed on to parish councils.	Unsure what this would achieve.  Parish Councils do not have to spend their proportion of CIL on projects identified on the Regulation 123 List. They are free to set their own priorities, as long as they are in line with the CIL Regulations 2010 (as amended).  <b>No action</b>
	Shaftesbury Town Council (38)	Development on a county boundary would have strategic infrastructure implications for the town (Shaftesbury) and request that this is given due consideration in terms of CIL.	Noted. If strategic infrastructure projects are identified in the future that would have cross-boundary benefits then they could be added to the Regulation 123 List at a later date.



Topic	Consultee (Comment ID)	Comments	Officer responses/ proposed actions
			<b>No action</b>
	Shrewton Parish Council (17)	Parish councils should have the freedom to decide how CIL is spent. CIL should be spent on whatever community facilities are required. Planners should liaise with parish councils to ensure that CIL is best used locally, not like s106/R2 that was spent on leisure facilities whether there was a need or not.	<p>The Council welcomes input from parish councils on the development of the Regulation 123 List. However, Wiltshire Council will need to determine how spending the strategic proportion of CIL on individual projects on the Regulation 123 List can be best prioritised to support the delivery of growth.</p> <p>Parish Councils have complete control over how they spend their proportion of CIL, as long as it is in line with the CIL Regulations 2010 (as amended).</p> <p><b>No action</b></p>
	Bradford on Avon Town Council (14)	Request advice on how identification of local infrastructure needs through neighbourhood plan could feed into planning process.	<p>It was suggested during the series of CIL workshops during the consultation period that parish councils might wish to draw up their own list of infrastructure priorities, in effect a mini-IDP, as part of their neighbourhood planning process. They could then use this as a basis for prioritising the spending of their proportion of CIL.</p> <p><b>No action</b></p>
	Bradford on Avon Town Council (14)  Natural England (41)  The Canal & River Trust	General support for proposals.	<p>Support noted.</p> <p><b>No action</b></p>

Topic	Consultee (Comment ID)	Comments	Officer responses/ proposed actions
	(42)		
	Health & Safety Executive (1) Vale of White Horse District Council (2) CLH Pipelines Systems Ltd (3) Southern Water (13)	No comments.	Noted. <b>No action</b>
<b>Education</b>	Westbury Town Council (5)	Add "upgrade and expansion of Matravers Secondary School" to the Regulation 123 List	Matravers Secondary School currently has some surplus places but is forecast to be full by 2021. Additional capacity will therefore be required.  CIL is only one of the available mechanisms to fund infrastructure. Depending upon the circumstances, it may be more appropriate to deliver some expansions to secondary schools through other funding sources, such as section 106 agreements or grant funding.  It is possible to add projects to the Regulation 123 List at a later date, when further details become available.  <b>No action</b>
	St Michael's Preschool (18) Ros Huggins (25)	Add "extension/ purpose built building for St Michael's Preschool" (currently using Hilperon village hall) to the Regulation 123 List	CIL is only one of the available mechanisms to fund infrastructure. As a local need, a pre-school building may be more appropriately delivered through other funding sources, such as section

Topic	Consultee (Comment ID)	Comments	Officer responses/ proposed actions
	Lucie OLeary (26) Cara King (53) Cllr Ernie Clark (86)		106 agreements, or the neighbourhood proportion of CIL that is passed to parish councils for them to spend on anything that supports development in their area.  <b>No action</b>
	Downton Parish Council (51)	Extension to Trafalgar Secondary School is on the Draft Revised CIL Regulation 123 List and marked as 'essential' in the IDP. Downton Parish Council informed during consultation on the Downton Neighbourhood Plan that the school already has the capacity to provide for up to 750 children and, therefore, is not a priority for an extension.	While Trafalgar Secondary School has just been expanded to cater for housing already completed, further expansion may be necessary to cater for future development.  <b>No action</b>
	Redrow Homes (39) (Nathaniel Litchfield)	Support removal of the caveat in the adopted CIL Regulation 123 List; "The provision, improvement, replacement, operation or maintenance of new and existing public education facilities (excluding sites, which will be secured through s106), except where the requirement can be attributed to five or fewer developments"	Support noted.  <b>No action</b>
	Persimmon Homes Wessex (52)	Unclear why some secondary school education projects have been included on the Draft Revised CIL Regulation 123 List and not others. Suggest the Council consider including all secondary school expansions identified in the IDP (unless there is already funding in place to deliver these projects).	CIL is only one of the available mechanisms to fund infrastructure. Depending upon the individual circumstances, it may be more appropriate to deliver some expansions to secondary schools through other funding sources, such as section 106 agreements.  However, further identified expansions to secondary schools could be added to the

Topic	Consultee (Comment ID)	Comments	Officer responses/ proposed actions
			Regulation 123 List at a later date.  <b>No action</b>
	Persimmon Homes Wessex (52)	No explanation/ evidence to justify different approach to primary and secondary school projects on the Draft Revised CIL Regulation 123 List. No primary school projects included. Relatively high remaining housing requirement in many rural areas across Wiltshire means that it is likely that the cumulative impact of development may require expansion of village primary schools. Accept it might be difficult to establish precisely which village primary schools would be required to expand but the Regulation 123 List should have some flexibility for primary education to be supported by CIL. Request retention of existing reference to education in adopted Regulation 123 List, "cumulative impact of development upon nursery, primary, special and secondary school provision" should be delivered through CIL".	CIL is only one of the available mechanisms to fund infrastructure. It may be more appropriate to deliver some primary school projects through other funding sources, such as section 106 agreements.  However, if expansions to specific rural primary school are identified in the future then they could be added to the Regulation 123 List at a later date.  <b>No action</b>
	Redrow Homes (39) (Nathaniel Litchfield )	Unclear whether CIL or s106 will pay for education in Warminster. No projects identified in the draft Revised CIL Regulation 123 List (out of 8), nor in the draft Revised Planning Obligations SPD (out of 9). However, the draft Updated IDP identified four education schemes in Warminster, including new primary school and site (for strategic site) and extensions to town schools.  Impacts on the evidence base tested at the CIL examination. Creates uncertainty for developer in terms of reviewing land values and scheme viability. Education department seeking s106	CIL is only one of the available mechanisms to fund infrastructure. It may be more appropriate to deliver some education projects through other funding sources, such as section 106 agreements. In simple terms, if an education project is on the Regulation 123 List then Wiltshire Council cannot seek s106 contributions towards this project.  It is not and never has been the intention for CIL to completely replace s106 agreements. The CIL Regulations 2010 (as amended) and the planning practice guidance (PPG) still envisage a role for

Topic	Consultee (Comment ID)	Comments	Officer responses/ proposed actions
		contributions towards primary and secondary education. However, education should be sought through CIL. PPG and CIL Regulations make it clear that, under CIL, s106 should be scaled back and focused on site-specific mitigation. CIL should address the broader impacts of development. Education is clearly a broader impact of development.	section 106 agreements, which is to deliver directly related infrastructure.  <b>No action</b>
<b>Sustainable transport</b>	Amesbury Town Council (54)	Add "Completion of the link road from Solstice Park to Stockport Avenue" to the Regulation 123 List for Amesbury	Potential scheme to be directly delivered by the developer of the site.  <b>No action</b>
	Chippenham Town Council (7)	Add "Improvements to traffic management access and exit into Bumpers Farm, Chippenham (as part of the A350 Chippenham Bypass Improvements Bumpers Farm project)" to the Regulation 123 List for Chippenham	This suggestion will be further considered as part of the Chippenham Transport Strategy refresh later in 2016. However, the A350 Chippenham Bypass Improvements (Bumpers Farm) scheme was opened in February 2016. It is one of two transport schemes on the Draft Revised CIL Regulation 123 List that have since been completed and, therefore, will be removed from the Revised List.  <b>Proposed action R123 1</b>  Remove "A350 Chippenham Bypass Improvements (Bumpers Farm)" from the Regulation 123 List.  <b>and,</b>  <b>Proposed Action R123 2</b>  Remove "A429 Malmesbury Access

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			Improvements (junction improvements at B4014 Tetbury Road/ Tetbury Hill and B4014 Filands/ A429 Crudwell Road)" from the Regulation 123 List
	Chippenham Town Council (7)	Add "Mobility, disabled and pedestrian access improvements to the Town centre" to the Regulation 123 List for Chippenham	<p>Mobility and disabled improvements will be considered as an integral part of the design of any pedestrian access schemes in the town centre. Therefore, a specific entry relating to this issue is not required.</p> <p>The Town Council may wish to consider whether the CIL they receive from new development could help address this issue.</p> <p><b>No action</b></p>
	Chippenham Town Council (7)	Add "Mobility/disabled access improvements (add to Frogwell, Bumpers Farm and Cepen Park North pedestrian/cycle scheme bullet points)" to the Regulation 123 List for Chippenham	<p>Mobility and disabled improvements will be considered as an integral part of the design of any pedestrian access schemes in the town centre. Therefore, a specific entry relating to this issue is not required.</p> <p>The Town Council may wish to consider whether the CIL they receive from new development could help address this issue.</p> <p><b>No action</b></p>
	Chippenham Town Council (7)	Add "Lighting and pedestrian improvements from Hill Corner Road to Greenway Lane" to the Regulation 123 List for Chippenham	<p>This suggestion will be considered as part of the Chippenham Transport Strategy refresh later in 2016.</p> <p>Potential funding options will be considered at</p>

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			that time. <b>No action</b>
	Cllr Chris Caswill (43)	Add "Chippenham Railway Station redevelopment to include third lift on north side of the footbridge for improved access over the railway and link to Olympiad, College and town centre, mitigate congestion on Station Road, Cocklebury Road and other roads leading to the station entrance from the south" to the Regulation 123 List for Chippenham	A third lift is being considered as part of the Langley Park development, with S106 developer contributions specifically sought towards this proposal. <b>No action</b>
	Downton Parish Council (51)	Add "Pedestrian/ cycling paths/ links between the west and east end of the village, including a bridge over the River Avon" to the Regulation 123 List for Downton	Given Downton's function and status in the Wiltshire Core Strategy, no transport measures have been included in the Infrastructure Delivery Plan.  Pedestrian and cycling improvements will primarily be considered as and when development proposals come forward. <b>No action</b>
	Downton Parish Council (51)	Add "Compulsory purchase of land behind the White Horse Inn (owned by Enterprise Inns) to allow for additional car parking in the village" to the Regulation 123 List for Downton	This is not considered appropriate for inclusion in the CIL Regulation 123 List.  The Parish Council may wish to consider whether the CIL they receive from new development could help address this issue. <b>No action</b>
	Marlborough Town	Add "improve pavements in Marlborough High	This issue is likely to be addressed as part of the

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	Council (55)	Street” to the Regulation 123 List for Marlborough	<p>Council’s normal highways maintenance programme.</p> <p>The Town Council may wish to consider whether the CIL they receive from new development could help address this issue.</p> <p><b>No action</b></p>
	Marlborough Town Council (55)	Add “improve public footpaths/rights of way in Marlborough” to the Regulation 123 List for Marlborough	<p>This issue is likely to be addressed as part of the Council’s normal highways maintenance programme.</p> <p>The Town Council may wish to consider whether the CIL they receive from new development could help address this issue.</p> <p><b>No action</b></p>
	Melksham Town Council (8)	Add “Extension of current eastern by-pass north-west towards Beanacre” to the Regulation 123 List for Melksham	<p>The A350 Melksham Bypass project was submitted by the Swindon and Wiltshire LEP to the DfT’s Local Transport Majors Fund with the aim of securing funding to develop an outline business case for the scheme.</p> <p>This may inform a future update to the Infrastructure Delivery Plan (IDP), with view to potential inclusion on the Regulation 123 List.</p> <p><b>No action</b></p>
	Salisbury Area Greenspace Partnership (16)	Add “Improved links to Salisbury Railway Station” to the Regulation 123 List for Salisbury	<p>This is already part of the Salisbury Transport Strategy and will be further considered as part of the Strategy refresh later in 2016.</p>



Topic	Consultee (Comment ID)	Comments	Officer responses/ proposed actions
			<p>This may inform a future update to the Infrastructure Delivery Plan (IDP), with view to potential inclusion on the Regulation 123 List.</p> <p><b>No action</b></p>
	Salisbury Area Greenspace Partnership (16)	Add "Extension to Harnham Road cycleway" to the Regulation 123 List for Salisbury	<p>This will be considered as part of the Salisbury Transport Strategy refresh later in 2016.</p> <p>Potential funding options will be considered at that time.</p> <p><b>No action</b></p>
	Salisbury Area Greenspace Partnership (16)	Add "Upgrading of rights of way, e.g. Broken Bridges footpath and other links between urban areas and surrounding countryside" to the Regulation 123 List for Salisbury	<p>Broken Bridges is already a key cycle link in the Salisbury Transport Strategy and along with other pedestrian links will be further considered as part of the Strategy refresh later in 2016.</p> <p>This may inform a future update to the Infrastructure Delivery Plan (IDP), with view to potential inclusion on the Regulation 123 List.</p> <p><b>No action</b></p>
	Laverstock and Ford Parish Council (50)	Add "Commuter railway station in Laverstock, modelled on proposed Wilton Railway Station project" to the Regulation 123 List for Salisbury	<p>This proposal has not been shortlisted by the Swindon and Wiltshire Local Enterprise Partnership and does not currently form part of the Salisbury Transport Strategy. It will, however, be considered as part of the Strategy refresh later in 2016.</p> <p>Potential funding options will be considered at</p>

Topic	Consultee (Comment ID)	Comments	Officer responses/ proposed actions
			that time. <b>No action</b>
	Cllr Trevor Carbin (20)	Add “study of the impact of increasing development on the capacity of the length of the B3105 through Staverton village from the canal bridge to the Causeway” to the project about increasing capacity at B3105 Staverton Bridge, Trowbridge	The scope for the Staverton Options Review does consider the impacts of traffic in Staverton village and therefore this suggestion is already covered. <b>No action</b>
	Westbury Town Council (5)	Add “Traffic relief on the A350 through the town” to the Regulation 123 List for Westbury	Measures to address the impacts of A350 traffic on Westbury are being considered by the Westbury Air Quality Group in the development of a community air quality action plan and would be included in any future proposals to improve the A350 at Westbury which may be taken forward by the Swindon & Wiltshire Local Enterprise Partnership.  This may inform a future update to the Infrastructure Delivery Plan (IDP), with view to potential inclusion on the Regulation 123 List. <b>No action</b>
	Westbury Town Council (5)	Add “Extension of the Trans Wilts railway service to Salisbury” to the Regulation 123 List for Westbury	Agreed in principle. This project is not identified in the current IDP. Further work needs to be undertaken. However, this may inform a future update to the Infrastructure Delivery Plan (IDP), with view to potential inclusion on the Regulation 123 List. <b>No action</b>

Topic	Consultee (Comment ID)	Comments	Officer responses/ proposed actions
	Highways England (34)	Highways England support inclusion of M4 Junction 17 part-signalisation scheme on the Regulation 123 List	Support noted.  <b>No action</b>
	Highways England (34)	Highways England concerned about the inclusion of "A36 Southampton Road upgrades (inc. road widening, increasing roundabout capacity and bus priority lanes)" on the Regulation 123 List. Too broad and potentially prohibitive to securing improvement schemes necessary for development in this location by means other than CIL, i.e. s106 and s278 agreements. Location of further growth in Salisbury is unknown at this time and, thus, where the transport pressures will be and what mitigation measures may be required. Await publication of Wiltshire Housing Site Allocations Plan and finalisation of the Salisbury Transport Strategy.	Agreed. It is likely that specific schemes will either come through the review of the Salisbury Transport Strategy or work between the Council and Highways England.  <b>Proposed action R123 3</b>  Remove "A36 Southampton Road upgrades (inc. road widening, increasing roundabout capacity and bus priority lanes)" from the Regulation 123 List.
	Wainhomes (South West) Holdings Ltd (40) ( <i>Emery Planning</i> )	<p>Planning obligation is being sought for improvements and widening of the pedestrian and cycle path along the western side of the railway line that accesses the White Horse Business Park. This would provide a link from the town centre to the business park. Proposed site would access route from Drynham Lane (and Wainhomes support the planned improvements).</p> <p>However, four schemes for improvements to cycle and pedestrian paths are included on the R123 List specifically to be funded through CIL and not by site-specific planning obligations. Should the improvement of the pedestrian and</p>	<p>If the improvement of the pedestrian and cycle path is directly related to an individual development then it may be more appropriate for contributions to be sought through section 106 agreements.</p> <p><b>No action</b></p>

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		cycle path (for which a planning obligations is being sought from this development) come under CIL and not planning obligations as it is part of the wider pedestrian and cycle network for Trowbridge?	
	Laverstock and Ford Parish Council (50)	Support inclusion of "A36 Southampton Road upgrades (inc. road widening, increasing roundabout capacity and bus priority lanes)" on the Regulation 123 List.	Comment noted. However, it is now proposed to remove this project. <b>No action</b>
	Highways England (34)	Highways England concerned that the instalments policy might lead to funding shortfalls for transport schemes on the Regulation 123 List. They usually recommend a Grampian condition such that any necessary mitigation should be in place prior to severe impact, i.e. occupation. Highways England recommend Council publish an indicative forward profile of future spend to inform future review of the Regulation 123 List.	The Council is mindful of the time that CIL from development will take to accrue and will seek to plan ahead accordingly. <b>No action</b>
	Gleeson Developments Ltd (46) (Terence O'Rourke)	List of transport schemes should be amended to include those in the transport assessment submitted by Gleeson Developments Ltd (November 2015), in support of the development of 200 houses at Forest Farm, Chippenham and the cumulative impact of this development alongside the other strategic development sites around Chippenham.  The Chippenham Site Allocations Plan is yet to be found sound and alternative/ additional sites may be identified. The Regulation 123 List should be based upon an up to date evidence base and	Those projects address the cumulative impact of development in Chippenham. Site-specific infrastructure will be delivered through s106 contributions from individual developments.  The IDP is updated periodically and will take into account the latest available information at that time.  <b>No action</b>

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		the IDP only refers to the three strategic sites identified in the Plan.	
	Persimmon Homes Wessex (52)	<p>Suggest that, given the large number of transport projects on the Regulation 123 List, the Council should identify those that will be prioritised.</p> <p>Some projects listed in the IDP to be funded by CIL are not included on the Regulation 123 List. Recommend that A350 Yarnbrook/ West Ashton Road be included.</p>	<p>The Regulation 123 List includes infrastructure projects that the Council may fund, in whole or in part, through CIL. The Council is working towards a prioritisation system for the allocation of CIL funds.</p> <p>Funding towards the A350 Yarnbrook/ West Ashton Road project has already been secured through the Local Enterprise Partnership (LEP).</p> <p><b>No action</b></p>
<b>Open space, green infrastructure and the environment</b>	Cotswolds Canal Trust (32)	Add "Canal restoration projects" (generally) to the Regulation 123 List	<p>CIL is only one of the mechanisms used to fund infrastructure. It may be more appropriate to fund some canal restoration projects through other funding sources, such as section 106 agreements or grant funding.</p> <p>However, if a canal restoration project is identified that could benefit from CIL funding then it could be added to the Regulation 123 List at a later date.</p> <p><b>No action</b></p>
	Chippenham Town Council (7)	Chippenham Hydro Plant not a priority	<p>Noted</p> <p>The Council will consider the relative priority of infrastructure projects on the Regulation 123 List when it comes to prioritising and allocating CIL funding.</p>

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			<b>No action</b>
	Chippenham Town Council (7)	Add "Extension to existing cemetery in Chippenham" to the Regulation 123 List for capacity reasons	<p>Cemeteries included in the IDP and on the Regulation 123 List are those for which the Council has responsibility and has identified as a priority. If further cemeteries are identified as a priority for extension then they could be added in a future review of these documents.</p> <p>A proportion of CIL is ring-fenced for local community projects. This is passed to town and parish councils for them to spend on anything that supports development in their area. If extending the cemetery in Chippenham is a priority for the town council, which has responsibility for this service, then it is possible to direct the CIL it receives from development towards this project.</p> <p><b>No action</b></p>
	Chippenham Town Council (7)	Add "Enhancements to indoor and/or outdoor sports and recreational facilities at Stanley Park" to the Regulation 123 List for Chippenham	<p>A proportion of CIL is ring-fenced for local community projects. This is passed to town and parish councils for them to spend on anything that supports development in their area. If enhancements to the facilities at Stanley Park are a priority for the town council, which has responsibility for this service, then it may wish to consider spending its proportion of CIL on this project.</p> <p><b>No action</b></p>

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	Chippenham Chamber of Commerce (27)	Add "Improvements to town centre and riverside public realm (IDP ref CHI035) to include improvements to the high street" to the Regulation 123 List for Chippenham	<p>In addition to other potential funding sources, such as section 106 agreements and grant funding, a proportion of CIL is ring-fenced for local community projects. The latter is passed to town and parish councils for them to spend on anything that supports development in their area. If improvements to the public realm in the town centre, high street and riverside area are a priority for the town, then it may be worth discussing with the town council whether they wish to consider spending their proportion of CIL and any funds they receive from other sources on public realm projects.</p> <p><b>No action</b></p>
	Downton Parish Council (51)	Add "Air quality monitoring on A338 and mitigation measures" to the Regulation 123 List for Downton	<p>Air quality monitoring is already on the Regulation 123 List.</p> <p><b>No action</b></p>
	Marlborough Town Council (55)	Add "expansion of cemetery in Marlborough" to the Regulation 123 List	<p>Cemeteries included in the IDP and on the Regulation 123 List are those for which the Council has responsibility and has identified as a priority. If further cemeteries are identified as a priority for extension then they could be added in a future review of these documents.</p> <p>A proportion of CIL is ring-fenced for local community projects. This is passed to town and parish councils for them to spend on anything that supports development in their area. If extending the cemetery in Marlborough is a priority for the town council, which has responsibility for this service, then it is possible to</p>

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			direct the CIL it receives from development towards this project.  <b>No action</b>
	Marlborough Town Council (55)	Add "action to reduce pollution and improve air quality in Marlborough and the de-priming of the A346" to the Regulation 123 List	Air quality monitoring is already on the Regulation 123 List.  <b>No action</b>
	Southwick Parish Council (15)	Add "Southwick Country Park" to the Regulation 123 List for Trowbridge	CIL is only one of the mechanisms used to fund infrastructure.  A proportion of CIL is ring-fenced for local community projects. This is passed to town and parish councils for them to spend on anything that supports development in their area. If Southwick Country Park is a priority for the parish council then it may wish to consider spending its proportion of CIL on this project.  <b>No action</b>
	Salisbury Area Greenspace Strategy (16)	Add "Digital greenspace asset mapping tool" to the Regulation 123 List	This is not 'infrastructure' and so cannot be added to the Regulation 123 List.  <b>No action</b>
	Westbury Town Council (5)	Add "Redevelopment of the high street and rotunda area" to the Regulation 123 List for Westbury	In addition to other potential funding sources, such as section 106 agreements and grant funding, a proportion of CIL is ring-fenced for local community projects. The latter is passed to town and parish councils for them to spend on anything that supports development in their area.



Topic	Consultee (Comment ID)	Comments	Officer responses/ proposed actions
			<p>If improvements to the public realm in the town centre are a priority for the town council, then it may wish to consider spending its proportion of CIL and any funds they receive from other sources on public realm projects.</p> <p><b>No action</b></p>
	<p>Salisbury Area Greenspace Partnership (16)</p> <p>Laverstock and Ford Parish Council (50)</p>	<p>Support provision of air quality monitoring infrastructure</p>	<p>Support noted.</p> <p><b>No action</b></p>
	<p>Laverstock and Ford Parish Council (50)</p>	<p>Support inclusion of the Stone Curlew and Salisbury Plain Special Protection Area, Nutrient Management Plan and the New Forest Recreation Management Project</p>	<p>Support noted.</p> <p><b>No action</b></p>
	<p>Environment Agency (11)</p>	<p>Environment Agency concerned that flood risk infrastructure is not included on the Regulation 123 List but mentioned in the SPD and IDP. Accept that it may be included in future updates to the Regulation 123 List and IDP. However, Council may be reliant upon developers to fund and deliver these schemes identified in the IDP. Accept that some strategic sites will require these measures and the Council intends for developers to fund and deliver these schemes.</p>	<p>As the comments from the Environment Agency recognise, CIL is only one of the available mechanisms to fund infrastructure.</p> <p>Currently, no specific strategic flood risk projects have been identified. However, if any such projects that would be eligible for CIL funding are identified then they could be added to the Regulation 123 List at a later date.</p> <p><b>No action</b></p>
	<p>Malmesbury Civic Trust (9)</p>	<p>Question why CIL is not being used to safeguard the historic environment and public realm? The</p>	<p>CIL is only one of the available mechanisms to fund infrastructure.</p>

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	Historic England (44)	<p>current adopted CIL Regulation 123 List (and adopted Planning Obligations SPD) includes the historic environment and public realm. Substantial economic and tourism benefits and development places pressure on the built environment and street-scene.</p> <p>Historic England concerned that the only reference to the historic environment in the Regulation 123 List appears to be the archaeological storage at the Wiltshire Heritage Museum. Reduces potential means to deliver the heritage strategy, Core Strategy objective and policies 57, 58 and 59.</p>	<p>As the comments from Historic England recognise, there is already an historic environment project included on the Regulation 123 List (the archaeological storage at the Wiltshire Heritage Museum). However, if any other historic environment projects that would be eligible for CIL funding are identified then they could be added to the Regulation 123 List at a later date.</p> <p><b>No action</b></p>
Community and cultural	Amesbury Town Council (54)	Add "Contribution towards storage facilities at Amesbury History Centre" to the Regulation 123 List	<p>Wiltshire Council is already the primary funder of VisitWiltshire, which runs the Amesbury History Centre.</p> <p><b>No action</b></p>
	Amesbury Town Council (54)	Add "New pavilion at Bonnymead Park and sports facilities" to the Regulation 123 List for Amesbury	<p>A proportion of CIL is ring-fenced for local community projects. This is passed to town and parish councils for them to spend on anything that supports development in their area. If new facilities for Bonnymead Park are a priority for the town council, which has responsibility for this service, then it may wish to consider spending its proportion of CIL on this project.</p> <p><b>No action</b></p>
	Chippenham Town Council (7)	Add "Need/ Library community space and cultural enhancements (phase 3)" to the Regulation 123	<p>A proportion of CIL is ring-fenced for local community projects. This is passed to town and</p>

Topic	Consultee (Comment ID)	Comments	Officer responses/ proposed actions
		List for Chippenham	<p>parish councils for them to spend on anything that supports development in their area. If new facilities for the Neeld Hall are a priority for the town council, which has responsibility for this service, then it may wish to consider spending its proportion of CIL on this project.</p> <p><b>No action</b></p>
	Chippenham Town Council (7)	Add "Museum & Heritage Centre additional storage provision" to the Regulation 123 List for Chippenham	<p>A proportion of CIL is ring-fenced for local community projects. This is passed to town and parish councils for them to spend on anything that supports development in their area. If new facilities for the Museum and Heritage Centre are a priority for the town council, which has responsibility for this service, then it may wish to consider spending its proportion of CIL on this project.</p> <p><b>No action</b></p>
	Chippenham Town Council (7)	Add "Museum & Heritage Centre glazed extension to building (new atrium) forming exhibition/community space" to the Regulation 123 List for Chippenham	<p>A proportion of CIL is ring-fenced for local community projects. This is passed to town and parish councils for them to spend on anything that supports development in their area. If new facilities for the Museum and Heritage Centre are a priority for the town council, which has responsibility for this service, then it may wish to consider spending its proportion of CIL on this project.</p> <p><b>No action</b></p>
	Chippenham Town	Add "Chippenham Bath Road and Bridge Centre	Library provision is already on the Regulation 123

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	Council (7)	site – community facilities led development to potentially include a cinema, library, community campus facilities, cycle parking and public conveniences/ baby changing facilities” to the Regulation 123 List for Chippenham	List. A cinema would be a development-led project and not appropriate for CIL funding. The other facilities mentioned could be considered for delivery as part of the regeneration scheme for the Chippenham Bath Road and Bridge Centre site. This redevelopment of this site is supported by Core Policy 9 <i>Chippenham Central Areas of Opportunity</i> of the adopted Wiltshire Core Strategy.  <b>No action</b>
	Cllr Chris Caswill (43)	Add extra projects to the Olympiad Sports Centre in Chippenham (already on the Regulation 123 List but limited projects identified in the IDP), to include new swimming pool, better provision for gymnastics, more halls, courts, studios and sports gym facilities, improved leisure and relaxation facilities (i.e. sauna, steam room etc.), social facilities (e.g. sports club type café or bar) and complete refurbishment and redecoration of existing halls, studios and courts	Upgrades to sport and recreation facilities within the Olympiad, Chippenham are already included on the Regulation 123 List.  If further specific projects are identified for this facility then they could be added to the Infrastructure Delivery Plan in subsequent updates.  <b>No action</b>
	Marlborough Town Council (55)	Add “Marlborough Youth Centre” to the Regulation 123 List for Marlborough	A long term solution is currently being looked at for the Wiltshire Council owned Marlborough Youth Centre building. Therefore, it would be premature to consider this project for CIL funding until the situation is resolved.  <b>No action</b>
	Westbury Town Council (5)	Add “Conversion of old youth centre into a community facility (to be shared with schools and the Westbury Shed)” to the Regulation 123 List	A proportion of CIL is ring-fenced for local community projects. This is passed to town and parish councils for them to spend on anything

Topic	Consultee (Comment ID)	Comments	Officer responses/ proposed actions
		for Westbury	that supports development in their area. If new community facilities are a priority for the town council, then it may wish to consider spending its proportion of CIL on this project.  <b>No action</b>
	Sports England (6)	Sports England support the Regulation 123 List and hope that when the playing pitch strategy is adopted later this year some of the priority projects will be included	Support noted.  <b>No action</b>
	Laverstock and Ford Parish Council (50)	Support inclusion of library facilities	Support noted.  <b>No action</b>
	Wiltshire Scullers School (56)	Wiltshire Scullers School object to the projects it has previously submitted as part of the IDP process being excluded from the Regulation 123 List and removed from the draft Updated IDP. These projects are too large to be considered at the parish level.	The draft Updated Infrastructure Delivery Plan (IDP) focusses on strategic infrastructure projects that will support planned growth across the County (or identified strategic sites as set out in the Core Strategy and subsequent plans).  There are considerable demands on CIL funds. The cost of funding infrastructure identified in the IDP far exceeds the expected level of income from CIL over the Plan period. There is a whole range of infrastructure, including transport, education, open space and community facilities, that will have wider benefits across the County. This added to the fact that CIL funds will take some time to accrue, leads to the inevitable conclusion that it is not realistic, or appropriate, to expect development to fund, through CIL, the provision of rowing school facilities. Therefore,

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			<p>Wiltshire Scullers School might wish to consider other funding sources, such as grant funding, to achieve its aims.</p> <p><b>No action</b></p>
<b>Health and social care</b>	Downton Parish Council (51)	Include expansion of Downton GP practice on the Regulation 123 List. Practice willing to expand but current site has very little room for expansion.	<p>CIL is only one of the available mechanisms to fund infrastructure. It may be more appropriate to deliver expansion of individual GP practices by other means, such as section 106 agreements or funded directly by health organisations, such as NHS England or individual GP practices.</p> <p>However, if specific infrastructure projects are identified that would be eligible for CIL funding then they could be added to the Regulation 123 List at a later date.</p> <p><b>No action</b></p>
	Persimmon Homes Wessex (52)	Question removal of healthcare facilities from current adopted Regulation 123 List. The Core Strategy and the draft updated IDP identifies 'essential' need for new/ improved primary healthcare facilities across the County. However, only expansion of Chippenham hospital is identified on the Regulation 123 List. Lack of clarity as to whether these projects are required and, if so, how they will be delivered. Consult with health organisations and include allowance for health and social care requirements of cumulative development to be delivered through CIL.	<p>The Council proposed changes to the Regulation 123 List to provide clarity over the specific infrastructure projects that it intends may be funded, in whole or in part, through CIL. Where a specific healthcare facility has been identified that is eligible for CIL funding, such as in Chippenham, it has been added to the Regulation 123 List. While the IDP identifies a need for healthcare facilities across the County based upon discussions with health organisations, including NHS England and the Wiltshire CCG, details about specific solutions are still under discussion. The prioritisation of healthcare facilities as 'essential' reflects the classification under Core Policy 3 of the adopted Wiltshire Core</p>

Topic	Consultee (Comment ID)	Comments	Officer responses/ proposed actions
			<p>Strategy. However, if specific infrastructure projects are identified that would be eligible for CIL funding then they could be added to the Regulation 123 List at a later date.</p> <p><b>No action</b></p>
<b>Emergency services</b>		No specific comments	<p>Noted</p> <p><b>No action</b></p>

DRAFT

## 5. Draft Revised Planning Obligations Supplementary Planning Document – summary of the main issues raised by the representations

5.1. *Table 5.1* summarises the main issues raised by the representations, with officer commentary and proposed actions, and is ordered by the following areas that reflect the document layout:

- General issues
- Chapter 1: Introduction
- Chapter 2: Legislative and policy framework
- Chapter 3: The Council's approach to developer contributions
- Chapter 4: Affordable housing
- Chapter 5: Education
- Chapter 6: Open space/ green infrastructure
- Chapter 7: Transport/ highways
- Chapter 8: Flood alleviation and sustainable urban drainage schemes
- Chapter 9: Community and health facilities
- Chapter 10: Other planning obligations
- Chapter 11: Negotiating planning obligations in Wiltshire
- Chapter 12: Procedure and management
- Appendices

5.2. All individual representations are available to view in full through the Council's online consultation portal at <http://consult.wiltshire.gov.uk/portal>.



**Table 5.1 – Draft Revised Planning Obligations Supplementary Planning Document – summaries of the main issues from the representations, with officer responses and proposed actions**

Topic	Consultee (Comment ID)	Comments	Officer responses/ proposed actions
General issues	<p>APT &amp; Persimmon Homes (36) (Pegasus Planning Group)</p> <p>Redrow Homes (39) (Nathaniel Litchfield)</p>	<p>Concerns about the pooling of s106 contributions and how this is being monitored.</p> <p>Specific reference to paragraph 4.4 - the Council should make provision of a register of planning permissions contributing to specific projects for the purposes of monitoring "pooling".</p>	<p>The Council keeps a register of planning permissions for the purposes of monitoring pooling of planning obligations towards specific projects, for example education projects as referred to in paragraph 4.4 of the Draft Revised Planning Obligations SPD.</p> <p><b>Proposed action SPD19</b></p> <p>The Council will consider the most appropriate way of providing information on pooled planning obligations.</p> <p>However, no change to the SPD is required.</p>
	<p>PlanningSphere (57)</p> <p>HPH Ltd (87)</p>	<p>Concern that developers will still have to pay section 106 contributions towards education and public open space, in addition to CIL. This will, in effect, lead to developers paying twice for the same infrastructure; a double 'bite of the cherry'.</p> <p>Wiltshire approach is complicated and difficult to understand. It will lead to uncertainty, delay and additional cost with completing section 106 agreements. This will bring delay to delivering development on the ground and will stall specific projects, which will become unviable through uncertainty. It is different to the approach adopted by neighbouring authorities, where there is greater certainty.</p> <p>The pooling limitations make it very difficult for</p>	<p>The Planning Practice Guidance recognises that developers may be asked to provide contributions for infrastructure in several ways (<i>Reference ID: 23b-001-20150326</i>). For education and public open space, this may be by way of the Community Infrastructure Levy and planning obligations in the form of section 106 agreements.</p> <p>The proposed changes to the Regulation 123 List provide greater clarity over what infrastructure developers will be expected to pay for through which route. They will ensure that there is no actual, or perceived, 'double dipping with developers paying twice for the same item of infrastructure. In simple terms, if a project is on the Regulation 123 List, then the Council cannot seek contributions towards it through section 106 agreements.</p> <p>The pooling restrictions on planning obligations were</p>

Topic	Consultee (Comment ID)	Comments	Officer responses/ proposed actions
		the Council's development management officers to provide applicants clear advice on the scope of planning obligations.	<p>introduced by Regulation 123 of the CIL Regulations 2010 (as amended). The Council keeps a register of planning permissions contributing to specific projects for the purposes of monitoring pooling of planning obligations.</p> <p><b>Proposed action SPD19</b></p> <p>The Council will consider the most appropriate way of providing information on pooled planning obligations.</p> <p>However, no change to the SPD is required.</p>
<b>Chapter 1: Introduction</b>	Salisbury City Council (19)	Page 5, paragraph 1.2 Discussion of CIL starts from para 2.13 rather than 2.15	<p>Noted.</p> <p><b>Proposed action SPD20</b></p> <p>The Council will change the paragraph reference in paragraph 1.2, bullet point 4, from 2.15 to 2.13.</p>
<b>Chapter 2: Legislative and policy framework</b>	Salisbury City Council (19)	<p>Apparent conflict between two sections of the SPD that relate to the pooling of contributions:</p> <ul style="list-style-type: none"> <li>• Paragraph 4.4: 'The Council can pool up to five separate planning obligations towards a specific project not on the Regulation 123 list', and</li> <li>• Paragraph 2.12: 'there are no pooling limits in relation to affordable housing and for infrastructure that is not capable of being funded by CIL'</li> </ul> <p>A project needs to be on the Regulation 123 List to be funded by CIL (Paragraph 2.15: 'CIL</p>	<p>There is no such conflict. CIL can be used to fund a wide range of infrastructure, including transport, flood defences, schools, hospitals, and other health and social care facilities (for further details, see <a href="#">Section 216(2) of the Planning Act 2008</a>, and <a href="#">Regulation 59</a>, as amended by the <a href="#">2012</a> and <a href="#">2013</a> Regulations).</p> <p>An example of infrastructure/ provision that is not capable of being funded by CIL is affordable housing. For these types of infrastructure there are no pooling limits.</p> <p>For infrastructure that is capable of being funded by CIL, the Council can only pool up to five separate planning obligations for projects that are not on the</p>

Topic	Consultee (Comment ID)	Comments	Officer responses/ proposed actions
		<p>will be used to help fund infrastructure projects on the Wiltshire Regulation 123 list')  However, suggests a project not on the Regulation List is not capable of being funded by CIL  If both points correct, a project not on the Regulation 123 List is both subject to the pooling restrictions (paragraph 4.4) and not subject to that limit (paragraph 2.12)</p>	<p>Regulation 123 List. If a project is on the Regulation 123 List, it cannot be funded through planning obligations.  <b>No action</b></p>
	Salisbury City Council (19)	Page 6, Para 2.6 Reference to para 2.13 should be 2.12	<p>Noted.  <b>Proposed action SPD21</b>  The Council will change the paragraph reference in paragraph 2.6, from 2.13 to 2.12.</p>
<b>Chapter 3: The Council's approach to developer contributions</b>	Salisbury City Council (19)	Page 9, Section 2 'The Council's approach to developer contributions' is now section 3, the section heading and paragraphs need renumbering	<p>Noted. This is a formatting error in the Draft Revised Planning Obligations SPD.  <b>Proposed action SPD22</b>  The Council will ensure that the section heading and paragraph numbers of the Revised Planning Obligations SPD reflect that 'The Council's approach to developer contributions' is Chapter 3, not Chapter 2.  However, no change to the existing SPD is required.</p>
	Downton Parish Council (51)	Support removal of specific distinction between what can be funded by CIL and by s106, since Regulation 123 List already	<p>Noted  <b>No action</b></p>

Topic	Consultee (Comment ID)	Comments	Officer responses/ proposed actions
		clarifies this. Approve of deletion of lists at paragraph 2.2, which limited the potential for innovation	
	Ian Mellor (4)	Paragraph 2.2 is deleted. Thus, education is excluded from s106 in the SPD. No reference to replacement school for Preshute.	The deletion of paragraph 2.2 (now paragraph 3.2) does not imply that the Council will no longer seek s106 contributions towards education provision. This is made clear in Chapter 5 of the SPD, which addresses the Council's approach to seeking developer contributions towards education.  <b>No action</b>
	Laverstock and Ford Parish Council (50)	Concern at the widening of the scope of projects to be considered for CIL funding could mean that the LPA is less inclined to secure funding through planning obligations	CIL is only one of the available mechanisms to fund infrastructure. It may be more appropriate to deliver some infrastructure by other means, such as planning conditions, planning obligations, s278 agreements or the neighbourhood proportion of CIL.  Through the proposed changes to the Regulation 123 List and accompanying proposed changes to the SPD for clarification and transparency, the Council is simply clarifying which projects it might fund, in whole or in part, through CIL.  <b>No action</b>
<b>Chapter 4: Affordable housing</b>	Salisbury City Council (19)	Page 10-11, Section 4 'Affordable Housing' is now section 4, all paragraph numbers need updating from 3.n to 4.n	Noted. This is a formatting error in the Draft Revised Planning Obligations SPD.  <b>Proposed action SPD23</b>  The Council will ensure that the section heading and paragraph numbers of the Revised Planning

Topic	Consultee (Comment ID)	Comments	Officer responses/ proposed actions
			<p>Obligations SPD reflect that 'Affordable Housing' is Chapter 4, not Chapter 3.</p> <p>However, no change to the existing SPD is required.</p>
	Salisbury City Council (19)	Page 10 Footnote reference to Appendix 2 should now refer to Appendix 1 (as the previous appendix 1 has been deleted and subsequent appendices renumbered).	<p>Noted.</p> <p><b>Proposed action SPD24</b></p> <p>The Council will change the reference in footnote 1 from Appendix 2 to Appendix 1.</p>
	Salisbury City Council (19)	Page 11, Para 3.6 Reference to Appendix 2 should refer to Appendix 1 (as p.10)	<p>Noted. However, this occurs in paragraph 4.6 of the existing SPD. It is erroneously referred to as paragraph 3.6 in the Draft Revised Planning Obligations SPD due to a formatting error.</p> <p><b>Proposed action SPD25</b></p> <p>The Council will change the reference in paragraph 4.6 of the existing SPD from Appendix 2 to Appendix 1.</p>
	SW HARP Planning Consortium (22) (Tetlow King Planning)	<p>Page 10, paragraph 3.3</p> <p>In light of the proposed changes to the definition of affordable housing, either remove the reference to the existing NPPF definition in paragraph 3.3, page 10 or, as set out in other LPAs planning documents, reference be made to the definition in any current version of the NPPF – ensures SPD is responsive to any future changes to national planning policy and law.</p>	<p>Noted. However, this occurs in paragraph 4.3 of the existing SPD. It is erroneously referred to as paragraph 3.3 in the Draft Revised Planning Obligations SPD due to a formatting error.</p> <p><b>Proposed action SPD26</b></p> <p>Amend paragraph 4.3 of the existing SPD as follows:</p> <p>The NPPF <b>(March 2012)</b> definition for affordable housing includes social, affordable and intermediate housing for rent or sale. <del>They are</del> <b>Affordable housing</b></p>

Topic	Consultee (Comment ID)	Comments	Officer responses/ proposed actions
			<p>is provided to eligible households whose needs are not met by the market. Eligibility is determined with regard to local incomes and local house prices. <b><u>This SPD will apply to any definition of affordable housing in future versions of the NPPF.</u></b></p>
	<p>SW HARP Planning Consortium (22) (<i>Tetlow King Planning</i>)</p> <p>APT &amp; Persimmon Homes (36) (<i>Pegasus Planning Group</i>)</p> <p>Rentplus (49) (<i>Tetlow King Planning</i>)</p>	<p>Paragraph 3.4 This needs to be qualified by the potential for "starter homes" which may not allow for the provision of those remaining affordable in perpetuity.</p> <p>The SPD may need to be revised once the full regulations and technical guidance concerning starter homes are published, to take into the delivery of affordable housing alongside starter homes and actual delivery of starter homes. Too early to be certain what changes would be required.</p> <p>Recognition of emerging changes to Government policy on affordable housing, e.g. 'starter homes' in the NPPG. Need to take into account policies and legal requirements in Planning &amp; Housing Bill and associated regulation later this year.</p>	<p>Noted. However, because of the uncertainties regarding the detail of starter homes, the SPD may require further review or revision on publication of those details.</p> <p><b>No action</b></p>
	<p>PlanningSphereLtd (57)</p>	<p>Para 3.6: Thresholds and application</p> <p>We draw the Council's attention to the Court of Appeal Decision: SoS CLG v West Berks DC and Reading BC dated 11th May 2016 (Case No. C1/2015/2559) which allowed the appeal. This is likely to result in the re-</p>	<p>Agree that reference should be made to the Ministerial Statement and associated changes to the PPG now the Court of Appeal has issued its judgement and the PPG has been amended.</p> <p>However, this occurs in paragraph 4.6 of the existing SPD. It is erroneously referred to as paragraph 3.6 in</p>

Topic	Consultee (Comment ID)	Comments	Officer responses/ proposed actions
		<p>introduction into the PPG of the Vacant Building Credit and small site affordable housing threshold of 10 units/ 1,000sqm. As a precaution the text proposed for deletion in paragraph 3.6 should be reinstated.</p>	<p>the Draft Revised Planning Obligations SPD due to a formatting error.</p> <p><b>Proposed action SPD27</b></p> <p>Amend paragraph 4.6 of the existing SPD as follows:</p> <p>Core Policy 43 seeks at least 30% or 40% (net) affordable housing provision on-site depending upon the location of development (<i>see Appendix 2 1</i> for a map of the affordable housing zones). In exceptional circumstances, the Council will accept a commuted sum. <del>However, a Ministerial Statement (28 November 2014) changed the position by requiring that contributions should not be sought from developments of 10 units or less and which have a maximum combined floorspace of no more than 1000sqm (Gross Internal Area). Local authorities can apply a threshold of five units or less in designated rural areas, including national parks and Areas of Outstanding Natural Beauty (AONBs), but must then seek affordable housing and tariff style contributions on development of between six and 10 units in the form of cash payments commuted until after completion of units within the development.</del> Provision may vary on a site by site basis, taking into account local need, mix and development viability. <b><u>In applying the affordable housing policy for developments of 10 units or less, the Council will have regard to the Ministerial Statement of 28 November 2014<sup>1</sup> and the associated changes to the Planning Practice Guidance.</u></b> On rural exception sites<sup>2</sup>, Core Policy 44 allows affordable houses for local need.</p> <p>Insert and retain, respectively, the following footnotes:</p>

Topic	Consultee (Comment ID)	Comments	Officer responses/ proposed actions
			<p><sup>1</sup> Department for Communities and Local Government, the Minister of State for Housing and Planning (Brandon Lewis). (28 November 2014). House of Commons: Written Statement (HCWS50) <i>Support for small scale developers, custom and self-builders</i>. Available: <a href="http://www.parliament.uk/documents/commons-vote-office/November%202014/28%20Nov%202014/2.%20DCLG-SupportForSmallScaleDevelopersCustomAndSelf-Builders.pdf">http://www.parliament.uk/documents/commons-vote-office/November%202014/28%20Nov%202014/2.%20DCLG-SupportForSmallScaleDevelopersCustomAndSelf-Builders.pdf</a>. Last accessed 24th August 2016.</p> <p>And,</p> <p><sup>2</sup>The restrictions on seeking affordable housing and tariff style planning obligations introduced by the Ministerial Statement (28 November 2014) do not apply to development on Rural Exception Sites, although they should not be sought from residential annexes or extensions.</p>
	Redrow Homes (39) ( <i>Nathaniel Litchfield</i> )	Draft Revised SPD not taken recent Government guidance into account, e.g. Brandon Lewis letter dated 9 November 2015 – LPAs should be flexible in their requirements for affordable housing and ‘constructively, rapidly and positively’ respond to requests for renegotiations on existing and emerging schemes and take a pragmatic and proportionate approach to viability.	Chapter 11, paragraphs 11.13 to 11.15 recognise that there is a need to consider viability when determining the requirement for planning obligations from a proposed development. They set out the Council’s approach, which will be pragmatic, flexible and evidence base-led (i.e. informed by a financial appraisal).
<b>Chapter 5: Education</b>	Salisbury City Council (19)	Page 12-15, Section 5 ‘Education facilities and school places’ is now section 5, all paragraph numbers need updating from 4.n to 5.n	Noted. This is a formatting error in the Draft Revised Planning Obligations SPD.
			<p><b>Proposed action SPD28</b></p> <p>The Council will ensure that the section heading and paragraph numbers of the Revised Planning</p>



Topic	Consultee (Comment ID)	Comments	Officer responses/ proposed actions
			<p>Obligations SPD reflect that 'Education' is Chapter 5, not Chapter 4.</p> <p>However, no change to the existing SPD is required.</p>
	Salisbury City Council (19)	<p>Page 14, Table 2 Known site-specific education requirements incomplete in relation to secondary school projects, e.g. no mention of secondary school expansion to serve Salisbury/ Wilton strategic sites, despite references within Core Strategy development templates.</p>	<p>Noted. Upon further consideration, informed by consultation feedback, it is considered that removing Table 5.2 and referring to the development templates in Appendix A to the adopted Wiltshire Core Strategy, which themselves identify known site-specific education requirements resulting from strategically important sites, will remove any confusion. This would appear logical in view of the already proposed removal of the former Appendix 1 to the SPD, upon which Table 5.2 is based.</p> <p>However, this occurs in paragraph 5.9 of the existing SPD. It is erroneously referred to as paragraph 4.9 in the Draft Revised Planning Obligations SPD due to a formatting error.</p> <p><b>Proposed action SPD29</b></p> <p>Amend paragraph 5.9 of the existing SPD as follows:</p> <p><del>"Table 5.2 sets out how the council will use planning obligations and CIL to secure education facilities from development, including k</del>Known site-specific <b>education</b> requirements resulting from strategically important sites <del>allocated in the Wiltshire Core Strategy are set out in the development templates in Appendix A to the adopted Wiltshire Core Strategy, and in subsequent development plan documents, such as the Chippenham Site Allocations Plan and the Wiltshire Housing Site Allocations Plan. They</del></p>

Topic	Consultee (Comment ID)	Comments	Officer responses/ proposed actions
			<p><u>are informed by the Infrastructure Delivery Plan, which will be updated periodically over the plan period. Infrastructure requirements may therefore change. The Council will be flexible and responsive to any changes.</u></p> <p>And remove Table 5.2.</p>
	Salisbury City Council (19)	<p>The rows in Table 5.2 which explained how planning obligations would be used where the need is attributed to five or fewer developments and how CIL would be used to fund other cumulative impacts of development have been removed. Either the title of this table, and the wording in para 4.9, should be changed to reflect the fact that it now covers only site specific education requirement funded by planning obligation and not all the known site-specific education requirements or the CIL funded requirements should also be added to the table</p>	<p>Noted. Upon further consideration, informed by consultation feedback, it is considered that removing Table 5.2 and referring to the development templates in Appendix A to the adopted Wiltshire Core Strategy, which themselves identify known site-specific education requirements resulting from strategically important sites, will remove any confusion. This would appear logical in view of the already proposed removal of the former Appendix 1 to the SPD, upon which Table 5.2 is based.</p> <p>However, this occurs in paragraph 5.9 of the existing SPD. It is erroneously referred to as paragraph 4.9 in the Draft Revised Planning Obligations SPD due to a formatting error.</p> <p><b>Proposed action SPD29</b></p> <p>Amend paragraph 5.9 of the existing SPD as follows:</p> <p><u>“Table 5.2 sets out how the council will use planning obligations and CIL to secure education facilities from development, including known site-specific education requirements resulting from strategically important sites allocated in the Wiltshire Core Strategy are set out in the development templates in Appendix A to the adopted Wiltshire Core Strategy,</u></p>

Topic	Consultee (Comment ID)	Comments	Officer responses/ proposed actions
			<p><u>and in subsequent development plan documents, such as the Chippenham Site Allocations Plan and the Wiltshire Housing Site Allocations Plan. They are informed by the Infrastructure Delivery Plan, which will be updated periodically over the plan period. Infrastructure requirements may therefore change. The Council will be flexible and responsive to any changes.</u></p> <p>And remove Table 5.2.</p>
	APT & Persimmon Homes (36) (Pegasus Planning Group)	<p>Paragraph 4.16 No mention of the use of cost multipliers based on pupil yields to secure financial contributions. These multipliers should be those current at the time of submission of any planning application. Applicants should not be penalised for delays in the determination of any planning application.</p>	<p>Comment noted. The cost multiplier figures on which the final contribution will be calculated are those applicable on the date of signature of a legal agreement.</p> <p><b>Proposed action SPD30</b></p> <p>Add new paragraph 5.17 as follows:</p> <p><u>“The Council uses cost multiplier figures (updated annually) to determine the cost per place for nursery, primary and secondary places. These are applied to the pupil product figures when assessing the amount of financial contributions required from developers towards the provision of school places. Cost multiplier figures on which the final contribution will be calculated are those applicable on the date of signature of a legal agreement.”</u></p>
<b>Chapter 6: Open space/ green infrastructure</b>	Sports England (6)	<p>Support proposed amendments Would like to see reference to playing pitch strategy when it is adopted later this year in next review of the SPD</p>	<p>Support noted.</p> <p><b>No action</b></p>

Topic	Consultee (Comment ID)	Comments	Officer responses/ proposed actions
	Devizes Town Council (10)	Request parish councils given mechanism to consider adoption of open spaces on new developments where they may undertake grounds maintenance funded through local retention of CIL	Wiltshire Council encourages this during the planning application process. However, the Council is unable to compel developers to pass the land over. Many developers are choosing the management company option. While the Council attempts to secure both options of parish adoption and management companies through section 106 agreements, the Council would encourage parish councils to contact the developers while plans are at an early stage..  <b>No action</b>
	Environment Agency (11)	Paragraph 8.7 states that 'Major flood alleviation and SuDS projects will be delivered by the water companies, or via CIL and other infrastructure funding. Section 106 agreements will not be used to seek funding for these projects.'  However, no such projects included on draft revised R123 List. Implies they will need to be funded by other methods. Environment Agency recommends that the Council should consider the implications of this position before R123 List is finalised.	No such projects have currently been identified. However, should they be identified in the future then they could be added to the Regulation 123 List at a later date.  <b>No action</b>
	Melksham Without Parish Council (12)	Paragraph 6.9 Wiltshire Council does not insist on high quality provision of open space, for example Hornchurch Road open space (Bowerhill) – poor quality provision.	Noted. However, this is more about maintenance levels and the Council would encourage the parish council to discuss this directly with the management company that operates the play area on behalf of the developers.  <b>No action</b>

Topic	Consultee (Comment ID)	Comments	Officer responses/ proposed actions
	Salisbury Area Greenspace Partnership (16)	<p>Concerned about the lack of a county-wide Green Infrastructure Strategy. Development continuing without necessary provision.</p> <p>Table 1, paragraph 6.6, page 16-18 – refers to Wiltshire Green Infrastructure Strategy (and Core Policy 52 of the adopted Core Strategy says that green infrastructure will be delivered in accordance with this strategy and that developers will need to provide appropriate contributions.</p> <p>Urgently require a timetable for producing, consulting on and adopting the green infrastructure strategy.</p>	<p>Noted. The Council intends to consult on a draft Green Infrastructure Strategy towards the end of 2016.</p> <p><b>No action</b></p>
	Salisbury Area Greenspace Partnership (16)	<p>Paragraph 6.5 Why are strategic mitigation strategies for River Avon SAC, New Forest SPA etc. not also in the Regulation 123 List?</p>	<p>The Draft Revised CIL Regulation 123 List includes the Stone Curlew and Salisbury Plain Special Protection Area, the Nutrient Management Plan (to address the level of phosphate in the River Avon) and the New Forest Recreation Management Project.</p> <p>CIL is only one of the available mechanisms to fund infrastructure. It may be more appropriate to deliver some open space/ green infrastructure mitigation by other means, such as planning conditions, planning obligations or the neighbourhood proportion of CIL. Grant funding may also be considered.</p> <p>However, it is possible, should further projects be identified in the future, they could be added to the Regulation 123 List at a later date.</p>

Topic	Consultee (Comment ID)	Comments	Officer responses/ proposed actions
			<b>No action</b>
	Salisbury Area Greenspace Partnership (16)	Paragraph 6.1 and 6.3 Lack of clarity over which infrastructure projects will be funded through CIL and which by s106. Cannot be both, must be one and this must be specified. "CIL may be used to fund open space and green infrastructure projects" (paragraph 6.1) or deleted paragraph 6.3. What funds will be used to pay for green infrastructure if CIL is not available?	The wording reflects that CIL is only one of the available mechanisms to fund infrastructure. It may be more appropriate to deliver some open space/ green infrastructure by other means, for example planning conditions, planning obligations or the neighbourhood proportion of CIL. Grant funding may also be considered.  In simple terms, if an open space/ green infrastructure project in on the Regulation 123 List then the Council cannot seek contributions towards it though section 106 agreements.  <b>No action</b>
	Salisbury Area Greenspace Partnership (16)	Page 16, paragraph 6.4  Clarity about which version of the adopted Wiltshire Core Strategy is being referred to with the reference to paragraph 6.70 regarding Habitats Regulations Assessments (HRA). Two versions of the Core Strategy available in PDF to download from the website. More recent version of the Core Strategy, the reference should be paragraph 6.76.	Noted.  <b>Proposed action SPD31</b>  Amend paragraph 6.4 as follows:  "This would exclude funding of strategic <b>Habitats Regulations Assessment (HRA)</b> mitigation strategies, as identified in the Regulation 123 list, Infrastructure Delivery Plan and/ or paragraph 6.7076 of the Wiltshire Core Strategy."
	The Canal & River Trust (42)	Reference to Core Policy 53 Wiltshire's Canals should either mention all the canals in Wiltshire by name, including the omitted Kennet & Avon Canal rather than just mention the two restoration projects, or just use the	Noted. However, Core Policy 53 explicitly refers to the two restoration projects. As paragraph 6.104 of the adopted Wiltshire Core Strategy (January 2015) states, the Kennet and Avon Canal's landscape and natural environment will be protected and enhanced through

Topic	Consultee (Comment ID)	Comments	Officer responses/ proposed actions
		terminology 'Wiltshire's Canals'. Kennet & Avon Canal towpath is at risk from degradation as a result of nearby development and has benefitted from developer contributions in the past to mitigate impact of additional usage.	<p>Core Policies 50 (Biodiversity and Geodiversity), 51 (Landscape) and 52 (Green Infrastructure). There are also two saved policies relating to the Kennet and Avon Canal, (Policy WR2 from the West Wiltshire Leisure and Recreation DPD and Policy TR2 from the Kennet Local Plan) which will continue to be saved until such time as they are replaced by a new core policy addressing the strategic needs of the Kennet and Avon Canal. Paragraph 6.105 of the Core Strategy sets out the importance of the views of the Canal and River Trust and the various guidance documents relating to the Kennet and Avon Canal and how they will be taken into account in making decisions on planning applications.</p> <p><b>No action</b></p>
	<p>Laverstock and Ford Parish Council (50)</p> <p>Persimmon Homes Wessex (52)</p>	<p>Draft SPD states that existing open space standards for the former district councils have been replaced by Wiltshire-wide open space standards, within the Wiltshire Open Space Study (2015-2026) Part 1. Confusion over when the Wiltshire Open Space standards will be in place as a key reference document for planning obligations.</p> <p>However, Core Policy 52 of the adopted Wiltshire Core Strategy requires development to make provision for open space in accordance with the adopted Wiltshire open space standards. The emerging standards have not yet been adopted as part of the partial review of the Core Strategy and there is no up to date programme for the completion of this review. Not appropriate for Council to</p>	<p>Noted. Wiltshire Council is currently using the old district plan open space standards until the new standards have been adopted through the Core Strategy Partial Review process.</p> <p><b>Proposed action SPD32</b></p> <p>Amend paragraph 6.7 as follows:</p> <p>"The saved Local Plan policies contain the adopted Wiltshire open space standards. These will be replaced by Wiltshire-wide standards, <del>which will be informed by an</del> <b>within the Wiltshire Open Spaces Study (2015 – 2026) Part 1 to be completed in 2015.</b> The new standards will be formally adopted as part of the partial review of the Wiltshire Core Strategy programmed in the Council's Local Development Scheme."</p>

Topic	Consultee (Comment ID)	Comments	Officer responses/ proposed actions
		<p>defer to these emerging and untested standards; the saved local plan standards remain as adopted standards under this policy. Important as the emerging standards propose an increase in open space provision in some cases, which might be challenged at examination of the Core Strategy partial review. Request Council clarify the position on the open space standards.</p>	<p>Amend paragraph 6.8 as follows:</p> <p>“Thresholds for planning obligations are set out in the adopted Wiltshire open space standards. Four sets of open space standards are currently in operation across Wiltshire, with different standards applying in each of the former district areas. <del>These will be replaced by Wiltshire wide standards which will be informed by an Open Spaces Study, to be completed in 2015, with the new standards adopted as part of the partial review of the Wiltshire Core Strategy by the end of 2015.</del> Core Policy 52 requires development to make provision in line with the adopted Wiltshire Open Space standards.”</p> <p>Amend paragraph 6.9 as follows:</p> <p>“... It will be guided by the Open Spaces Study, <del>to be completed in 2015</del>, dependent upon individual site characteristics and, as such, in the interim period decisions will be made on a case by case basis.”</p>
Chapter 7: Transport/ highways	Salisbury City Council (19)	Page 20, para 7.4 There is no approved or adopted Transport Strategy for Salisbury	<p>Work was undertaken towards a transport strategy for Salisbury during the preparation/ examination of the South Wiltshire Core Strategy. Further work is currently being progressed.</p> <p><b>No action</b></p>
	Salisbury City Council (19)	Page 20, para 7.6 ‘...but is likely reflect those sought...’ – word ‘to’ should be inserted between ‘likely’ and ‘reflect’	<p>Noted</p> <p><b>Proposed action SPD33</b></p> <p>Amend paragraph 7.6 as follows:</p>



Topic	Consultee (Comment ID)	Comments	Officer responses/ proposed actions
			"The provision of sustainable transport measures may be more challenging in rural areas but is likely <b>to</b> reflect those sought in more urban areas of the county."
	Downton Parish Council (51)	Approve of deletion of lists at paragraph 7.12, which limited the potential for innovation	Support noted.  <b>No action</b>
	Salisbury City Council (19)	Page 22, para 7.11 (Formerly in para 7.12, but that para number seems to be deleted, although this text remains) – 'There will be some transport schemes that cannot be funded through planning obligations and these will be delivered through CIL receipts'. It needs to be clear which transport schemes will be in each category. Currently transport projects which are in the 123 list have funding sources as 'S106/CIL' in the IDP.	In simple terms, if a sustainable transport project is on the Regulation 123 List then the Council cannot seek contributions towards it though section 106 agreements.  The Infrastructure Delivery Plan indicates potential funding sources, such as developer contributions i.e. s106/ CIL. However, it is the purpose of the Regulation 123 List to identify those projects that the Council may fund, in whole or in part, through CIL.  <b>No action</b>
	Bourne Leisure Ltd (33) ( <i>Nathaniel Litchfield</i> )	Page 22, paragraph 7.9 Paragraph 7.9 does not conform to the three legal tests in Regulation 122 of the CIL Regulations 2010 (as amended).  Request the following amendment to the text:  "Where <del>If</del> significant infrastructure is included on-site , it will likely need to be of a size to accommodate internal and any external trips it might facilitate . <del>On-site infrastructure may need to be appropriately upgraded</del> If there is a	An unnecessary level of detail. Planning obligations must conform to the three legal tests in Regulation 122 of the CIL Regulations 2010 (as amended). The IDP is an evidence base, not a policy, document and states that contributions will be determined in accordance with adopted Core Policy 3 and the Planning Obligations SPD.  <b>No action</b>

Topic	Consultee (Comment ID)	Comments	Officer responses/ proposed actions
		<p>need to upgrade on-site infrastructure in order to accommodate planned connecting infrastructure <u>and this is necessary in order make the development acceptable in planning terms.</u> <del>This</del> this will be required as a pro bona contribution, as part of the abnormal development costs. <u>Any required changes to on-site infrastructure must be directly related to the development and fairly and reasonably related in scale and kind to the development.</u> " ( <u>Suggested changes underlined</u> )</p>	
<b>Chapter 8: Flood alleviation and sustainable urban drainage schemes</b>	Thames Water (23)	<p>Thames Water request that the following text be added to the SPD:</p> <p><i>“Developers will be required to demonstrate that there is adequate water supply, waste water capacity and surface water drainage both on and off the site to serve the development and that it would not lead to problems for existing or new users. In some circumstances it may be necessary for developers to fund studies to ascertain whether the proposed development will lead to overloading of existing water and/or waste water infrastructure. Drainage on the site must maintain separation of foul and surface flows.</i></p> <p><i>Where there is an infrastructure capacity constraint the Council will require the developer to set out what appropriate improvements are required and how they will be delivered.”</i></p> <p><i>“It is the responsibility of a developer to make</i></p>	<p>Noted</p> <p><b>Proposed action SPD34</b></p> <p>Amend paragraph 8.10 as follows:</p> <p>“On-site infrastructure may also be provided to alleviate the risk of flooding, and reduce impacts on drainage infrastructure. <b><u>Core Policy 3 states that water and sewerage, flood alleviation and sustainable drainage systems are essential infrastructure. This is to be provided by new development, which must be adequately served by on and off-site foul and surface water drainage systems.</u></b> This will normally form part of the detailed matters submitted and agreed through the planning application process. The delivery can therefore be secured through a planning condition.”</p>

Topic	Consultee (Comment ID)	Comments	Officer responses/ proposed actions
		<i>proper provision for surface water drainage to ground, water courses or surface water sewer. It must not be allowed to drain to the foul sewer, as this is the major contributor to sewer flooding."</i>	
<b>Chapter 9: Community and health facilities</b>	Melksham Without Parish Council (12)	Separate community facilities should be provided and not the shared use of school facilities, which are not available during the day.	Comment noted. The SPD recognises the potential for multi-use facilities. Shared facilities may be appropriate depending upon the particular circumstances.  <b>No action</b>
	Melksham Without Parish Council (12)	Support provision of local health facilities with large residential developments. However, discussions with Wiltshire CCG as part of the neighbourhood plan process, suggests this will be GP led. Melksham GPs intimate that they do not want to expand nor would they welcome a new practice. No new health facilities following recent large development in Melksham (e.g. 800 houses at East of Melksham and application for further 450), only money towards additional car park area at one surgery in recent application.	The Council receives representations from and has discussions with the various health organisations, such as NHS England, Wiltshire CCH and individual GP practices, where appropriate during the planning application process.  <b>No action</b>
	Salisbury City Council (19)	Page 28 Table 9.2 re 'Known site-specific health facility requirements' seems incomplete. The Churchfields and Engine Shed site is included, but the development templates for other sites in the Wiltshire Core Strategy also included the need for a financial contribution towards new or improved doctors and dentists surgeries – e.g. Fugglestone Red, Longhedge and others. Why are they not included in this	Noted. Upon further consideration, informed by consultation feedback, it is considered that removing Table 9.2 and referring to the development templates in Appendix A to the adopted Wiltshire Core Strategy, which themselves identify known site-specific community and health facilities requirements resulting from strategically important sites, will remove any confusion. This would appear logical in view of the already proposed removal of the former Appendix 1 to the SPD, upon which Table 9.2 is based.

Topic	Consultee (Comment ID)	Comments	Officer responses/ proposed actions
		table?	<p><b>Proposed action SPD35</b></p> <p>Amend paragraph 9.3 as follows:</p> <p><u>“Table 9.2 sets out Known site-specific community and health facilities requirements for health facilities resulting from new development strategically important sites allocated in the Wiltshire Core Strategy. are set out in the development templates in Appendix A to the adopted Wiltshire Core Strategy, and in subsequent development plan documents, such as the Chippenham Site Allocations Plan and the Wiltshire Housing Site Allocations Plan. They are informed by the Infrastructure Delivery Plan, which will be updated periodically over the plan period. Infrastructure requirements may therefore change. The Council will be flexible and responsive to any changes.”</u></p> <p>And delete Table 9.2.</p>
	APT & Persimmon Homes (36) (Pegasus Planning Group)	9.3 (table 2) should refer to a site for a primary health facility (Trowbridge strategic site), as set out in the development template.	<p>Noted. Upon further consideration, informed by consultation feedback, it is considered that removing Table 9.2 and referring to the development templates in Appendix A to the adopted Wiltshire Core Strategy, which themselves identify known site-specific community and health facilities requirements resulting from strategically important sites, will remove any confusion. This would appear logical in view of the already proposed removal of the former Appendix 1 to the SPD, upon which Table 9.2 is based.</p> <p><b>Proposed action SPD35</b></p>

Topic	Consultee (Comment ID)	Comments	Officer responses/ proposed actions
			<p>Amend paragraph 9.3 as follows:</p> <p><u>“Table 9.2 sets out Known site-specific <b>community and health facilities</b> requirements for health facilities resulting from new development <b>strategically important sites</b> allocated in the Wiltshire Core Strategy. <b>are set out in the development templates in Appendix A to the adopted Wiltshire Core Strategy, and in subsequent development plan documents, such as the Chippenham Site Allocations Plan and the Wiltshire Housing Site Allocations Plan. They are informed by the Infrastructure Delivery Plan, which will be updated periodically over the plan period. Infrastructure requirements may therefore change. The Council will be flexible and responsive to any changes.</b>”</u></p> <p>And delete Table 9.2.</p>
	Salisbury City Council (19)	<p>Page 29, para 9.5</p> <p>The critical mass for provision of a GP surgery is quoted as 7,000. In the IDP para 7.6 a figure of 4,000 – 6,000 is used.</p> <p>It needs to be made clear that the combined impact of adjacent developments can trigger the requirement for the provision of new facilities. The last sentence of this paragraph should be changed from ‘New development that results in more....’ to ‘New development, or a cluster of neighbouring developments, that result in more....’</p>	<p>Noted. The critical mass, in terms of population increase, for the provision of a new GP practice can vary by location and, to some extent, is dependent upon local primary care capacity and circumstances. However, a large development and/ or the cumulative impact of a cluster of developments may create sufficient demand for a new facility or extension to existing facilities.</p> <p><b>Proposed action SPD36</b></p> <p>Amend paragraph 9.5 as follows:</p> <p>“Large residential developments or a cluster of neighbouring developments will lead to a local increase in population. This can create a need for</p>

Topic	Consultee (Comment ID)	Comments	Officer responses/ proposed actions
			specific local health facilities if there is no existing local capacity or likely to be in the near future. <del>The average list size for a whole time equivalent GP is 1,750 patients.</del> New development <del>that results in more than 7,000 new residents (a patient list of four whole time equivalent GPs)</del> may <b>therefore</b> require a new facility <b>or extensions to existing facilities</b> to be provided.”
<b>Chapter 10: Other planning obligations</b>	APT & Persimmon Homes (36) ( <i>Pegasus Planning Group</i> )	10.2 Art & Design for the Public Realm does not meet the CIL Reg 122 test of having to be necessary to grant planning permission. This general amenity provision should be secured through CIL receipts.	There may be circumstances where art and design in the public realm projects might be required as part of a development. Nevertheless, as APT & Persimmon Homes recognise, planning obligations must still meet the three legal tests set out in Regulation 122 of the CIL Regulations 2010 (as amended).  <b>No action</b>
	Historic England (44)	Lack of reference to the historic environment. Reference to the historic environment would also support the delivery of the Core Strategy objective ‘Features and areas of historical and cultural value will have been conserved and where possible enhanced’ and core policies 57, 58 and 59. Request a review and reconsideration.	The potential need for planning obligations to secure ‘site-specific measures to protect and enhance the historic environment’ is recognised in paragraph 10.2 of the Draft Revised Planning Obligations SPD.  <b>No action</b>
<b>Chapter 11: Negotiating planning obligations in Wiltshire</b>	Melksham Without Parish Council (12)	Paragraph 11.16 states that the Council encourages developers to undertake pre-application consultation but, despite raising this several times, this does not happen in practice.	The Council will continue to encourage developers to undertake pre-application consultation and this does happen in many cases.  <b>No action</b>
	SW HARP Planning Consortium (22)	Page 32, paragraph 11.13 to 11.15 Revisions to the SPD should take into account	Chapter 11, paragraphs 11.13 to 11.15 recognise that there is a need to consider viability when determining

Topic	Consultee (Comment ID)	Comments	Officer responses/ proposed actions
		<p>the Planning Minister Brandon Lewis MP's letter, 9 November 2015, on s106 negotiations, which says LPAs should:</p> <p>"take a pragmatic and proportionate approach to viability"</p> <p>"avoid action which might result in unnecessary delay"</p> <p>"strongly encourages" LPAs "to seek the minimum amount of viability information necessary", and not</p> <p>"take a revised planning obligation back to planning committee for approval"</p>	<p>the requirement for planning obligations from a proposed development. They set out the Council's approach, which will be pragmatic, flexible and evidence base-led (i.e. informed by a financial appraisal).</p> <p><b>No action</b></p>
	<p>Bourne Leisure Ltd (33) (Nathaniel Litchfield)</p>	<p>Page 32, Paragraph 11.13</p> <p>Welcomes recognition that there are some occasions when the cost of planning obligations may make a proposed development unviable. Support provision for developers to be able to raise financial viability as a concern through submission of a financial appraisal and for the Council to consider this.</p> <p>However, request that any financial appraisal submitted by the developer should be treated and kept as confidential and the text to be amended as follows.</p> <p><i>"On rare occasions the cost of obligations may be greater than the proposed development is able to bear. Where the outcome is judged to have a significant impact on residual land values and financial viability is raised as a concern, a financial appraisal of</i></p>	<p>Agreed, to an extent. Open book financial appraisals are normally regarded as confidential. However, the Council may need to circulate to its own consultants at times. There is also the possibility of Freedom of Information (FOI) requests being made at various stages, at which point the Council would normally take legal advice.</p> <p><b>Proposed action SPD37</b></p> <p>Amend paragraph 11.13 as follows:</p> <p>On rare occasions the cost of obligations may be greater than the proposed development is able to bear. Where the outcome is judged to have a significant impact on residual land values and financial viability is raised as a concern, a financial appraisal of the proposed development by the applicant will be required to substantiate the claim. This <b>appraisal</b> should <b>be submitted alongside</b> <del>form part of</del> the application documentation and <b>where possible will be</b></p>

Topic	Consultee (Comment ID)	Comments	Officer responses/ proposed actions
		<p><i>the proposed development by the applicant will be required to substantiate the claim. This appraisal should be submitted alongside form part of the application documentation and will be treated and kept as confidential by the Council. The council Council will scrutinise the financial appraisal before confirming or otherwise viability." (Paragraph 11.13)</i></p>	<p><b><u>treated and kept as confidential by the Council.</u></b> The eCouncil will scrutinise the financial appraisal before confirming or otherwise viability.</p>
<b>Chapter 12: Procedure and management</b>	Salisbury City Council (19)	<p>Page 34, para 12.2 'The council will publish reports setting out details of planning obligations negotiated etc...'. This sounds a laudable aim, but it is unclear whether it is in fact happening. A link to the relevant webpage containing such reports would be helpful.</p>	<p>The Council keeps a register of planning permissions for the purposes of monitoring pooling of planning obligations towards specific projects, for example education projects as referred to in paragraph 4.4 of the Draft Revised Planning Obligations SPD.</p> <p><b>Proposed action SPD19</b></p> <p>The Council will consider the most appropriate way of providing information on pooled planning obligations.</p> <p>However, no change to the SPD is required.</p>
	Downton Parish Council (51)	<p>Paragraph 12.21 Concern that because 25% of CIL will go to areas with a neighbourhood plan developers may want to pool contributions on development across a wider area than that covered by a neighbourhood plan, which may mean that neighbourhood plan areas do not have the appropriate benefit.</p>	<p>Spending decisions relating to the proportion of CIL that is passed to parish councils (15% or 25% in areas where there is a made neighbourhood plan in place) is entirely a matter for the parish council (as long as it is in line with the CIL Regulations, as amended) and not developers nor Wiltshire Council.</p> <p><b>No action</b></p>
<b>Appendices</b>	Westbury Town Council (5)	Re: Affordable Housing Zones Map: Request clarity over which affordable housing	The whole of Westbury Community Area, apart from Westbury town and the parish of Dilton Marsh, are in



Topic	Consultee (Comment ID)	Comments	Officer responses/ proposed actions
		<p>zones that Dilton Marsh and Westbury come under (30% or 40%) (And CIL Charging Zones) and the document to be corrected to be consistent.</p> <p>Propose the whole of Westbury Community Area should be at the same rate (presumably for both CIL and AH) – response to CIL consultation on Statement of Modifications to the CS (July 2014).</p>	<p>CIL Charging Zone 1. Westbury and Dilton Marsh are in Charging Zone 2.</p> <p>Westbury and Dilton Marsh are in the 30% affordable housing zone, whereas the other parishes in the Westbury Community Area are in the 40% affordable housing zone.</p> <p>The CIL rates can only be changed as part of a review of the CIL charging schedule.</p> <p><b>Proposed action SPD38</b></p> <p>The Council will revise the map of affordable housing zones at Appendix 1 in the interests of clarity and consistency.</p>

## 6. Draft Updated Infrastructure Delivery Plan – summary of the main issues raised by the representations

6.1. *Table 6.1* summarises the main issues raised by the representations, with officer commentary and proposed actions, and is ordered by the following areas that reflect the document layout:

- General issues
- Main document
- Appendix 1 (subdivided by Community Area)

6.2. All individual representations are available to view in full through the Council's online consultation portal at <http://consult.wiltshire.gov.uk/portal>.

**Table 6.1 – Draft Updated Infrastructure Delivery Plan 3 – summaries of the main issues from the representations, with officer responses and proposed actions**

Topic	Consultee (Comment ID)	Comments	Officer responses/ proposed actions
<b>General issues</b>	<p>Malcolm Toogood (35)</p> <p>Campaign Against Urban Sprawl in the East (CAUSE 2015) (47) (Cllr Chris Caswill)</p> <p>Fiona Pilbrow (48)</p>	<p>Object to IDP being included in the consultation:</p> <ul style="list-style-type: none"> <li>• Not included in the list of documents</li> <li>• Not included in the title of the consultation</li> </ul> <p>Attempt to sneak it past Wiltshire taxpayers without having to consult on it directly. Request IDP be withdrawn from consultation and consulted upon separately. Will report Wiltshire Council to the DCLG for using this consultation as methodology or to avoid any future proper consultation.</p> <p>Inclusion of IDP within the consultation has caused confusion among local councils consulting on the R123 List.</p> <p>Note that the IDP has been included in the consultation but the consultation title does not reference it. The IDP is only mentioned in the last two sentences of the consultation text. Likely that many potential respondents will not have noticed the IDP (and specifically the Chippenham IDP) is included within the consultation.</p> <p>The Cabinet Member decision on this public consultation, made on 26 February 2016, did not include any decision on the IDP. So unclear about the authorisation of the consultation on the IDP and the status of the document, dated February 2016. Unclear whether the consultation responses on the document, which is presented</p>	<p>The Infrastructure Delivery Plan (IDP) identifies the necessary infrastructure to deliver planned growth set out in the adopted Wiltshire Core Strategy (January 2015).</p> <p>The IDP is an evidence based document that, as set out in paragraph 4.43 of the Wiltshire Core Strategy, “. . . will be updated over the plan period. Infrastructure requirements may therefore change.” It was made available for comment during the consultation on the policy documents, i.e. the Draft Revised CIL Regulation 123 List and the Draft Revised Planning Obligations Supplementary Planning Document.</p> <p>Previous iterations of the IDP have been made available for comment alongside consultations on the pre-submission draft Wiltshire Core Strategy (and updated and added to the examination evidence base) and the CIL Charging Schedule. These are available to download from the Council's website at <a href="http://www.wiltshire.gov.uk/infrastructuredeliveryplan">www.wiltshire.gov.uk/infrastructuredeliveryplan</a>.</p> <p>Comments on the draft Updated Infrastructure Delivery Plan received during the consultation will be included in the consultation report that will go before the Council's Cabinet in support of the Revised CIL Regulation 123 List and the Revised Planning Obligations SPD. A final updated Infrastructure Delivery Plan will be published on the Council's website.</p>

Topic	Consultee (Comment ID)	Comments	Officer responses/ proposed actions
		<p>as a draft, will be considered by Cabinet and Council. Our concerns are such that it should be discussed at both committees.</p> <p>Object to appearance of policy making by stealth – no published policies committing Council to subsidise infrastructure requirements from development around Chippenham. Council told us and Inspector that the provision of the ELR is not a Wiltshire Council strategic priority but is described in the IDP as 'essential'. Changes appear in an appendix to a technical document not visible to the vast majority of people who they will affect – not how public policy should be made and these appendices must be withdrawn.</p>	<p>The IDP will be reviewed and updated periodically.</p> <p><b>No action</b></p>
	Persimmon Homes Wessex (52)	Number of projects identified for CIL funding in the draft IDP but not identified in the Revised R123 List. These projects would not, therefore, be eligible for CIL funding as proposed, unless through the neighbourhood proportion of CIL receipts.	<p>The Regulation 123 List draws upon projects in the Infrastructure Delivery Plan (IDP). It is the purpose of the Regulation 123 List, not the IDP, to identify infrastructure projects that the Council may fund, in whole or in part, through CIL. The IDP identifies potential funding sources, such as developer contributions (i.e. s106/ CIL).</p> <p>However, it is possible for projects to be added to the Regulation 123 List at a later date, for example when further information becomes available.</p> <p><b>No action</b></p>
	Persimmon Homes Wessex (52)	Noted that housing trajectories shown for each community area do not include housing still to be planned for in the remaining plan period, though assumed this has been considered in discussions	<p>Noted</p> <p><b>Proposed action IDP1</b></p>

Topic	Consultee (Comment ID)	Comments	Officer responses/ proposed actions
		with infrastructure providers. May be useful to make an assumption on when the remaining housing requirement will be delivered to inform the phasing of infrastructure.	The Council will review the housing trajectories for each community area in Appendix 1 to determine whether they need to include housing still to be planned for during the plan period and make any changes prior to finalising the IDP.
<b>Chapter 1: Introduction</b>	Salisbury City Council (19)	Para 1.8 There is a reference to 'subsequent local development plan documents' – it would be useful to have a link to the webpage where these are, or will be, held.	Noted  <b>Proposed action IDP2</b>  The Council will consider providing further information about and/ or a link to emerging local plans, in paragraph 1.8, prior to finalising the IDP.
	Salisbury City Council (19)	Links to other plans and strategies  The incomplete nature of various other plans and strategies referred to is a fundamental weakness of the IDP and means that the evidence base to back up projects is lacking and that key infrastructure requirements may be missing altogether. As examples:  Para 1.12 The link provided for the Wiltshire Community Plan <a href="http://www.wiltshire.gov.uk/communityandliving/communitplan.htm">http://www.wiltshire.gov.uk/communityandliving/communitplan.htm</a> takes one to a page which about a consultation on a June 2010 version of the Community Plan with a closing date of Sept (2010 presumably). Is this the latest and adopted version of the Community Plan?  Para 1.14 The link provided for the Wiltshire Local	The Infrastructure Delivery Plan (IDP) uses the best available sources of information at the time of preparation. The IDP is an iterative evidence base document and will be reviewed and updated periodically.  <b>Proposed action IDP3</b>  The Council will update the links to supporting plans and strategies, in Chapter 1, prior to finalising the IDP.  The latest version of the Wiltshire Community Plan is available at <a href="http://www.wiltshire.gov.uk/council/wiltshirefamilyofpartnershipsworkingtogether/wiltshirecommunityplan.htm">http://www.wiltshire.gov.uk/council/wiltshirefamilyofpartnershipsworkingtogether/wiltshirecommunityplan.htm</a> .  The latest documents prepared as part of the Wiltshire Local Transport Plan are available at <a href="http://www.wiltshire.gov.uk/council/howthecouncil">http://www.wiltshire.gov.uk/council/howthecouncil</a>

Topic	Consultee (Comment ID)	Comments	Officer responses/ proposed actions
		<p>Transport Plan  <a href="http://www.wiltshire.gov.uk/council/howthecouncilworks/plansstrategiespolicies/transportpoliciesandstrategies.htm">http://www.wiltshire.gov.uk/council/howthecouncilworks/plansstrategiespolicies/transportpoliciesandstrategies.htm</a> provides links to numerous historic and some current documents. What is not made clear is that various key documents which have been promised as part of the Third Local Transport plan have not yet been consulted on or adopted – this includes a Walking Strategy and strategies for the principal settlements, including Salisbury.</p> <p>Para 1.14            The link provided for the Green Infrastructure Strategy  <a href="http://www.wiltshire.gov.uk/communityandliving/countryside/environmentalpartnerships/greenspaces.htm">http://www.wiltshire.gov.uk/communityandliving/countryside/environmentalpartnerships/greenspaces.htm</a> takes one to a page which refers to work to be undertaken on this strategy in 2009/10. There is no adopted Green Infrastructure Strategy, nor is even a draft version available.</p>	<p><a href="http://www.wiltshire.gov.uk/council/howthecouncilworks/plansstrategiespolicies/transportpoliciesandstrategies/localtransportplan3.htm">works/plansstrategiespolicies/transportpoliciesandstrategies/localtransportplan3.htm</a></p> <p>The Council intends to consult on a draft Green Infrastructure Strategy towards the end of 2016.</p>
	Salisbury City Council (19)	<p>Infrastructure Planning Process            Para 1.47            This paragraph notes in respect of comments submitted on the IDP that comments submitted during the various consultations on the Core Strategy and Charging Schedule would be taken into account in each review and update of the IDP.</p> <p>In February 2014 SCC submitted various comments in respect of the IDP and these were reported on in the Draft Charging Schedule of Consultation Regulation 19(b) Statement dated</p>	<p>Noted</p> <p><b>No action</b></p>

Topic	Consultee (Comment ID)	Comments	Officer responses/ proposed actions
		June 2014. In response to comment ID 66 submitted by SCC the response which was given was that 'The Council welcomes comments on the IDP 2 (September 2013) during this consultation because it is part of the supporting evidence base for the CIL Draft Charging Schedule. The IDP will be updated on an annual basis and these comments will be taken into account during the next update (estimated summer/ autumn 2014).'	
	Salisbury City Council (19)	Monitoring and Review Para 1.49 There is mention of the Annual Monitoring Report (AMR). A weblink to these documents would be helpful, but perhaps is not given because these do not seem to be produced currently? The WC webpage which purports to hold these reports <a href="http://www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/annualmonitoringreport.htm">http://www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/annualmonitoringreport.htm</a> has Housing Land Supply statements up to 2015, but there is no AMR later than 2010-11. Given that monitoring of the IDP is supposedly contained in the AMR this seems a serious omission.	Noted  <b>Proposed action IDP4</b>  The Council will update the links and clarify the monitoring and review process for the IDP, including the status of the Annual Monitoring Report (AMR), in Chapter 1, prior to finalising the IDP.
<b>Chapter 2: Education</b>	Salisbury City Council (19)	Para 2.5 The policy for requesting S106 contributions may need updating to take account of education projects which are to be funded by CIL – see also comments on 123 list in respect of Education.	Noted  <b>Proposed action IDP5</b>  The Council will consider whether the Policy for Requesting s106 Contributions for Education, referred to in paragraph 2.5, needs to be updated now that CIL is in operation.

Topic	Consultee (Comment ID)	Comments	Officer responses/ proposed actions
<b>Chapter 3: Sustainable transport</b>	Salisbury City Council (19)	<p>Para 3.6 The link to Transport Strategies provides a link to <a href="http://www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/planningpolicyevidencebase.htm">http://www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/planningpolicyevidencebase.htm</a></p> <p>There are some links to documents related to transport strategies for Chippenham, Trowbridge and Devizes on this page but nothing related to Salisbury.</p>	<p>Noted. Work was undertaken towards a transport strategy for Salisbury during the preparation/ examination of the South Wiltshire Core Strategy. Further work is currently being progressed.</p> <p><b>Proposed action IDP6</b></p> <p>The Council will update the links in paragraph 3.6 to the existing evidence base work undertaken towards a transport strategy for Salisbury and clarify the position with regard to the current timetable for its completion.</p>
<b>Chapter 4: Open space, green infrastructure and the environment</b>	Salisbury Area Greenspace Partnership (16)	<p>Concern about the lack of an adopted (or even a draft) Green Infrastructure Strategy given the reliance upon it by the IDP:</p> <ul style="list-style-type: none"> <li>• NPPF requires LPAs to plan positively for green infrastructure and biodiversity</li> <li>• Without a GI strategy, strong messages need to be conveyed about the importance of green infrastructure</li> <li>• Likely to miss more opportunities to deliver WCS growth in a sustainable manner</li> <li>• Continuing decline in quality of natural environment, increasing pressures from new development</li> <li>• Importance of GI for pedestrian and cycling links, resilient communities (Community Plan 2011-2026), tackling climate change</li> </ul>	<p>Noted. The Council intends to consult on a draft Green Infrastructure Strategy towards the end of 2016.</p> <p><b>No action</b></p>



Topic	Consultee (Comment ID)	Comments	Officer responses/ proposed actions
	Salisbury Area Greenspace Partnership (16)	Green infrastructure should be 'essential' infrastructure, not 'place-shaping'	<p>As explained in paragraph 4.43 of the adopted Wiltshire Core Strategy, "<i>The broad prioritisation of infrastructure provision has been designed to ensure that development proposals present solutions to address essential requirements first and then place shaping items next. This should not be taken to imply that place shaping infrastructure is of lesser importance, rather that the precise timing of providing it is not critical to the phasing of development. It may also be the case that a particular infrastructure project might deliver multiple benefits. For example, a new landscaped pedestrian footpath or cycleway could deliver sustainable transport, green infrastructure and recreation improvements.</i>"</p> <p><b>No action</b></p>
	Salisbury City Council (19)	<p>Open Space, Green Infrastructure and Environment Para 4.11</p> <p>It is regrettable that pedestrian or cycleway access to development is only considered to be 'place-shaping' green infrastructure and not 'essential' transport infrastructure. This has resulted in developments where walking or cycling access is difficult or impossible – e.g. at Longhedge to the north of Salisbury the outline permission 13/00673/OUT has been granted without mandating the provision of safe walking/ cycling routes into Salisbury or to the adjacent Old Sarum housing site. There are land ownership issues which are used as the rationale for not providing such links, but if walking/ cycling</p>	<p>As Salisbury City Council will be aware, the need to provide a link between the Longhedge site and the Old Sarum site was the subject of much discussion during the planning application process for 13/00673/OUT. The difficulty relates to the link needing to cross a strip of land owned by a third party. Unless the owner of this strip wishes to allow a crossing of their land, it would be impossible for the applicant to secure a continuous surfaced link to be provided over this third party land. The Council agreed with the applicant that, in the circumstances, the most appropriate manner with which to deal with this matter would be through the inclusion of a commuted sum within the Section 106 Agreement for the Council to secure the future provision of such a link to allow free and</p>

Topic	Consultee (Comment ID)	Comments	Officer responses/ proposed actions
		linkages had been deemed essential these issues would have been overcome before permission was granted.	unfettered access to residents/occupiers of both the future Longhedge site and the Old Sarum site.  <b>No action</b>
	Bourne Leisure Ltd (33) (Nathaniel Litchfield)	Paragraph 4.6 An assessment of current green infrastructure provision will not be necessary or appropriate for every major development. The need for an audit should be considered on a project by project basis. The following amendment to paragraph 4.6 is requested:  <i>"To determine green infrastructure provision on major developments, <u>where necessary and appropriate</u>, developers will be expected to audit current provision in and around the development site. <u>The need for an audit will be considered on a project-by-project basis.</u> <del>They</del> <u>Where necessary developers will need to prepare a statement demonstrating how this infrastructure will be retained and enhanced as a result of the development process. A standard template will be developed to assist developers in assessing existing and required provision.</u> "</i>	Paragraph 4.6 mirrors paragraph 6.96 in the supporting text to Core Policy 52 Green Infrastructure of the adopted Wiltshire Core Strategy.  <b>No action</b>
	Bourne Leisure Ltd (33) (Nathaniel Litchfield)	Paragraph 4.8 This paragraph does not conform to the legal tests in Regulation 122 of the CIL Regulations 2010 (as amended). Request that the paragraph 4.8 be amended as follows:  <i>"Developer contributions will be sought towards the delivery of open space, green infrastructure</i>	An unnecessary level of detail. Planning obligations must conform to the three legal tests in Regulation 122 of the CIL Regulations 2010 (as amended). The IDP is an evidence base, not a policy, document and states that contributions will be determined in accordance with adopted Core Policy 3 and the Planning Obligations SPD.

Topic	Consultee (Comment ID)	Comments	Officer responses/ proposed actions
		<i>and environment projects and initiatives <u>where they are necessary in order to make the development acceptable in planning terms</u> . Contributions will be determined in accordance with Core Policy 3, the IDP, the Open Spaces Study, the Green Infrastructure Strategy and the Planning Obligations SPD. <u>These contributions will be directly related to the development and will be fairly and reasonably related in scale and kind to the development.</u>" (Suggested changes underlined)</i>	<b>No action</b>
<b>Chapter 5: Community and cultural</b>		No specific comments	
<b>Chapter 6: Emergency services</b>		No specific comments	
<b>Chapter 7: Health and social care</b>	Salisbury City Council (19)	Para 7.6 The critical mass for provision of a GP surgery is quoted as 4,000 – 6,000. In SPD para 9.5 a figure of 7,000 is used.	The cumulative impact of development may lead to the need for a new GP surgery or the relocation/ expansion of existing GP surgeries. However, it is difficult to be precise as the individual circumstances will vary on a case-by-case basis.  <b>Proposed action IDP7</b>  The Council will review paragraph 7.6 to recognise the impact of cumulative development upon the provision of healthcare facilities but remove reference to a specific number.
<b>Chapter 8: Utilities</b>		No specific comments	

Topic	Consultee (Comment ID)	Comments	Officer responses/ proposed actions
<b>Appendix 1: General comments</b>	Salisbury City Council (19)	<p>The IDP appendices do not confirm whether s106 or CIL is to be used for specific infrastructure projects. No clarity over the funding sources for these projects. The R123 List states that both cannot be used to fund the same project. Thus, the funding sources information needs to be updated so that CIL is given for those projects on the R123 List and s106 for those which are not. "s106/CIL" will just cause confusion if funding from both sources cannot be used for the same project with the risk that developers will exploit any confusion or ambiguity to minimise their contributions.</p> <p>In the IDP3 table of identified projects the 'funding sources' in most cases includes 'S106/CIL'. The guidelines, as outlined in the SPD, indicate that infrastructure cannot be funded by both S106 and CIL (e.g. SPD para 2.11 'Planning obligations cannot be used to deliver projects which will be provided for by CIL'). This suggests that 'S106/CIL is to be interpreted as 'S106' or 'CIL' rather than 'S106' and CIL. As mentioned in the comments re the 123 list, there needs to be clarification regarding whether projects are in fact proposed to be funded by CIL or S106.</p>	<p>The use of s106/ CIL is intended to mean that the infrastructure project in question may be funded through developer contributions (i.e. s106 or CIL), sometimes in combination with other funding sources. The IDP identifies the necessary infrastructure requirements, including potential sources of funding, to support planned growth in the adopted Wiltshire Core Strategy. It is the purpose of the Regulation 123 List, not the IDP, to identify projects that Wiltshire Council may fund, in whole or part, through CIL.</p> <p><b>Proposed action IDP8</b></p> <p>The Council will review the references to 's106/ CIL', in Appendix 1, to provide clarification that the relevant infrastructure projects may be funded by developer contributions generally, i.e. s106 <u>or</u> CIL but not both.</p>
	Salisbury City Council (19)	This document has no page numbers and no section or paragraph numbers. One or the other, or both, would be helpful.	<p>Noted</p> <p><b>Proposed action IDP9</b></p> <p>The Council will review the formatting of the document (i.e. paragraph, section and page numbers) prior to finalising the IDP.</p>

Topic	Consultee (Comment ID)	Comments	Officer responses/ proposed actions
	Wiltshire Scullers School (56)	Object to removal of Wiltshire Scullers School projects (in previous IDP) from IDP. Projects too large to be considered at parish level. Objective is to provide 6 indoor rowing machines to every secondary school in Wiltshire, three centres across Wiltshire and a development officer. Costing was provided for a cycle path between Bradford and Holt to open up the west Wilts club and benefit the area from surge of traffic from Moulton development.	The purpose of the IDP is to identify necessary infrastructure to support development in the adopted Wiltshire Core Strategy (January 2015). Following the implementation of CIL and with the revisions to the Regulation 123 List, the IDP has been updated to focus on the strategic infrastructure necessary for delivery of the Core Strategy. While the Wiltshire Scullers School projects may be worthwhile in their own right, they are not considered necessary to deliver planned growth. It is suggested that attention is focused on working with parish councils in relation to the spending of the proportion of CIL reserved for local community projects, as well as other funding sources, such as grant funding.  <b>No action</b>
<b>Appendix 1: Amesbury</b>		No specific comments	
<b>Appendix 1: Bradford on Avon</b>		No specific comments	
<b>Appendix 1: Calne</b>	Calne Community Neighbourhood Plan Steering Group (21)	Whilst the Calne Community Neighbourhood Plan Steering Group welcome improvements to this section of the sustrans route, there are other stretches of the 403 in our designated area which would also benefit from an upgrade, for example; between Castlefield's Park and Black Dog Halt and from Black Dog Halt to its junction with Studley Hill.	Noted  <b>Proposed action IDP10</b>  The suggestion from the Calne Community Neighbourhood Plan Steering Group about looking at upgrades to other areas of Sustrans Route 403 will be passed to the Council's sustainable transport team for further consideration. For example, between

Topic	Consultee (Comment ID)	Comments	Officer responses/ proposed actions
			Castlefield's Park and Black Dog Halt and from Black Dog Halt to its junction with Studley Hill. It is possible for further identified schemes to be added to the IDP at a later review.
<b>Appendix 1: Chippenham</b>	Isabel McCord (24) Lisa Powrie (30) John Powrie (31) Robert Hitchins (37) <i>(Pegasus Planning Group)</i> Gleeson Developments Ltd (46) <i>(Terence O'Rourke)</i> CAUSE 2015 (47) <i>(Cllr Chris Caswill)</i> Peter Andre (58) Lynda Andre (59) Celia Lainchbury (60) Allan Pratt (61) Diana Moore (62) Robert Pratt (63) Beryl Pratt (64)	<p>The infrastructure requirements identified for the strategic sites at Rawlings Green and East Chippenham in the pre-submission draft Chippenham Sites Allocations Plan are premature, given that the CSAP has not been found sound by the Planning Inspector. They should not be agreed:</p> <p>Presumptuous: The IDP assumes (i) that the Eastern Link Road is the most effective way of addressing Chippenham's traffic problems, and (ii) that development will go ahead to the East of Chippenham and at Rawlings Green. The existing evidence has not been sufficient for the Planning Inspector to agree and further evidence to be provided by the Council at the end of April 2016 has yet to be subject to scrutiny by the public and Planning Inspector. Until this happens, these requirements should not be included.</p> <p>Financial risk: The cost of the ELR, including the river and railway bridges, has not been subject to scrutiny. Costs to be borne by Wiltshire Council will detract from funding to support the vulnerable in the community. If the costs turn out to be higher, then the impact on the vulnerable will be higher too.</p> <p>Appendix 1 for Chippenham assesses the infrastructure requirements of the strategic sites that were included in the pre-submission draft of</p>	<p>The IDP, an evidence base document, uses the most up-to-date published information at the time of publication (i.e. the pre-submission draft Chippenham Site Allocations Plan) to identify the necessary infrastructure to support planned growth in the adopted Wiltshire Core Strategy and other DPDs. It will be updated to take account of proposed amendments to the pre-submission draft presented to Council in May 2016. The IDP will be reviewed and updated periodically.</p> <p><b>No action</b></p>

Topic	Consultee (Comment ID)	Comments	Officer responses/ proposed actions
	Stewart Mitchell (65)	the Chippenham Site Allocations Plan without any assessment of the requirements of other potential strategic sites – prejudicial to the full consideration of all potential sites through the plan led process. Request this section of Appendix 1 for Chippenham be withdrawn.	
	Clive Mainstone (66)		
	Jamie Treweke (67)		
	Rebecca White (68)	Object to inclusion of an Eastern Link Road and the associated river and railway crossings (CHIEAS003, CHIRAW002 and CHIRAW003) as essential, while there is no reference to a southern link road.	
	Keith Thomas (69)		
	Yvonne Thomas (70)		
	Sandra Provis (71)		
	Darren May (72)		
	Sally May (73)		
	Peter Dignum (74)		
	Beryl Dignum (75)		
	Dave Baker (76)		
	Joy Baker (77)		
	Chris Tollervey (78)		
	Suzanne Tollervey (79)		
Josephine Stickland (80)			
David Brown (81)			

Topic	Consultee (Comment ID)	Comments	Officer responses/ proposed actions
	Peter Bull (82) Alison Bull (83) George Nicoll (84) Gareth Hardwell (85)		
	Chippenham Chamber of Commerce (27)	Re: CHI035 This project should address the quality of road surfacing and the overall appearance of the high street in Chippenham, which is poor. To make the high street more appealing for visitors. Consider principles set out in the "Town Centre Public Realm Study – Place Making & Street Design Principles for Chippenham's Western Arches Area" by Ben Hamilton Bailey (October 2009).	Noted. This would fall under the category of public realm improvements and, therefore, should be included in the scope of this project. <b>No action</b>
	Clive Rathband (28) Joan Rathband (29)	Object to Wiltshire Council funding railway bridge as part of the Rawlings Green application, either through CIL or taxpayers money (general objection to this development)	Noted. <b>No action</b>
	Malcolm Toogood (35)	Inclusion of infrastructure necessary within community project funding initiatives, such as the IDP and CIL Regulation 123 List, for strategic developments that should fund their own infrastructure requirements (and are still the subject of an ongoing planning inspection) is a blatantly cynical attempt to circumvent the planning process. Potential infrastructure costs of just three proposed developments in the IDP for	The focus of the Infrastructure Delivery Plan (IDP) and the Community Infrastructure Levy (CIL) is on strategic infrastructure requirements rather than community projects. The Infrastructure Delivery Plan (IDP) identifies the necessary infrastructure to deliver planned growth set out in the adopted Wiltshire Core Strategy (January 2015), which is the high level strategic planning document for the County. These projects may be delivered by a range of



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		<p>Chippenham is more than 10 times the potential CIL from these developments and, if approved to be funded through CIL, would leave no CIL funding for any of the Chippenham items on the R123 List.</p> <p>Total amount of CIL raised from all development in the County (£62.75m – CIL Inspector’s Report) would be swallowed up by the cost of just one road and two schools listed for Chippenham alone.</p>	<p>funding mechanisms, including CIL, section 106 agreements or grant funding.</p> <p>CIL is intended to fund strategic infrastructure projects across the County. It is the purpose of the Regulation 123 List, not the IDP, to identify infrastructure projects that may be funded by CIL. As mentioned above, CIL is only one of the mechanisms used to fund infrastructure. It may be more appropriate to fund projects through section 106 agreements if they are directly related to a particular development.</p> <p>The CIL Examiner recognised in his report (paragraph 73) the need to be flexible with regard to funding sources for proposed developments in Chippenham.</p> <p>However, a proportion of CIL is ring-fenced for local community projects. This is passed to parish councils for them to spend as they see fit, as long as it is in line with the CIL Regulations 2010 (as amended).</p> <p><b>Proposed action IDP11</b></p> <p>The Council will clarify in the IDP that it is the purpose of the Regulation 123 List, <b>not the IDP</b>, to identify which infrastructure projects may be funded by CIL.</p>
	Cllr Chris Caswill (43)	<p>Add to IDP – and R123 List, see R123 section for comments</p> <ul style="list-style-type: none"> <li>○ Chippenham Bath Road and Bridge Centre</li> </ul>	<p>Library provision is already on the Regulation 123 List. A cinema would be a development-led project and not appropriate for CIL funding. The other facilities mentioned could be considered for</p>

Topic	Consultee (Comment ID)	Comments	Officer responses/ proposed actions
		site <ul style="list-style-type: none"> <li>○ To potentially include:               <ul style="list-style-type: none"> <li>▪ Cinema</li> <li>▪ Library, including community resource and meeting centre</li> <li>▪ Community campus facilities, such as arts, clubs, crèche etc.</li> <li>▪ Cycle parking facilities, safe, undercover with pedestrian/ cycle access to the town centre</li> <li>▪ Public conveniences and baby changing facilities</li> </ul> </li> </ul> To be funded by CIL, suggested cost of £5m (exact figure to be determined after appropriate assessment)	delivery as part of the regeneration scheme for the Chippenham Bath Road and Bridge Centre site. This redevelopment of this site is supported by Core Policy 9 <i>Chippenham Central Areas of Opportunity</i> of the adopted Wiltshire Core Strategy.  <b>No action</b>
	Cllr Chris Caswill (43)	Add to IDP – and R123 List, see R123 section for comments Olympiad <ul style="list-style-type: none"> <li>• Add extra projects to the Olympiad (already on R123 List but limited projects in the IDP)</li> <li>• Possibly to include:               <ul style="list-style-type: none"> <li>• New swimming pool</li> <li>• Better provision for gymnastics</li> <li>• More halls, courts, studios and sports gym facilities</li> <li>• Improved leisure and relaxation facilities (e.g. sauna, stream room etc.</li> <li>• Social facilities (e.g. a sports club type</li> </ul> </li> </ul>	Upgrades to sport and recreation facilities within the Olympiad, Chippenham are already included on the Regulation 123 List.  If further specific projects are identified for this facility then they could be added to the Infrastructure Delivery Plan in subsequent updates.  <b>No action</b>

Topic	Consultee (Comment ID)	Comments	Officer responses/ proposed actions
		café or bar) <ul style="list-style-type: none"> <li>Complete refurbishment and redecoration of existing halls, studios and courts</li> </ul> To be funded by CIL, suggested cost of £6m to £10m (exact figure to be determined after appropriate assessment)	
	Cllr Chris Caswill (43)	Re: Chippenham Railway Station and surrounding area  Does this include a third lift on the north side of the footbridge, which would allow the disabled, those with trolleys, prams and bikes to cross over the railway and access the Olympiad, the College and town centre?  The redevelopment should allow for better access and drop off to the north of the station, to mitigate congestion on Station Hill/ Cocklebury Road and the roads currently leading to the station entrance to the south.	A third lift is being considered as part of the Langley Park development, with S106 developer contributions specifically sought towards this proposal.  <b>No action</b>
	CAUSE 2015 (47) (Cllr Chris Caswill)	Basic errors in the text for CHIEAS004, which attributes the road from the A350 to Cocklebury Lane to the Rawlings Green developer (and, once again, to the Council) and then goes on to erroneously describe that as the Cocklebury Link Road. Little confidence in the Chippenham IDP if it contains errors of this magnitude. When reviewed, needs to be more carefully checked than this one.	Noted. However, in view of the recent amendments to the draft Chippenham Site Allocations Plan presented to Full Council on 17 May 2016, the proposed East Chippenham strategic site is no longer part of the draft Plan.  <b>Proposed action IDP12</b>  The Council will review and correct any errors in the IDP, including those relating to the description of infrastructure requirements for strategic sites in

Topic	Consultee (Comment ID)	Comments	Officer responses/ proposed actions
			Chippenham, prior to finalising the document.
	CAUSE 2015 (47) (Cllr Chris Caswill)	The Draft Revised SPD makes in clear in chapter 7, paragraph 7.1, that planning obligations should be the first call for resolving highways needs. No justification then for why infrastructure requirements for the Chippenham sites cannot be met by planning obligations and, thus, this should be listed as the preferred option in the IDP when it is reviewed. The use of CIL funds to subsidise these developments is unacceptable, not least because they would absorb all or almost all of the CIL funds and leave little for the needs of local communities. Particularly if costs of an ELR and railway and river crossing bridges turn out to be higher than the figures in CHIEAS003 and CHIRAW003 – additional costs would fall upon CIL and taxpayers.	The IDP identifies the necessary infrastructure requirements, including potential sources of funding (e.g. developer contributions), to support planned growth in the adopted Wiltshire Core Strategy. It is the purpose of the Regulation 123 List, <b>not the IDP</b> , to then identify the projects that Wiltshire Council may fund, in whole or part, through CIL.  <b>Proposed action IDP11</b>  The Council will clarify in the IDP that it is the purpose of the Regulation 123 List, <b>not the IDP</b> , to identify which infrastructure projects may be funded by CIL.
<b>Appendix 1: Corsham</b>		No specific comments	
<b>Appendix 1: Devizes</b>	Devizes Town Council (10)	Re DEV017: Concern that the provision of the urgent care centre is identified as 'essential' (priority) but risk is coded at 'amber', indicating a potential threat to delivery – reconsider grading?	Noted  <b>Proposed action IDP13</b>  The Council will consider the priority and level of risk attached to project DEV017 and make any necessary amendments prior to finalising the IDP.
<b>Appendix 1: Malmesbury</b>	Malmesbury Civic Trust (9)	Appendix 1 for Malmesbury CA does not include the expansion of Malmesbury cemetery.	Cemeteries included in the IDP and on the Regulation 123 List are those for which the Council has responsibility and has identified as a priority. If further cemeteries are identified as a

Topic	Consultee (Comment ID)	Comments	Officer responses/ proposed actions
			<p>priority for extension then they could be added in a future review of these documents.</p> <p><b>No action</b></p>
<b>Appendix 1: Marlborough</b>	Ian Mellor (4)	<p>MAR001 (Relocation of Preshute Primary School) - no need for replacement school based on pupil numbers (existing and expected) and, thus no Government funding. Wrong/ misleading to suggest that school would be funded through CIL and, particularly, s106: (i) school not on R123 List and (ii) education excluded from s106 in the Planning Obligations SPD. (iii) Based on latest HLS (September 2015) and subsequent permissions, not enough s106 to fund school plus cost of land. (iv) AONB location means exceptional circumstances needed to justify further development. (v) Contributions towards new school building and land not meet s106 tests – unrealistic/ unlawful seek primary school places when spare capacity within system (see pupil numbers) (vi) would be unviable along with other requirements. Request that project is deleted.</p> <p>Other points:</p> <ol style="list-style-type: none"> <li>1. Priority – not essential. Demand is falling (falling pupil numbers) and no Government funding available.</li> <li>2. Identified funding – funds will not come from CIL (not on R123 List) nor s106 (insufficient development for this to be funded through s106 contributions; not pass legal test when spare capacity exists)</li> <li>3. Phasing – unlikely to be 2016-2021. Inaccurate. No site, no planning permission, no funding and no realistic prospect of</li> </ol>	<p>Noted. While there are currently some surplus places in existing schools which should meet the demand from approved housing, any further housing could not be accommodated in the existing schools, as they cannot be expanded. The Council is seeking a new site for Preshute Primary School to enable to the school to be relocated and enlarged if necessary.</p> <p><b>Proposed action IDP14</b></p> <p>The Council will clarify the requirement for primary school places in Marlborough in the final IDP.</p>

Topic	Consultee (Comment ID)	Comments	Officer responses/ proposed actions
		<p>funding, no design, no public consultation.</p> <ol style="list-style-type: none"> <li>4. Risk – medium. No prospect of delivery by 2021. Risk greater than ‘high’. Should be removed from schedule</li> <li>5. Lack of community support from parents or local community. No community consultation. No proposals about future of existing site – most likely use is residential, or care home. Wrong to include scheme in IDP as an agreed scheme.</li> <li>6. Case for retaining existing use of site. Pupils number will fall, so opportunity to remove some buildings and increase play space and other facilities. Half number of pupils, fewer from long distance = reduction in car journeys/ traffic.</li> <li>7. Village school – Become village school again. Local and character that new schools in housing estates do not have. If Preshute relocated, why would parents send children there instead of new St Mary’s School, also in a housing estate but with more facilities and open to children of all abilities? Village school character part of attractiveness of school.</li> <li>8. Removal of rural facilities from village of Manton would harm the character of the village</li> <li>9. No mention of replacement school until (i) support from community, (ii) site identified, (iii) funding in place, (iv) planning permission granted, (v) certainty and community support for future use of existing site</li> </ol>	
<b>Appendix 1: Melksham</b>	Melksham Without	Add proposed eastern by pass to the IDP	Noted. The A350 Melksham Bypass project was

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	Parish Council (12)	because (i) parish council strategy for development in parish/ neighbourhood plan area to be in north east, (ii) will facilitates continuation of eastern by-pass to connect Beanacre to newly constructed Eastern Way	submitted by the Swindon and Wiltshire LEP to the DfT's Local Transport Majors Fund with the aim of securing funding to develop an outline business case for the scheme.  It is possible for such a scheme to be added to the IDP during a future review, when further information is available.  <b>No action</b>
<b>Appendix 1: Mere</b>		No specific comments	
<b>Appendix 1: Pewsey</b>		No specific comments	
<b>Appendix 1: Royal Wootton Bassett &amp; Cricklade</b>		No specific comments	
<b>Appendix 1: Salisbury</b>	Salisbury City Council (19)	The housing trajectory for Salisbury includes strategic sites which are located in adjoining community areas. This needs to be made clear, since the map only shows the boundary of the community area and not the strategic sites which are outside that boundary.	Noted. This reflects the adopted Wiltshire Core Strategy, which includes these strategic sites that delivery the housing requirement for the city in the Salisbury Community Area.  <b>Proposed action IDP15</b>  The Council will review Appendix 1 for Salisbury to consider how best to reflect that strategic sites delivering housing requirement for Salisbury that may be located outside of the community area boundary prior to finalising the IDP.
	Salisbury City Council (19)	It also needs to be made clear whether infrastructure projects which serve the strategic	Infrastructure projects that serve the strategic sites included within Salisbury housing allocation

Topic	Consultee (Comment ID)	Comments	Officer responses/ proposed actions
		housing sites which are included within Salisbury's allocation but which lie outside the current city boundary are to appear in this appendix of the IDP or in the appendix for the community area in which the infrastructure is located. The information supplied in the IDP and the SDP in relation to Education does not seem to match up – see comments on SAL001 below – so the situation is unclear.	will be included within the appendix for Salisbury.  <b>Proposed action IDP16</b>  The Council will review Appendix 1 for Salisbury to consider how best to reflect that infrastructure projects that serve the strategic sites included within Salisbury housing allocation will be included within the appendix for Salisbury, e.g. SAL001, prior to finalising the IDP.
	Salisbury City Council (19)	SAL004/WC011 NB WC011 'Capacity increases to the A36' has been removed in this version of the IDP, but comment still applies in respect of SAL004. There is no indication where these capacity increases have been justified – the Salisbury Transport Strategy documents make some reference to capacity issues at roundabouts but not to any general need for road widening. The Highways Agency statistics for the A36 show a general levelling off and even reduction of traffic on the A36 since 2000 so evidence for general capacity increases appears to be lacking.	Noted  <b>Proposed action IDP17</b>  The Council will review and clarify the requirement for SAL004, i.e. capacity increases to the A36, prior to finalising the IDP.
	Salisbury City Council (19)	SAL016-SAL019 Air Quality monitoring and modelling. Given the legal requirement for Wiltshire Council to meet air quality objectives in order to comply with EU legislation the provision of modelling and monitoring should be deemed 'essential' rather than 'place-shaping'.	Noted. Air quality is not listed under Core Policy 3.  <b>Proposed action IDP18</b>  The Council will review whether air quality mitigation should fall under 'essential' or 'place-shaping' infrastructure prior to finalising the IDP.



Topic	Consultee (Comment ID)	Comments	Officer responses/ proposed actions
	Salisbury City Council (19)	SAL020 £10,000 allocated over 15 years in order to develop and implement an Air Quality Action plan for Salisbury seems very low, bearing in mind that implementation will involve taking actions which are as yet undefined, Also, in view of the importance of meeting Air Quality Objectives within the City (see SAL016-SAL019 above) this should be deemed 'essential' rather than 'place-shaping'.	Noted. The IDP is an iterative document that is reviewed and updated periodically. It uses the best available evidence at the time of publication. If further specific implementation projects are identified then they could be considered for inclusion at a later date. Air quality is not listed under Core Policy 3.  <b>Proposed action IDP18</b>  The Council will review whether air quality mitigation should fall under 'essential' or 'place-shaping' infrastructure prior to finalising the IDP.
	Salisbury City Council (19)	SAL005-SAL012 (Was WC004-WC009 in previous IDP)  The items related to the Salisbury Transport Strategy are based on work undertaken by Atkins in 2009/2010. As yet there has been no opportunity for stakeholders including the City Council to comment on the options which are being put forward. An Area Transport Strategy for Salisbury is supposed to form part of the Wiltshire Local Transport Plan 2011-2026. However no local area strategy has yet been consulted on or adopted as part of this Local Transport Plan process, and the Salisbury Transport Strategy referred to in the IDP would appear to have no formal status.  Work on the Salisbury Transport Strategy to date has failed to take account of local aspirations and various aspects of Salisbury's development (including the Vision projects) which a stage of	The IDP is an iterative document that is reviewed and updated periodically. It uses the best available evidence at the time of publication. If further specific implementation projects are identified then they could be considered for inclusion at a later date.  Work was undertaken towards a transport strategy for Salisbury during the preparation/ examination of the South Wiltshire Core Strategy. Further work is currently being progressed.  <b>Proposed action IDP19</b>  The Council will update the links to the existing evidence base for the Salisbury Transport Strategy and clarify the position with regard to current work on the strategy prior to finalising the IDP.

Topic	Consultee (Comment ID)	Comments	Officer responses/ proposed actions
		<p>local consultation would have supplied. Examples of matters which are not dealt with in the Atkins work, and which will affect the estimated costs being used, include:</p> <ul style="list-style-type: none"> <li>• Public transport interchange facilities including improved rail/bus interchange and planning for the increase in bus services which will result from development (e.g. Community Campus bus service, bus service to new developments).</li> <li>• Coach infrastructure (The existing Coach Park is scheduled to be removed as part of the Maltings redevelopment which will jeopardise Salisbury's current 'coach friendly' status and could result in a large reduction in visitor numbers)</li> <li>• Re-opening of the railway station northern entrance</li> <li>• Opportunities for public transport infrastructure within the strategic sites around Salisbury, e.g. a bus gate to link the Longhedge site to Old Sarum housing to give the possibility a circular bus route</li> <li>• Opportunities for cycle routes to serve the new developments proposed around Salisbury. e.g. the potential off-road link to Bishopdown 2 shown on Wiltshire Council's Salisbury Cycle network map</li> <li>• Extension of 20 mph limits and zones throughout Salisbury</li> <li>• Opportunities to enhance the city centre environment to improve accessibility</li> </ul>	

Topic	Consultee (Comment ID)	Comments	Officer responses/ proposed actions
		<p>More recent proposals such as opportunities for cycle and walking improvements as identified in June 2013 "Cycle and Pedestrian access study" for Wiltshire produced by Sustrans as part of the LSTF bid.</p> <p>It is suggested that further work is needed to develop a comprehensive Transport Strategy for Salisbury and the IDP will need to be reviewed when a Transport Strategy has been finalised.</p>	
	Salisbury City Council (19)	<p>Additional comments on Salisbury IDP projects SAL001 – Primary School Education SAL001 makes reference to three new primary schools and extensions to existing schools. Table 5.2 in the SPD refers to 5 new primary schools in the housing allocations for Salisbury (at Churchfields, Fugglestone Red, Hampton Park, Longhedge and Wilton UKLF). The IDPs for Wilton and for Southern Wiltshire do not make reference to new primary schools within their community area, so it is unclear which of the 5 primary schools referred to in Table 5.2 are included in Salisbury's IDP.</p>	<p>Noted.</p> <p><b>Proposed action IDP20</b></p> <p>The Council will clarify the position with regard to the requirement for primary school places in Salisbury, Wilton and Southern Wilton Community Areas prior to finalising the IDP.</p>
	Salisbury City Council (19)	<p>SAL004 – Southampton Road</p> <p>The reference to the Highways Agency should now refer to Highways England.</p> <p>Given that the A36 is a trunk road and that maintenance and enhancements to the Strategic Road Network would normally be the responsibility of the Highways England is it appropriate to allocate S106 or CIL funding to such a project?</p>	<p>Noted. The Council can pass CIL to a third party, such as Highways England, if the infrastructure to be delivered will benefit development in its area.</p> <p><b>Proposed action IDP21</b></p> <p>The Council will correct the reference to the Highways Agency/ England prior to finalising the IDP.</p>

Topic	Consultee (Comment ID)	Comments	Officer responses/ proposed actions
	Salisbury City Council (19)	Additional Infrastructure projects: Transport The proposal to create a 'shared space' environment at Minster Street/Castle Street/Blue Boar Row is something which the Sustainable Transport department have been working on in recent months and this should be added as an infrastructure project with an indication of timeframe and funding sources etc.	Noted  <b>Proposed action IDP22</b>  This suggestion from Salisbury City Council about a 'shared space' environment at Minster Street/ Castle Street/ Blue Boar Row will be passed to Council's sustainable transport team for further consideration. It is possible for further identified schemes to be added to the IDP at a later review.
	Salisbury City Council (19)	Additional Infrastructure projects: Open Space, Green Infrastructure and the Environment The only projects on the IDP in this category relate to Air Quality. There are other open space projects e.g. the Country Park associated with Riverdown Park , open space at Lime Kiln Way which should be included in this list. It is suggested the Salisbury Area Greenspace Partnership (SAGP), a community-led organisation which has been working in partnership with Wiltshire Council, Salisbury City Council and others since 2012, could help to develop this list further. SAGP have been working on a greenspace mapping project building on WC's digital mapping base and their work is helping to identify requirements relating to green infrastructure improvements and green linkages in Salisbury and the surrounding areas where new development linked to Salisbury is occurring.	Noted. The IDP is an iterative document that is reviewed and updated periodically. It uses the best available evidence at the time of publication. If further specific implementation projects are identified through working with the Salisbury Area Greenspace Partnership on, for example, the Green Infrastructure Strategy then they could be considered for inclusion at a later date.  <b>No action</b>
	Salisbury Area Greenspace Partnership (16)	Re: Planning application Ref: 13/00673/OUT for 650 houses at Longhedge Why no links to Old Sarum for pedestrians &	The need to provide a link between the Longhedge site and the Old Sarum site was the subject of much discussion during the planning

Topic	Consultee (Comment ID)	Comments	Officer responses/ proposed actions
		cyclists or links to the local park and ride facility or safer routes into Salisbury	<p>application process for 13/00673/OUT. The difficulty relates to the link needing to cross a strip of land owned by a third party. Unless the owner of this strip wishes to allow a crossing of their land, it would be impossible for the applicant to secure a continuous surfaced link to be provided over this third party land. The Council agreed with the applicant that, in the circumstances, the most appropriate manner with which to deal with this matter would be through the inclusion of a commuted sum within the Section 106 Agreement for the Council to secure the future provision of such a link to allow free and unfettered access to residents/occupiers of both the future Longhedge site and the Old Sarum site.</p> <p><b>No action</b></p>
<b>Appendix 1: Southern Wiltshire</b>		No specific comments.	
<b>Appendix 1: Tidworth</b>		No specific comments.	
<b>Appendix 1: Tisbury</b>		No specific comments.	
<b>Appendix 1: Trowbridge</b>	APT & Persimmon Homes (36) (Pegasus Planning Group)	The IDP anticipates the Ashton Park strategic allocation to come forward in the period 2016 - 2026. However, it should be noted that the outline planning application was submitted in May 2015, but continues to be delayed by additional information required for the Habitat Regulations Assessment and Environment Agency. The delays will clearly have implications to the	<p>Noted. The IDP is an iterative document that is reviewed and updated periodically. It uses the best available evidence at the time of publication. If the timetable changes then this can be reflected in a subsequent update to the IDP.</p> <p><b>No action</b></p>

Topic	Consultee (Comment ID)	Comments	Officer responses/ proposed actions
		trajectory for delivery of the strategic allocation.	
	APT & Persimmon Homes (36) (Pegasus Planning Group)	TRO ASH 012 Policy CP41 relates to sustainable construction and is not appropriate for inclusion in the infrastructure list.	Noted.  <b>Proposed action IDP23</b>  The Council will review project TROASH012, the provision of a sustainable energy strategy, (and similar projects that may be listed for other strategic sites) and consider whether its inclusion is still appropriate prior to finalising the IDP.
	APT & Persimmon Homes (36) (Pegasus Planning Group)	TROASH 013, 014,015,016,019 The cost of delivery has yet to be explained or negotiated in detailed discussions on the s 106 or agreed with the developer.	Noted. The IDP is an iterative document that is reviewed and updated periodically. It uses the best available evidence at the time of publication, which in this case are indicative costs from sustainable transport/ rights of way services. If the costs change then this can be reflected in a subsequent update to the IDP.  <b>No action</b>
<b>Appendix 1: Warminster</b>	Redrow Homes (39) (Nathaniel Litchfield)	R123 List much clearer at identifying which projects are on the R123 List than the IDP.  Some schemes subject to s106 are included in the SPD  However, unable to understand why some schemes are on the R123 List, whereas others have been excluded. For example, for Warminster, the IDP identifies four education projects, including new primary school and secondary school on strategic site (as allocated	The Infrastructure Delivery Plan (IDP) identifies infrastructure projects, including potential sources of funding, necessary to deliver planned growth in the adopted Wiltshire Core Strategy. Not all of these projects are intended to be funded through CIL. It is the purpose of the Regulation 123 List, not the IDP, to identify projects that Wiltshire Council may fund, in whole or part, through CIL.  CIL is a mechanism that Wiltshire Council can use to fund strategic infrastructure across the County. Unlike with s106 agreements, CIL does

Topic	Consultee (Comment ID)	Comments	Officer responses/ proposed actions
		<p>in the Core Strategy). None of these schemes are on the R123 List or in the SPD. The IDP simply states that they will be funded by s106/ CIL/ Wiltshire Council.</p> <p>What does this mean for projects other than those on the R123 List and in the SPD? Creates uncertainty for developers and jeopardise the delivery of housing on strategic and other sites due to viability concerns.</p>	<p>not have to be spent in the area where the development takes place. It may be more appropriate for the Council to deliver some infrastructure by other means, such as through section 106 agreements. This can apply to directly related infrastructure that is necessary to make a development acceptable in planning terms.</p> <p><b>No action</b></p>
	Redrow Homes (39) ( <i>Nathaniel Litchfield</i> )	<p>Risk of double dipping, using example of Redrow's planning application on Land at St Andrew's Road, Warminster:</p> <p>Wiltshire Council is requesting through s106:</p> <ul style="list-style-type: none"> <li>• Affordable housing at 30%</li> <li>• Primary and secondary education c.£1.58m</li> <li>• NHS contribution for GP provision c.£100K</li> <li>• Public art c£61K</li> <li>• On-site public open space</li> <li>• Public right of way improvements up to £150K</li> <li>• Sustainable transport contributions (TBC)</li> </ul> <p>CIL</p> <ul style="list-style-type: none"> <li>• CIL liability estimated at £670K, which the Council advised to include:</li> <li>• Outdoor sports provision = £45K</li> <li>• Cemetery provision = £4K</li> <li>• Stone Curlew project = £23K</li> <li>• Community facilities = £168K</li> </ul>	<p>Land at St Andrew's Road, Warminster, is a planning application for c.203 houses, part of a larger strategic site allocated in the Wiltshire Core Strategy.</p> <p><b>Estimating CIL Liability</b></p> <p>Using the same assumptions in the CIL Viability Study (i.e. CIL rate = £30 per sqm; Affordable Housing 30%; average floor space = 95 sqm), we can estimate the CIL liability as follows:</p> <p>Number of houses = 203  Number of market houses = 142 (minus 30%)  Total floor space = 13,499.5 sqm (142 x 95)  Total CIL = £404,985  Neighbourhood Proportion (passed to parish councils) = £60,747.75 (15%)  Wiltshire Council CIL = <b>£344,237.25</b></p> <p>CIL is a mechanism that Wiltshire Council can use to fund strategic infrastructure across the County. Unlike with s106 agreements, CIL does not have to be spent in the area where the</p>

Topic	Consultee (Comment ID)	Comments	Officer responses/ proposed actions
		<p>Advised allocation of CIL funds totals £240K. Taking away c£150K social housing relief, how will the remaining £280K be spent? How will the Council ensure that Redrow do not pay for the same infrastructure twice?</p> <p>While on-site requirements, such as public open space, public art and affordable housing, must be captured through s106, how are off-site requirements such as education and NHS contributions any different to community facilities or outdoor sport? For some to be under CIL and some to be under s106 seems illogical and unjustified.</p>	<p>development takes place. It may be more appropriate for the Council to deliver some infrastructure by other means, such as through section 106 agreements. This can apply to directly related infrastructure that is necessary to make a development acceptable in planning terms.</p> <p>In simple terms, if an infrastructure project is on the Regulation 123 List then contributions cannot be sought towards it through section 106 agreements.</p> <p><b>No action</b></p>
	Redrow Homes (39) (Nathaniel Litchfield)	<p>CIL Regulation 122 requires planning obligations to be 'necessary', 'directly related' and 'fairly related in scale and kind'.</p> <p>Cannot assume a direct impact on Princecroft Primary School from Redrow's proposed development in Warminster. While the Council might assume that children from the development will go there, this is not a prerequisite as parents can apply for their children to go to any primary school.</p> <p>School places strategy (2015-2020) demonstrates that there are 12 primary schools (within 3 miles of the Redrow site). In 2016/17, the number of surplus places is expected to be c.262 across these schools. These figures take into account the proposed West Warminster Urban Extension. Significant reach to show that the impact of Redrow's scheme will fall upon one</p>	<p>Noted. In terms of the relationship between CIL and section 106, if an infrastructure project is on the Regulation 123 List then contributions cannot be sought towards it through section 106 agreements. Any contributions sought through section 106 agreements must meet the legal tests set out in Regulation 122 of the CIL Regulations 2010 (as amended) and the pooling restrictions set out in Regulation 123.</p> <p><b>No action</b></p>



Topic	Consultee (Comment ID)	Comments	Officer responses/ proposed actions
		school in particular, thus warranting a s106 contribution. This need to be clarified – the Council's application of CIL/ s106 does not meet the stringent tests in the Regulations. Potential to leave schemes unviable.	
<b>Appendix 1: Westbury</b>		No specific comments	
<b>Appendix 1: Wilton</b>	Salisbury City Council (19)	There is a subheading in this document which reads 'Delivery of housing 2006 – 2026 for the Mere community area:' and this should refer to Wilton community area.	Noted  <b>Proposed action IDP24</b>  The Council will correct the error in Appendix 1 for Wilton, in which a sub-heading incorrectly refers to 'Delivery of housing 2006 – 2026 for the Mere Community Area' when this should refer to Wilton, prior to finalising the IDP.
<b>Appendix 1: Strategic, regional and general</b>	Malcolm Toogood (35)	Object to inclusion of WCC008, WCC009 and WCC010 in a consultation on community projects, i.e. the 'nice-to-haves' as opposed to the essentials. These are statutory requirements and should not be funded through non-Core funding. The suggestion of paying for this from development levies shows the Council has scant regard for the safety of its citizens and more concerned with keeping as much of the taxpayers' money it receives towards overinflated staffing levels, especially within the planning service.	The focus of the Infrastructure Delivery Plan (IDP) and the Community Infrastructure Levy (CIL) is on strategic infrastructure requirements rather than community projects.  The Infrastructure Delivery Plan (IDP) identifies the necessary infrastructure to deliver planned growth set out in the adopted Wiltshire Core Strategy (January 2015), which is the high level strategic planning document for the County. These projects may be delivered by a range of funding mechanisms, including CIL, section 106 agreements or grant funding.  CIL is intended to fund strategic infrastructure

Topic	Consultee (Comment ID)	Comments	Officer responses/ proposed actions
			<p>projects across the County. It is the purpose of the Regulation 123 List, not the IDP, to identify infrastructure projects that may be funded by CIL. As mentioned above, CIL is only one of the mechanisms used to fund infrastructure. It may be more appropriate to fund projects through section 106 agreements if they are directly related to a particular development.</p> <p>The CIL Examiner recognised in his report (paragraph 73) the need to be flexible with regard to funding sources for proposed developments in Chippenham.</p> <p>However, a proportion of CIL is ring-fenced for local community projects. This is passed to parish councils for them to spend as they see fit, as long as it is in line with the CIL Regulations 2010 (as amended).</p> <p><b>Proposed action IDP11</b></p> <p>The Council will clarify in the IDP that it is the purpose of the Regulation 123 List, <b>not the IDP</b>, to identify which infrastructure projects may be funded by CIL.</p>

## 7. Proposed actions and next steps

### Draft Revised CIL Regulation 123 List

- 7.1. *Table 7.1* below contains a list of proposed changes (**R123 1 to R123 3**) to the Draft Revised CIL Regulation 123 List resulting from consultation feedback.

Table 7.1 – Proposed changes to the Draft Revised CIL Regulation 123 List resulting from consultation feedback

Table 7.1 – Proposed changes to the Draft Revised CIL Regulation 123 List resulting from consultation feedback	
Ref.	Description
<b>R123 1</b>	Remove “A350 Chippenham Bypass Improvements (Bumpers Farm)” from the Regulation 123 List.
<b>R123 2</b>	Remove “A429 Malmesbury Access Improvements (junction improvements at B4014 Tetbury Road/ Tetbury Hill and B4014 Filands/ A429 Crudwell Road)” from the Regulation 123 List
<b>R123 3</b>	Remove “A36 Southampton Road upgrades (inc. road widening, increasing roundabout capacity and bus priority lanes)” from the Regulation 123 List

### Draft Revised Planning Obligations SPD

- 7.2. *Table 7.2a* below contains a list of proposed changes (**SPD1 to SPD18**) to the existing Planning Obligations SPD included within the consultation draft and supported through consultation feedback.

Table 7.2a – Proposed changes to the existing Planning Obligations SPD included within the consultation draft and supported through consultation feedback

Table 7.2a – Proposed changes to the existing Planning Obligations SPD included within the consultation draft and supported through consultation feedback	
Ref.	Description
<b>SPD1</b>	Amend paragraph 1.4 as follows:  This <b>Revised</b> Planning Obligations Supplementary Planning Document (SPD) supports policies within the adopted Wiltshire Core Strategy (January 2015), particularly Core Policy 3 Infrastructure Requirements. It should be read in conjunction with the Wiltshire CIL Charging Schedule and the Wiltshire Regulation 123 List (see paragraph 2.12). <b>The Council will periodically review and update the Regulation 123 List.</b>
<b>SPD2</b>	Amend paragraph 3.2 as follows:

Table 7.2a – Proposed changes to the existing Planning Obligations SPD included within the consultation draft and supported through consultation feedback

Ref.	Description
	<p>“Since the adoption of Wiltshire’s CIL Charging Schedule, the scope of planning obligations is reduced. However, planning obligations will still be sought towards affordable housing. The Council may also seek planning obligations, where it is not appropriate to use planning conditions, towards site-specific infrastructure projects not on the Wiltshire Regulation 123 List. <del>Such site-specific infrastructure projects may fall under the following categories:</del></p> <ul style="list-style-type: none"> <li><del>• Education</del></li> <li><del>• Open space/ green infrastructure</del></li> <li><del>• Transport/ highways</del></li> <li><del>• Flood alleviation and sustainable urban drainage schemes</del></li> <li><del>• Community and health facilities</del></li> <li><del>• Air quality, contaminated land and noise monitoring and mitigation measures</del></li> <li><del>• Fire hydrants</del></li> <li><del>• Local employment, skills training and enterprise benefits</del></li> <li><del>• Waste and recycling containers</del></li> <li><del>• Art and design in the public realm</del></li> <li><del>• Site specific measures to protect and enhance the historic environment”</del></li> </ul>
SPD3	<p>Amend paragraph 5.4 as follows:</p> <p>“A specific local education need may be identified that is linked to development. <del>CIL is unlikely to cover the full cost of land or the provision of a new school, or extension to existing schools.</del> Therefore, this may be secured through planning obligations. The Council can pool up to five separate planning obligations towards a specific project not on the Regulation 123 List. In some cases, the scale of a development may be sufficient by itself to justify a new school. The developer will then be expected to provide the site free of charge and pay the full construction costs, including all design fees and charges.”</p>
SPD4	<p>Amend paragraph 6.1 as follows:</p> <p>“The Council will generally mitigate the site specific impact of development on Wiltshire’s open space and green infrastructure through planning obligations. <u>CIL may be used to fund open space and green infrastructure projects.</u>”</p>
SPD5	<p>Delete paragraph 6.3 as follows:</p> <p><del>The provision of new and improvements to existing public open space and green infrastructure will generally be funded through CIL, except where the requirement can be attributed to five or fewer developments, when they may be sought through planning obligations, subject to meeting the three statutory tests in Regulation 122 of the CIL Regulations 2010 (as amended).</del></p>
SPD6	<p>Amend paragraph 6.4 as follows:</p> <p>“Mitigation of ecological impacts will generally continue to be managed through planning conditions and obligations as these matters are typically site specific. However, in exceptional circumstances off-site compensation, such as habitat creation or enhancement, may be required to offset the effects of development where onsite mitigation is not possible. For example, a financial contribution may be required to fund capital works and ongoing management by the Council or relevant third parties. This would exclude funding of strategic <u>Habitats Regulations Assessment (HRA)</u> mitigation strategies, as identified in the Regulation 123 list, Infrastructure Delivery Plan and / or paragraph 6.70 of the Wiltshire</p>

Table 7.2a – Proposed changes to the existing Planning Obligations SPD included within the consultation draft and supported through consultation feedback	
Ref.	Description
	Core Strategy.”
SPD7	<p>Amend paragraph 6.5 as follows:</p> <p>“The <del>Habitats Regulations Assessment</del> of the Wiltshire Core Strategy identified that the cumulative effects of planned development has the potential to effect a number of European designations including the Salisbury Plain and the New Forest Special Protection Areas and the River Avon Special Area of Conservation; strategic mitigation strategies for these areas will be funded through CIL receipts. To meet the strict requirements of the Habitat Directive to ensure that these strategies are delivered, funds will be ring-fenced annually from CIL receipts prior to spending on any other infrastructure item.”</p>
SPD8	<p>Amend paragraph 7.12 as follows:</p> <p>There will be some transport schemes that cannot be funded through planning obligations and these will be delivered through CIL receipts. <del>This will generally be targeted towards ‘softer’ transport measures, as identified in the Regulation 123 List, such as:</del></p> <ul style="list-style-type: none"> <li><del>• Personalised travel planning</del></li> <li><del>• Town way-finding schemes</del></li> <li><del>• Footpath and cycle route enhancements</del></li> <li><del>• Wider urban bus service support</del></li> <li><del>• Mobility schemes</del></li> <li><del>• Cycle stand provision</del></li> <li>• On-highway public realm improvements</li> </ul>
SPD9	<p>Amend paragraph 10.2 as follows:</p> <p>“Examples of section 106 obligations may include but will not be limited to:</p> <ul style="list-style-type: none"> <li>• Site-specific air quality, contaminated land and noise monitoring and mitigation measures</li> <li>• Fire hydrants (<i>see paragraph 10.3</i>)</li> <li>• Local employment, skills training and enterprise benefits</li> <li>• Waste and recycling containers</li> <li>• Art and design in the public realm</li> <li>• Site-specific measures to protect and enhance the historic environment”</li> </ul>
SPD10	<p>Add paragraph 10.3 as follows:</p> <p><u>“Development may require the provision of fire hydrants and water supplied for firefighting. Where a direct need arising from the development is identified by the Fire Authority, the Council will seek this through a planning condition or, if this is not possible, a planning obligation. The developer is responsible for the cost of the hydrants and water supplies for firefighting. Consultation should be undertaken with the Fire Authority to ensure that the site is provided with adequate water supplies for use by the fire and rescue service in the event of a fire. Arrangements may include a water supply infrastructure, suitable siting of hydrants and/ or access to an appropriate water supply. Consideration should also be given to ensure access to the site, for the purpose of firefighting, is adequate for the size and nature of the development. CIL may be used to fund other emergency services infrastructure projects.”</u></p>
SPD11	Amend paragraph 11.17 as follows:

Table 7.2a – Proposed changes to the existing Planning Obligations SPD included within the consultation draft and supported through consultation feedback	
Ref.	Description
	“Parish and town councils are well placed to articulate the needs of the local community. They may identify necessary mitigation measures required from development proposals. In addition, neighbourhood plans may also play a key role in identifying and prioritising local infrastructure that could be delivered via planning obligations or <b>the neighbourhood proportion of</b> CIL receipts.”
SPD12	Amend paragraph 12.10 as follows:  “CIL Regulation 123 states that the pooling of contributions from more than five separate planning obligations towards a specific type of infrastructure or infrastructure project will not be permitted ( <del>for example, pooling contributions to pay for improvements to Wiltshire’s parks</del> ).”
SPD13	Delete paragraph 12.11 as follows:  <del>Only in very exceptional circumstances where no more than five separate developments are proposed in close proximity to each other and the cumulative effect will result in the need for a specific mitigating measure which hasn’t been pooled since 2010, the council may pool contributions for each of these developments in order to fund the necessary measures.</del>
SPD14	Delete Appendix 1 (and make appropriate changes to Table of Contents)
SPD15	Amend the title of Appendix 2 as follows: (and make appropriate changes to Table of Contents)  Appendix <del>2</del> <b>1</b> – Wiltshire Affordable Housing Zones Map ( <b>Core Policy</b> 43)
SPD16	Replace the Wiltshire Affordable Housing Zones Map with a higher quality version
SPD17	Amend the title of Appendix 3 as follows: (and make appropriate changes to Table of Contents)  Appendix <del>3</del> <b>2</b> – Useful links
SPD18	Amend the footer on all pages as follows:  <b>Revised</b> Wiltshire Planning Obligations Supplementary Planning Document

- 7.3. Table 7.2b below contains a list of further proposed actions or changes (**SPD19 to SPD38**) to the existing Planning Obligations SPD resulting from consultation feedback.

Table 7.2b – Further proposed changes to the existing Planning Obligations SPD resulting from consultation feedback

Table 7.2b – Further proposed changes to the existing Planning Obligations SPD resulting from consultation feedback	
Ref.	Description

Table 7.2b – Further proposed changes to the existing Planning Obligations SPD resulting from consultation feedback	
Ref.	Description
SPD19	The Council will consider the most appropriate way of providing information on pooled planning obligations.  However, no change to the existing SPD is required.
SPD20	The Council will change the paragraph reference in paragraph 1.2, bullet point 4, from 2.15 to 2.13.
SPD21	The Council will change the paragraph reference in paragraph 2.6, from 2.13 to 2.12.
SPD22	The Council will ensure that the section heading and paragraph numbers of the Revised Planning Obligations SPD reflect that 'The Council's approach to developer contributions' is Chapter 3, not Chapter 2.  However, no change to the existing SPD is required.
SPD23	The Council will ensure that the section heading and paragraph numbers of the Revised Planning Obligations SPD reflect that 'Affordable Housing' is Chapter 4, not Chapter 3.  However, no change to the existing SPD is required.
SPD24	The Council will change the reference in footnote 1 from Appendix 2 to Appendix 1.
SPD25	The Council will change the reference in paragraph 4.6 of the existing SPD from Appendix 2 to Appendix 1.
SPD26	Amend paragraph 4.3 of the existing SPD as follows:  The NPPF ( <b>March 2012</b> ) definition for affordable housing includes social, affordable and intermediate housing for rent or sale. <del>They are Affordable housing is</del> provided to eligible households whose needs are not met by the market. Eligibility is determined with regard to local incomes and local house prices. <b><u>This SPD will apply to any definition of affordable housing in future versions of the NPPF.</u></b>
SPD27	Amend paragraph 4.6 of the existing SPD as follows:  Core Policy 43 seeks at least 30% or 40% (net) affordable housing provision on-site depending upon the location of development ( <i>see Appendix 2 1</i> for a map of the affordable housing zones). In exceptional circumstances, the Council will accept a commuted sum. <del>However, a Ministerial Statement (28 November 2014) changed the position by requiring that contributions should not be sought from developments of 10 units or less and which have a maximum combined floorspace of no more than 1000sqm (Gross Internal Area). Local authorities can apply a threshold of five units or less in designated rural areas, including national parks and Areas of Outstanding Natural Beauty (AONBs), but must then seek affordable housing and tariff style contributions on development of between six and 10 units in the form of cash payments commuted until after completion of units within the development.</del> Provision may vary on a site by site basis, taking into account local need, mix and development viability. <b><u>In applying the affordable housing policy for developments of 10 units or less, the Council will have regard to the Ministerial Statement of 28 November 2014<sup>1</sup> and the associated changes to the Planning Practice Guidance.</u></b> On rural exception sites <sup>2</sup> , Core Policy 44 allows affordable houses for local need.  Insert and retain, respectively, the following footnotes:  <sup>1</sup> Department for Communities and Local Government, the Minister of State for Housing and Planning

Table 7.2b – Further proposed changes to the existing Planning Obligations SPD resulting from consultation feedback	
Ref.	Description
	<p>(Brandon Lewis). (28 November 2014). House of Commons: Written Statement (HCWS50) <i>Support for small scale developers, custom and self-builders</i>. Available: <a href="http://www.parliament.uk/documents/commons-vote-office/November%202014/28%20Nov%202014/2.%20DCLG-SupportForSmallScaleDevelopersCustomAndSelf-Builders.pdf">http://www.parliament.uk/documents/commons-vote-office/November%202014/28%20Nov%202014/2.%20DCLG-SupportForSmallScaleDevelopersCustomAndSelf-Builders.pdf</a>. Last accessed 24th August 2016.</p> <p>And,</p> <p><sup>2</sup>The restrictions on seeking affordable housing and tariff style planning obligations introduced by the Ministerial Statement (28 November 2014) do not apply to development on Rural Exception Sites, although they should not be sought from residential annexes or extensions.</p>
SPD28	<p>The Council will ensure that the section heading and paragraph numbers of the Revised Planning Obligations SPD reflect that 'Education' is Chapter 5, not Chapter 4.</p> <p>However, no change to the existing SPD is required.</p>
SPD29	<p><b>Proposed action SPD29</b></p> <p>Amend paragraph 5.9 of the existing SPD as follows:</p> <p><del>"Table 5.2 sets out how the council will use planning obligations and CIL to secure education facilities from development, including k</del>Known site-specific <b>education</b> requirements resulting from strategically important sites <del>allocated in the Wiltshire Core Strategy are set out in the development templates in Appendix A to the adopted Wiltshire Core Strategy, and in subsequent development plan documents, such as the Chippenham Site Allocations Plan and the Wiltshire Housing Site Allocations Plan. They are informed by the Infrastructure Delivery Plan, which will be updated periodically over the plan period. Infrastructure requirements may therefore change. The Council will be flexible and responsive to any changes."</del></p> <p>And remove Table 5.2.</p>
SPD30	<p>Add new paragraph 5.17 as follows:</p> <p><b><u>"The Council uses cost multiplier figures (updated annually) to determine the cost per place for nursery, primary and secondary places. These are applied to the pupil product figures when assessing the amount of financial contributions required from developers towards the provision of school places. Cost multiplier figures on which the final contribution will be calculated are those applicable on the date of signature of a legal agreement."</u></b></p>
SPD31	<p>Amend paragraph 6.4 as follows:</p> <p>"This would exclude funding of strategic <b>Habitats Regulations Assessment (HRA)</b> mitigation strategies, as identified in the Regulation 123 list, Infrastructure Delivery Plan and/or paragraph 6.<del>7</del><b>76</b> of the Wiltshire Core Strategy."</p>
SPD32	<p>Amend paragraph 6.7 as follows:</p> <p>"The saved Local Plan policies contain the adopted Wiltshire open space standards. These will be replaced by Wiltshire-wide standards, <del>which will be informed by an</del> <b>within the Wiltshire Open Spaces Study (2015 – 2026) Part 1</b> <del>to be completed in 2015</del>. The new standards will be formally adopted as part of the partial review of the Wiltshire Core Strategy programmed in the Council's Local Development Scheme."</p>



Table 7.2b – Further proposed changes to the existing Planning Obligations SPD resulting from consultation feedback	
Ref.	Description
	<p>Amend paragraph 6.8 as follows:</p> <p>“Thresholds for planning obligations are set out in the adopted Wiltshire open space standards. Four sets of open space standards are currently in operation across Wiltshire, with different standards applying in each of the former district areas. <del>These will be replaced by Wiltshire wide standards which will be informed by an Open Spaces Study, to be completed in 2015, with the new standards adopted as part of the partial review of the Wiltshire Core Strategy by the end of 2015.</del> Core Policy 52 requires development to make provision in line with the adopted Wiltshire Open Space standards.”</p> <p>Amend paragraph 6.9 as follows:</p> <p>“. . . It will be guided by the Open Spaces Study, <del>to be completed in 2015,</del> dependent upon individual site characteristics and, as such, in the interim period decisions will be made on a case by case basis.”</p>
SPD33	<p>Amend paragraph 7.6 as follows:</p> <p>“The provision of sustainable transport measures may be more challenging in rural areas but is likely <u>to</u> reflect those sought in more urban areas of the county.”</p>
SPD34	<p>Amend paragraph 8.10 as follows:</p> <p>“On-site infrastructure may also be provided to alleviate the risk of flooding, and reduce impacts on drainage infrastructure. <u>Core Policy 3 states that water and sewerage, flood alleviation and sustainable drainage systems are essential infrastructure. This is to be provided by new development, which must be adequately served by on and off-site foul and surface water drainage systems.</u> This will normally form part of the detailed matters submitted and agreed through the planning application process. The delivery can therefore be secured through a planning condition.”</p>
SPD35	<p>Amend paragraph 9.3 as follows:</p> <p><del>“Table 9.2 sets out Known</del> site-specific <u>community and health facilities</u> requirements for health facilities resulting from new development <u>strategically important sites</u> allocated in the <del>Wiltshire Core Strategy.</del> <u>are set out in the development templates in Appendix A to the adopted Wiltshire Core Strategy, and in subsequent development plan documents, such as the Chippenham Site Allocations Plan and the Wiltshire Housing Site Allocations Plan. They are informed by the Infrastructure Delivery Plan, which will be updated periodically over the plan period. Infrastructure requirements may therefore change. The Council will be flexible and responsive to any changes.</u>”</p> <p>And delete Table 9.2.</p>
SPD36	<p>Amend paragraph 9.5 as follows:</p> <p>“Large residential developments or a cluster of neighbouring developments will lead to a local increase in population. This can create a need for specific local health facilities if there is no existing local capacity or likely to be in the near future. <del>The average list size for a whole time equivalent GP is 1,750 patients.</del> New development <del>that results in more than 7,000 new residents (a patient list of four whole time equivalent GPs)</del> may <u>therefore</u> require a new facility <u>or extensions to existing facilities</u> to be provided.”</p>
SPD37	<p>Amend paragraph 11.13 as follows:</p>

**Table 7.2b – Further proposed changes to the existing Planning Obligations SPD resulting from consultation feedback**

Ref.	Description
	On rare occasions the cost of obligations may be greater than the proposed development is able to bear. Where the outcome is judged to have a significant impact on residual land values and financial viability is raised as a concern, a financial appraisal of the proposed development by the applicant will be required to substantiate the claim. This <b>appraisal</b> should <b>be submitted alongside</b> <del>form part of</del> the application documentation and <b>where possible will be treated and kept as confidential by the Council</b> . The <del>e</del> Council will scrutinise the financial appraisal before confirming or otherwise viability.
<b>SPD38</b>	The Council will revise the map of affordable housing zones at Appendix 1 in the interests of clarity and consistency.

- 7.4. *Table 7.2c below contains a list of additional proposed changes (**SPD39 to SPD41**) to the existing Planning Obligations SPD following post-consultation internal review. These changes are being made in the interests of clarity and accuracy and, in the case of SPD39, to reflect current practice in planning for new school buildings. Proposed change SPD39 is not considered to affect the basis upon which education contributions are sought from development.*

**Table 7.2c – Additional proposed changes to the existing Planning Obligations SPD following post-consultation internal review****Table 7.2c – Additional proposed changes to the existing Planning Obligations SPD following post-consultation internal review**

Ref.	Description
<b>SPD39</b>	Amend paragraph 5.6 as follows:  The council will seek to open new (4-11) schools for primary phase pupils. For secondary phase pupils, the Council will seek to open new (11-16) or (11-18) schools, <b>however all-through (4-16 or 4-18) schools will also be considered where appropriate for school organisation arrangements. For new primary schools the expectation is that a school will be</b> rather than any other school organisation arrangements. <del>For primary schools there is a strong preference for schools which take in</del> between one (210 places) and three forms of entry (630 places). Smaller new schools will only be considered if it is not possible to expand existing schools and the <b>cumulative</b> additional demand <b>from development</b> does not require seven classes.
<b>SPD40</b>	Amend multiple references to sustainable drainage systems (SuDS) in the SPD, particularly in Chapter , from “sustainable urban drainage schemes/ systems” to “sustainable drainage systems” or “SuDS” as appropriate.
<b>SPD41</b>	Amend footnote 6 as follows:  Wiltshire Council (2014), Waste Storage and Collection Guidance for New Developments. <b>This document is currently under review. See Appendix 4.</b>

## Draft Updated Infrastructure Delivery Plan

7.5. Table 7.3 contains a list of proposed actions or changes (**IDP1 to IDP24**) to the Draft Updated Infrastructure Delivery Plan resulting from consultation feedback.

Table 7.3 – Proposed actions or changes to the Draft Updated Infrastructure Delivery Plan resulting from consultation feedback

Table 7.3 – Proposed actions or changes to the Draft Updated Infrastructure Delivery Plan resulting from consultation feedback	
Ref.	Description
<b>IDP1</b>	The Council will review the housing trajectories for each community area in Appendix 1 to determine whether they need to include housing still to be planned for during the plan period and make any changes prior to finalising the IDP.
<b>IDP2</b>	The Council will consider providing further information about and/ or a link to emerging local plans, in paragraph 1.8, prior to finalising the IDP.
<b>IDP3</b>	The Council will update the links to supporting plans and strategies, in Chapter 1, prior to finalising the IDP.
<b>IDP4</b>	The Council will update the links and clarify the monitoring and review process for the IDP, including the status of the Annual Monitoring Report (AMR), in Chapter 1, prior to finalising the IDP.
<b>IDP5</b>	The Council will consider whether the Policy for Requesting s106 Contributions for Education, referred to in paragraph 2.5, needs to be updated now that CIL is in operation.
<b>IDP6</b>	The Council will update the links in paragraph 3.6 to the existing evidence base work undertaken towards a transport strategy for Salisbury and clarify the position with regard to the current timetable for its completion.
<b>IDP7</b>	The Council will review paragraph 7.6 to recognise the impact of cumulative development upon the provision of healthcare facilities but remove reference to a specific number.
<b>IDP8</b>	The Council will review the references to 's106/ CIL', in Appendix 1, to provide clarification that the relevant infrastructure projects may be funded by developer contributions generally, i.e. s106 <u>or</u> CIL but not both.
<b>IDP9</b>	The Council will review the formatting of the document (i.e. paragraph, section and page numbers) prior to finalising the IDP.
<b>IDP10</b>	The suggestion from the Calne Community Neighbourhood Plan Steering Group about looking at upgrades to other areas of Sustrans Route 403 will be passed to the Council's sustainable transport team for further consideration. For example, between Castlefield's Park and Black Dog Halt and from Black Dog Halt to its junction with Studley Hill. It is possible for further identified schemes to be added to the IDP at a later review.
<b>IDP11</b>	The Council will clarify in the IDP that it is the purpose of the Regulation 123 List, <b>not the IDP</b> , to identify which infrastructure projects may be funded by CIL.
<b>IDP12</b>	The Council will review and correct any errors in the IDP, including those relating to the description of infrastructure requirements for strategic sites in Chippenham, prior to finalising the document.

**Table 7.3 – Proposed actions or changes to the Draft Updated Infrastructure Delivery Plan resulting from consultation feedback**

Ref.	Description
<b>IDP13</b>	The Council will consider the priority and level of risk attached to project DEV017 and make any necessary amendments prior to finalising the IDP.
<b>IDP14</b>	The Council will clarify the position with regard to the requirement for primary school places in Marlborough prior to finalising the IDP.
<b>IDP15</b>	The Council will review Appendix 1 for Salisbury to consider how best to reflect that strategic sites delivering housing requirement for Salisbury that may be located outside of the community area boundary prior to finalising the IDP.
<b>IDP16</b>	The Council will review Appendix 1 for Salisbury to consider how best to reflect that infrastructure projects that serve the strategic sites included within Salisbury housing allocation will be included within the appendix for Salisbury, e.g. SAL001, prior to finalising the IDP.
<b>IDP17</b>	The Council will review and clarify the requirement for SAL004, i.e. capacity increases to the A36, prior to finalising the IDP.
<b>IDP18</b>	The Council will review whether air quality mitigation should fall under 'essential' or 'place-shaping' infrastructure prior to finalising the IDP.
<b>IDP19</b>	The Council will update the links to the existing evidence base for the Salisbury Transport Strategy and clarify the position with regard to current work on the strategy prior to finalising the IDP.
<b>IDP20</b>	The Council will clarify the position with regard to the requirement for primary school places in Salisbury, Wilton and Southern Wilton Community Areas prior to finalising the IDP.
<b>IDP21</b>	The Council will correct the reference to the Highways Agency/ England prior to finalising the IDP.
<b>IDP22</b>	This suggestion from Salisbury City Council about a 'shared space' environment at Minster Street/ Castle Street/ Blue Boar Row will be passed to Council's sustainable transport team for further consideration. It is possible for further identified schemes to be added to the IDP at a later review.
<b>IDP23</b>	The Council will review project TROASH012, the provision of a sustainable energy strategy, (and similar projects that may be listed for other strategic sites) and consider whether its inclusion is still appropriate prior to finalising the IDP.
<b>IDP24</b>	The Council will correct the error in Appendix 1 for Wilton, in which a sub-heading incorrectly refers to 'Delivery of housing 2006 – 2026 for the Mere Community Area' when this should refer to Wilton, prior to finalising the IDP.

### Next steps

- 7.6. This consultation report presents a summary of the responses received during the consultation, along with officer comments and proposed actions or changes resulting from these comments.

- 7.7. Final versions of the Revised Regulation 123 List and Revised Planning Obligations SPD will be submitted for approval by Cabinet, with the SPD being considered for recommendation to Full Council for adoption. The draft Updated IDP will be finalised and published on the Council's website.
- 7.8. The Revised Regulation 123 List and Revised Planning Obligations SPD will then be published on the Council's website at [www.wiltshire.gov.uk/communityinfrastructurelevy](http://www.wiltshire.gov.uk/communityinfrastructurelevy). The final Updated Infrastructure Delivery Plan (IDP) will be published at [www.wiltshire.gov.uk/infrastructuredeliveryplan](http://www.wiltshire.gov.uk/infrastructuredeliveryplan).

### Timetable

- 7.9. The next stages in the preparation of the Revised CIL Regulation 123 List, Revised Planning Obligations SPD and Updated IDP 3 are set out in *Table 7.4* below.

**Table 7.4 – timetable for Revised CIL Regulation 123 List, Revised Planning Obligations SPD and Updated IDP 3**

Stage	Date
Cabinet	13 September 2016
Full Council (for adoption of SPD)	18 October 2016

## Appendix A List of respondents

### Index

The table below contains the full list of individuals and organisations that responded to the consultation. All individual representations are available to view in full through the Council's online consultation portal at <http://consult.wiltshire.gov.uk/portal>.

Comment ID	Respondents
1	Mr John Moran <b>Health and Safety Executive</b> Consultee ID: 899838
2	Ms Amy Tawton <b>Vale of White Horse District Council</b> Consultee ID: 987730
3	<b>CLH Pipeline System Ltd</b> (formerly GPSS) Consultee ID: 987736  c/o Ms Elizabeth Leedham Fisher German Agent ID: 987735
4	<b>Mr Ian Mellor</b> Consultee ID: 898225
5	Ms Amanda McCann <b>Westbury Town Council</b> Consultee ID: 840677
6	Mr Bob Sharples <b>Sport England</b> Consultee ID: 987760
7	Ms Ann Chard <b>Chippenham Town Council</b> Consultee ID: 630000
8	Mr Stephen Gray <b>Melksham Town Council</b> Consultee ID: 549123
9	Mr Charles Vernon <b>Malmesbury Civic Trust</b> Consultee ID: 547719
10	Mr Simon Fisher <b>Devizes Town Council</b> Consultee ID: 838183
11	Ms Katherine Burt <b>Environment Agency</b> Consultee ID: 395940

Comment ID	Respondents
12	Mrs Teresa Strange <b>Melksham Without Parish Council</b> Consultee ID: 857749
13	Ms Charlotte Mayall <b>Southern Water</b> Consultee ID: 987933
14	Ms Emma Slyvester <b>Bradford on Avon Town Council</b> Consultee ID: 903313
15	Mr Roger Coleman <b>Southwick Parish Council</b> Consultee ID: 712546
16	Mrs Nicola Lipscombe <b>Salisbury Area Greenspace Partnership</b> Consultee ID: 905964
17	Ms Marion Barton <b>Shrewton Parish Council</b> Consultee ID: 558192
18	Miss Sonja Kotevska <b>St Michael's Pre-School</b> Consultee ID: 987890
19	Cllr John Lindley <b>Salisbury City Council</b> Consultee ID: 905138
20	<b>Cllr Trevor Carbin</b> Consultee ID: 458208
21	Ms Clare Harris <b>Calne Community Neighbourhood Plan Steering Group</b> Consultee ID: 988153
22	<b>SW HARP Planning Consortium</b> Consultee ID: 710073  c/o Mr Sean Lewis Tetlow King Planning Agent ID: 903267
23	Ms Camelle Bell <b>Thames Water</b> Consultee ID: 401427  c/o Mr David Wilson Savills Agent ID: 785231
24	<b>Ms Isabel McCord</b> Consultee ID: 381841

Comment ID	Respondents
25	<b>Mrs Ros Huggins</b> Consultee ID: 988151
26	<b>Ms Lucie OLeary</b> Consultee ID: 988167
27	Mr Edward Heard <b>Chippenham Chamber of Commerce</b> Consultee ID: 988490
28	<b>Mr Clive Rathband</b> Consultee ID: 550098
29	<b>Ms Joan Rathband</b> Consultee ID: 903450
30	<b>Mrs Lisa Powrie</b> Consultee ID: 903318
31	<b>Mr John Powrie</b> Consultee ID: 903398
32	Mr Neville Nelder <b>Cotswolds Canal Trust</b> Consultee ID: 463097
33	<b>Bourne Leisure Ltd</b> Consultee ID: 397796  c/o Ms Helen Ashby-Ridgway Nathaniel Litchfield Agent ID: 988472
34	Ms Rachel Sandy <b>Highways England</b> Consultee ID: 903251
35	<b>Mr Malcolm Toogood</b> Consultee ID: 900830
36	Mr Nick Dowdeswell <b>APT &amp; Persimmon Homes</b> Consultee ID: 398006  c/o Mr Glenn Godwin Pegasus Planning Group Agent ID: 825048
37	<b>Robert Hitchins</b> Consultee ID: 841197  c/o Mr Neil Tiley Pegasus Planning Group Agent ID: 988521



Comment ID	Respondents
38	Mrs Claire Commons <b>Shaftesbury Town Council</b> Consultee ID: 988262
39	<b>Redrow Homes</b> Consultee ID: 903369  c/o Miss Jenny Mitter Nathaniel Litchfield Agent ID: 903370
40	<b>Wainhomes (South West) Holdings Ltd</b> Consultee ID: 389564
41	Mr John Gordon <b>Natural England</b> Consultee ID: 988581
42	Ms Jane Hennell <b>Canal &amp; River Trust</b> Consultee ID: 376324
43	<b>Cllr Chris Caswill</b> Consultee ID: 466775
44	Mr Rohan Torkildsen <b>Historic England</b> Consultee ID: 403792
45	<b>Home Builders Federation</b> Consultee ID: 710752  c/o Mr Nick Matthews Savills Agent ID: 389644
46	<b>Gleeson Developments Ltd</b> Consultee ID: 817896  c/o Mr Martin Miller Terence O'Rourke Agent ID: 817881
47	Cllr Chris Caswill <b>Campaign Against Urban Sprawl in the East (CAUSE 2015)</b> Consultee ID: 904094
48	<b>Ms Fiona Pillbrow</b> Consultee ID: 988678
49	<b>Rentplus</b> Consultee ID: 988686  c/o Ms Meghan Rossiter Tetlow King Planning Agent ID: 988697

Comment ID	Respondents
50	Mr David Burton <b>Laverstock and Ford Parish Council</b> Consultee ID: 988691
51	Ms Bev Cornish <b>Downton Parish Council</b> Consultee ID: 467669
52	Mr James Proyer <b>Persimmon Homes Wessex</b> Consultee ID: 983136
53	<b>Ms Cara King</b> Consultee ID: 988694
54	Ms Wendy Brown <b>Amesbury Town Council</b> Consultee ID: 390227
55	Ms Shelley Parker <b>Marlborough Town Council</b> Consultee ID: 820230
56	Mr Donal Casey <b>Wiltshire Scullers School</b> Consultee ID: 469672
57	Mr Chris Beaver <b>PlanningSphere Ltd</b> Consultee ID: 752571
58	<b>Mr Peter Andre</b> Consultee ID: 903434
59	<b>Mrs Lynda Andre</b> Consultee ID: 549369
60	<b>Mrs Celia Lainchbury</b> Consultee ID: 555776
61	<b>Mr Allan Pratt</b> Consultee ID: 395021
62	<b>Mrs Diana Moore</b> Consultee ID: 902739
63	<b>Mr Robert Pratt</b> Consultee ID: 903364
64	<b>Mrs Beryl Pratt</b> Consultee ID: 550882
65	<b>Mr Stewart Mitchell</b> Consultee ID: 903135

<b>Comment ID</b>	<b>Respondents</b>
66	<b>Mr Clive Mainstone</b> Consultee ID: 993694
67	<b>Mr Jamie Treweke</b> Consultee ID: 993697
68	<b>Ms Rebecca White</b> Consultee ID: 902873
69	<b>Mr Keith Thomas</b> Consultee ID: 993700
70	<b>Mrs Yvonne Thomas</b> Consultee ID: 993702
71	<b>Ms Sandra Provis</b> Consultee ID: 993706
72	<b>Mr Darren May</b> Consultee ID: 902532
73	<b>Mrs Sally May</b> Consultee ID: 706079
74	<b>Mr Peter Dignum</b> Consultee ID: 902989
75	<b>Mrs Beryl Dignum</b> Consultee ID: 902990
76	<b>Mr Dave Baker</b> Consultee ID: 902783
77	<b>Mrs Joy Baker</b> Consultee ID: 902779
78	<b>Mr Chris Tollervey</b> Consultee ID: 902721
79	<b>Mrs Suzanne Tollervey</b> Consultee ID: 993715
80	<b>Mrs Josephine Stickland</b> Consultee ID: 903144
81	<b>Mr David Brown</b> Consultee ID: 902298
82	<b>Mr Peter Bull</b> Consultee ID: 993726
83	<b>Mrs Alison Bull</b> Consultee ID: 993729

Comment ID	Respondents
84	<b>Mr George Nicoll</b> Consultee ID: 902814
85	<b>Mr Gareth Hardwell</b> Consultee ID: 903676
86	<b>Cllr Ernie Clark</b> Consultee ID: 840630
87	Chris Wordsworth <b>HPH Ltd</b> Consultee ID: 637637

DRAFT

## Appendix B Consultation materials

### 1) Newspaper advert (published week commencing 7 April 2016)

**Wiltshire Council Local Development Framework  
Notice of consultation on Draft Revised Community Infrastructure Levy (CIL)  
Regulation 123 List and Draft Revised Planning Obligations Supplementary  
Planning Document**

**Town and Country Planning (Local Planning) (England) Regulations 2012  
(Part 5 Regulations 11 to 16) Planning and Compulsory Purchase Act 2004  
Community Infrastructure Levy (CIL) Regulations 2010 (as amended)**

Wiltshire Council is consulting on a Draft Revised Community Infrastructure Levy (CIL) Regulation 123 List and a Draft Revised Planning Obligations Supplementary Planning Document (SPD). When finalised these will replace the original documents, which were adopted in May 2015. Together, they support the Wiltshire CIL Charging Schedule and clarify how the Council will seek infrastructure contributions from development.

Maintaining an up to date Regulation 123 List will support the effective implementation of CIL in Wiltshire. It has been reviewed to provide clarity over those infrastructure projects that may be funded through CIL. The Regulation 123 List takes projects from the Wiltshire Infrastructure Delivery Plan (IDP), which is developed in consultation with service providers and updated periodically. During the consultation, a Draft Updated IDP will also be made available for comment. Some changes are also proposed to the Planning Obligations SPD in the interests of clarity and accuracy.

**Availability of documents**

The Draft Revised CIL Regulation 123 List and Draft Revised Planning Obligations SPD and information on how to make comments will be published on **14 March 2016**. The documents will be available on the Wiltshire Council website at: [www.wiltshire.gov.uk/communityinfrastructurelevy](http://www.wiltshire.gov.uk/communityinfrastructurelevy)

Hard copies of these documents will also be made available during normal office hours at: all Council libraries; and the main Council offices in Chippenham (Monkton Park), Salisbury (Bourne Hill) and Trowbridge (County Hall). The Draft Updated IDP will be made available online only via the above web address.

**How to comment**

Comments are invited on these documents **from 14 March until 5pm, 25 April 2016**. Comments can be made:

- Online via the Council's consultation portal: <http://consult.wiltshire.gov.uk/portal>
- By email using the form available at [www.wiltshire.gov.uk/communityinfrastructurelevy](http://www.wiltshire.gov.uk/communityinfrastructurelevy) and returned to [cil@wiltshire.gov.uk](mailto:cil@wiltshire.gov.uk)
- By post in writing to: Spatial Planning, Economic Development & Planning, Wiltshire Council, County Hall, Bythesea Road, Trowbridge, Wiltshire, BA14 8JN.

If responding by post, comment forms are available from libraries and main Council offices.

**Next steps**

All comments received during the consultation period will be taken into account. Final versions of the Revised Regulation 123 List and Revised Planning Obligations SPD will be submitted for approval by Cabinet, with the SPD being considered for recommendation to Full Council for adoption.

Any queries should be made to Spatial Planning, Economic Development and Planning, Wiltshire Council on (01225) 713223 or [CIL@wiltshire.gov.uk](mailto:CIL@wiltshire.gov.uk)

Alistair Cunningham  
Associate Director  
Economic Development and Planning  
Wiltshire Council

## 2) Consultation letter/ email (sent out week commencing 7 April 2016)

Dear Sir/ Madam,

Wiltshire Council is consulting on a Draft Revised Community Infrastructure Levy (CIL) Regulation 123 List and Draft Revised Planning Obligations Supplementary Planning Document (SPD) **from 14 March until 5pm, 25 April, 2016**. When finalised, these will replace the original documents, which were adopted in May 2015.

The purpose of the Regulation 123 List is to support the Wiltshire CIL Charging Schedule. The Regulation 123 List sets out the strategic infrastructure types or projects that Wiltshire Council may fund, in whole or in part, through CIL. It does not apply to the ring fenced proportion of CIL passed to town and parish councils for them to allocate to community infrastructure projects.

It has become apparent, as development proposals have come forward, that the Regulation 123 List would benefit from reviewing to provide clarity over those infrastructure projects that may be funded through CIL. Alongside the changes to the Regulation 123 List, some changes are also proposed to the Planning Obligations SPD in the interests of clarity and accuracy, and to recognise that the Regulation 123 List will be reviewed and updated periodically.

It has always been the intention that CIL would be one of the mechanisms used to fund the infrastructure required to support Wiltshire's growth. Core Policy 3 of the Wiltshire Core Strategy (adopted January 2015) and the Planning Obligations SPD support this approach. These set out how CIL would work alongside, rather than replace, Section 106 legal agreements. Section 106 agreements provide the mechanism to ensure infrastructure can be delivered where it is directly related and specific to a development. They are important to ensure that sustainable development can be achieved, with infrastructure delivered at the right time alongside development.

The Government's Planning Practice Guidance recognises that Regulation 123 Lists may need to be updated over the lifetime of the CIL Charging Schedule. The Council does not consider that the proposed amendments would have a very significant impact on the viability evidence that supported examination of the Charging Schedule and is therefore compliant with the online Planning Policy Guidance (PPG) at paragraph 098 (reference ID: 25-098-20140612). Therefore, a review of the Charging Schedule is not required. The Council may amend the Regulation 123 List without also revising its Charging Schedule, ensuring that any changes are clearly explained and subject to appropriate local consultation.

The Draft Revised Regulation List has been informed by the Wiltshire Infrastructure Delivery Plan (IDP). The Regulation 123 List takes projects from the IDP, which is developed in consultation with service providers and updated periodically. During the consultation, a Draft Updated IDP will also be made available for comment.

### Availability of documents

The Draft Revised CIL Regulation 123 List and Draft Revised Planning Obligations SPD and information on how to make comments will be published on **14 March 2016**. The documents will be made available on the Wiltshire Council website, at: [www.wiltshire.gov.uk/communityinfrastructurelevy](http://www.wiltshire.gov.uk/communityinfrastructurelevy).

Hard copies of these documents will also be made available during normal office hours at all Council libraries and the main Council offices in Chippenham (Monkton Park), Salisbury (Bourne Hill) and Trowbridge (County Hall). The Draft Updated IDP will be made available online only via the above web address.

### How to comment

Comments are invited on these documents **from 14 March until 5pm, 25 April 2016**. Comments can be made:

- Online via the Council's consultation portal: <http://consult.wiltshire.gov.uk/portal>
- By email using the form available at [www.wiltshire.gov.uk/communityinfrastructurelevy](http://www.wiltshire.gov.uk/communityinfrastructurelevy) and returned to [cil@wiltshire.gov.uk](mailto:cil@wiltshire.gov.uk)
- By post in writing to: Spatial Planning, Economic Development & Planning, Wiltshire Council, County Hall, Bythesea Road, Trowbridge, Wiltshire, BA14 8JN
- If responding by post, comment forms are available from libraries, and main Council offices.

### Next steps

All comments received during the consultation period will be taken into account. Final versions of the Revised Regulation 123 List and Revised Planning Obligations SPD will be submitted for approval by Cabinet, with the SPD being considered for recommendation to Full Council for adoption.

Any queries should be made to Spatial Planning, Economic Development and Planning, Wiltshire Council on (01225) 713223 or [CIL@wiltshire.gov.uk](mailto:CIL@wiltshire.gov.uk).

Yours faithfully



Alistair Cunningham  
Associate Director  
Economic Development and Planning  
Wiltshire Council

### 3) Town and parish newsletter (published week commencing 7 March 2016)

## Consultation in relation to Community Infrastructure Levy

Wiltshire Council is consulting on proposed revisions to two documents that support the Wiltshire Community Infrastructure Levy (CIL) Charging Schedule and clarify how the council will seek infrastructure contributions from development.



From 14 March to 25 April 2016 comments are invited on the draft revised Community Infrastructure Levy Regulation 123 List, which has been reviewed to provide clarity over those strategic infrastructure projects that may be funded through CIL by Wiltshire Council.

Alongside this document, comments are also invited on the Draft Revised Planning Obligations Supplementary Planning Document (SPD), which are proposed in the interest of clarity and accuracy and to recognise that the Regulation 123 List will be reviewed and updated periodically. When finalised, these will replace the original documents, which were adopted in May 2015 alongside the CIL Charging Schedule.

Maintaining an up to date Regulation 123 List will support the effective implementation of CIL in Wiltshire. The Regulation 123 List takes projects from the Wiltshire Infrastructure Delivery Plan (IDP), which is developed in consultation with service providers and updated periodically. During the consultation, a draft updated IDP will also be made available for comment. Some changes are also proposed to the Planning Obligations SPD in the interests of clarity and accuracy.

The Regulation 123 List does not apply to the ring fenced proportion of CIL that is passed to town and parish councils. It will be for the town and parish councils to decide which community infrastructure projects they wish to direct their funding towards.

To support the consultation and provide information on the wider implementation of CIL and what it means for parish and town councils as well as an update on emerging changes to national planning policy, the following workshops have been arranged for town and parish councils:

- County Hall, Trowbridge, Tuesday 5 April, 6pm to 8pm
- Monkton Park, Chippenham, Thursday 7 April, 6pm to 8pm
- City Hall, Salisbury, Monday 11 April, 6.15pm to 8.15pm



If a representative from your town/parish council is interested in attending one of these sessions please email [Lianna.bradshaw@wiltshire.gov.uk](mailto:Lianna.bradshaw@wiltshire.gov.uk).

The Draft Revised CIL Regulation 123 List and Draft Revised Planning Obligations SPD and information on how to make comments will be published on 14 March 2016. The documents will be available on the [Wiltshire Council website](#).

Hard copies of these documents will also be made available during normal office hours at all council libraries and the main council offices in Chippenham (Monkton Park), Salisbury (Bourne Hill) and Trowbridge (County Hall). The Draft Updated IDP will be made available online only via the above web address.

Comments are invited on these documents from 14 March until 5pm on 25 April 2016.

Comments can be made:

- Online via the council's [consultation portal](#)
- By email using this [form](#). Return completed forms to [cil@wiltshire.gov.uk](mailto:cil@wiltshire.gov.uk)
- By post in writing to: Spatial Planning, Economic Development & Planning, Wiltshire Council, County Hall, Bythesea Road, Trowbridge, Wiltshire, BA14 8JN

If responding by post, comment forms are available from libraries and main council offices.

All comments received during the consultation period will be taken into account. Final versions of the Revised Regulation 123 List and Revised Planning Obligations SPD will be submitted for approval by cabinet, with the SPD being considered for recommendation to full council for adoption.

Any queries should be made to Spatial Planning, Economic Development and Planning, Wiltshire Council on (01225) 713223 or [CIL@wiltshire.gov.uk](mailto:CIL@wiltshire.gov.uk).

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## Wiltshire Revised Community Infrastructure Levy Regulation 123 List

September 2016

Infrastructure that may be funded, in whole or in part, by the Community Infrastructure Levy	
Category	Projects
Education	<p><b>Expansion of the following schools to provide additional secondary school places:</b></p> <ul style="list-style-type: none"> <li>• St Lawrence Secondary School, in Bradford on Avon</li> <li>• John Bentley Secondary School, in Calne</li> <li>• Abbeyfield School, in Chippenham</li> <li>• Devizes School and Lavington School, in Devizes and Market Lavington</li> <li>• Gillingham Secondary School, in Dorset (<i>to accommodate pupils from Mere</i>)</li> <li>• Pewsey Vale School, in Pewsey</li> <li>• Trafalgar Secondary School, in Downton</li> <li>• Shaftesbury Secondary School, in Dorset (<i>to accommodate pupils from Tisbury</i>)</li> </ul>
Sustainable transport	<p><b>The following Chippenham Transport Strategy projects:</b></p> <ul style="list-style-type: none"> <li>• A350 Chippenham Bypass Dualling – Badger to Chequers</li> <li>• M4 Junction 17 Part-Signalisation Improvements</li> <li>• Malmesbury Road Roundabout Additional Capacity Improvements</li> <li>• Bridge Centre Gyratory Capacity Improvements</li> <li>• B4528 Hungerdown Lane / Sheldon Rd Junction Upgrade</li> <li>• Timber Street Safety Scheme</li> <li>• A420 Marshfield Rd / Dallas Road Safety Scheme</li> <li>• Alternative provision for long stay car parking outside town centre</li> <li>• Chippenham Railway Station car parking capacity enhancements and parking controls</li> <li>• Improvements to Chippenham Station: interchange, accessibility,</li> </ul>

	<p>security</p> <ul style="list-style-type: none"> <li>• Chippenham Station Redevelopment</li> <li>• Frogwell to Town Centre pedestrian/cycle scheme</li> <li>• Bumpers Farm to Town Centre pedestrian/cycle scheme</li> <li>• Cepen Park North to Town Centre pedestrian/cycle scheme</li> <li>• Cycle and pedestrian access to Lackham Campus from Chippenham (i.e. River Avon footbridge)</li> <li>• Improved transport links between Wiltshire College's campuses</li> </ul> <p><b>The following Trowbridge Transport Strategy projects:</b></p> <ul style="list-style-type: none"> <li>• A361 Holy Trinity gyratory capacity improvement</li> <li>• B3105 Staverton Bridge capacity improvement</li> <li>• Broad Street Gyratory reversal</li> <li>• Walking and cycling routes from Trowbridge town centre to Wiltshire College</li> <li>• Improvements to town centre pedestrian way finding and legibility</li> </ul> <p><b>Other transport projects:</b></p> <ul style="list-style-type: none"> <li>• Trans Wilts train service and improvements (Westbury - Swindon) – annual service support</li> <li>• Improvements to Melksham railway station</li> <li>• Installation of intermediate signals on the single track rail line through Melksham</li> <li>• New railway station at Royal Wootton Bassett Railway, including associated required infrastructure (includes passing loop construction and junction resignalling)</li> <li>• Westbury Railway Station Additional Platform</li> <li>• New railway station in Wilton (inc. associated required infrastructure)</li> <li>• Improved access for pedestrians, cyclists and buses to Pewsey Railway Station</li> <li>• Cycle and pedestrian route between Royal Wootton Bassett and Windmill Hill Business Park, Swindon</li> <li>• New railway station (inc. associated required infrastructure) in Corsham</li> </ul>
<p><b>Open space, green infrastructure and the environment</b></p>	<ul style="list-style-type: none"> <li>• Stone Curlew and Salisbury Plain Special Protection Area</li> <li>• Nutrient Management Plan – to address the level of phosphate in the</li> </ul>

	<p>River Avon</p> <ul style="list-style-type: none"> <li>• Chippenham Hydro Plant</li> <li>• Cranborne Chase and West Wiltshire Downs AONB Green countryside training and visitor centre</li> <li>• Expansion of Bradford on Avon cemetery</li> <li>• Expansion of Holt cemetery in Bradford on Avon Community Area</li> <li>• Expansion of existing cemetery in Melksham</li> <li>• New cemetery in Trowbridge</li> <li>• Expansion of Warminster cemetery</li> <li>• New Forest Recreation Management Project (<i>Measures to reduce and manage recreational disturbance pressures upon sensitive Annex II birds in the New Forest Special Protection Area (SPA) as a result of planned housing delivery</i>)</li> <li>• Provision of air quality monitoring infrastructure</li> </ul>
<b>Community and cultural</b>	<ul style="list-style-type: none"> <li>• Upgrades to sport and recreation facilities within the following buildings: <ul style="list-style-type: none"> <li>○ The Olympiad, Chippenham</li> <li>○ Devizes Leisure Centre</li> <li>○ Marlborough Leisure Centre</li> <li>○ Five Rivers Health and Wellbeing Centre</li> <li>○ Bradford on Avon Swimming Pool</li> <li>○ Calne Leisure Centre</li> <li>○ Trowbridge Sports Centre</li> <li>○ Amesbury Sports Centre</li> <li>○ Pewsey Health and Wellbeing Centre</li> <li>○ Leighton Sports Centre, Westbury</li> </ul> </li> <li>• Wiltshire Heritage Museum – archaeological storage</li> <li>• Swindon &amp; Cricklade Railway – expansion of leisure/ recreation route from Mouldon Hill to Moredon Bridge</li> <li>• Library provision</li> </ul>
<b>Health and social care</b>	<ul style="list-style-type: none"> <li>• Shared Primary Care Centre at Chippenham Hospital</li> </ul>
<b>Emergency services</b>	<p>Improvements to (including relocation/ replacement of) the following fire stations:</p> <ul style="list-style-type: none"> <li>• Chippenham</li> <li>• Tidworth/ Ludgershall</li> <li>• Trowbridge</li> <li>• Warminster</li> </ul>

Table 1 - infrastructure that may be funded, in whole or in part, through CIL

*Table 1* above sets out the infrastructure that the council intends may be funded, in whole or in part, by CIL. Inclusion on the list does not signify a commitment from the council to fund (either in whole or part). The order of the list does not imply any preference or priority.

Wiltshire Council may not seek planning obligations through section 106 agreements for any of the infrastructure projects on the Regulation 123 List.

The Council will periodically review and update the Regulation 123 List.

**Wiltshire Council**

**Council**

**18 October 2016**

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## **Gambling Act 2005 – Statement of Gambling Principles - Appendix A**

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### **Summary**

This report sets out proposals for a new appendix on Local Risk Assessments (Appendix A) to be added to Wiltshire Council's Statement of Principles on the Gambling Act 2005 which was adopted by Full Council in November 2015.

The Licensing Committee considered the proposed appendix to the Statement of Gambling Principles on 19<sup>th</sup> September 2016, and recommended its approval by Council.

### **Proposal**

#### **It is recommended:**

That Council approves the new Appendix A - Local Area Risk Assessment to the Statement of Gambling Principles (2015 -2018) (Appendix 1) under the Gambling Act 2005 for incorporation into the existing Statement of Gambling Principles with immediate effect.

### **Reason for Proposal**

As of 6th April 2016 it is necessary for all gambling premises to conduct a local area risk assessment. The appendix to the Council's Statement of Principles is intended to provide guidance for the premises' operators on how to complete an assessment document to meet the expectations of the Local Authority.

**Carolyn Godfrey**  
**Corporate Director**

## **Gambling Act 2005 – Statement of Gambling Principles**

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### **Purpose of Report**

1. The Council is required under the Gambling Act 2005, to prepare and publish a Statement of Gambling Principles in relation to the exercise of its functions under the Gambling Act 2005. Once adopted, the Statement of Gambling Principles must be regularly reviewed and is a material consideration to be taken into account when the Council is exercising any of its functions under the Gambling Act 2005. In accordance with the Gambling Act 2005 and the Council's constitution, the Statement of Gambling Principles and any amendments or additions to it, must be approved by Full Council.
2. The Licensing Committee on 19th September 2016 commended Appendix A – Local Area Risk Assessment, attached as Appendix 1 to this report, in relation to the Gambling Act 2005 to Council for approval and incorporation into the existing Statement of Gambling Principles.

### **Relevance to the Council's Business Plan**

3. "Communities in Wiltshire work together to solve problems locally and participate in decisions that affects them".  
  
"Communities are as protected from harm as possible and feel safe"

### **Main Considerations for the Council**

4. It is a statutory requirement that the Statement of Gambling Principles, and any appendix or substantive change must be approved by Full Council as this is not a function that can be delegated to the Licensing Committee.

### **Background**

5. Social responsibility is an important element for the Statement of Gambling Principles. As of 6th April 2016 licensed gambling premises were required to complete a Local Area Risk assessment to consider how their premises impacted the local community.

Wiltshire Council's Statement of Gambling Principles came into effect in November 2015. In Section 3.4 of the Council's Statement of Gambling Principles there were two paragraphs (as below) that mentioned in basic terms the new necessity for premises to have local area risk assessments,



however at that time there was limited guidance on how these should be done.

### **“3.4 Social Responsibilities (Comes into force on 6th April 2016)**

#### **3.4 (a) Assessing Local Risk**

**All non-remote casino, adult gaming centre, bingo, family entertainment centre, betting and remote betting intermediary (trading room only) licences, except non-remote general betting (limited) and betting intermediary licences.**

- 1 Licensees must assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises, and have policies, procedures and control measures to mitigate those risks. In making risk assessments, licensees must take into account relevant matters identified in the licensing authority’s statement of licensing policy.
- 2 Licensees must review (and update as necessary) their local risk assessments:
  - a *to take account of significant changes in local circumstances, including those identified in a licensing authority’s statement of licensing policy;*
  - b *when there are significant changes at a licensee’s premises that may affect their mitigation of local risks;*
  - c *when applying for a variation of a premises licence; and*
  - d *in any case, undertake a local risk assessment when applying for a new premises licence.*

#### **3.4 (b) Sharing Local Risk Assessments**

*All non-remote casino, adult gaming centre, bingo, family entertainment centre, betting and remote betting intermediary (trading room only) licences, except non- remote general betting (limited) and betting intermediary licences*

- 1 *Licensees should share their risk assessment with licensing authorities when applying for a premises licence or applying for a variation to existing licensed premises, or otherwise on request.*

*Wiltshire Council Licensing Authority decided to provide local businesses with further guidance on how to complete the risk assessments and to assist them with the areas that would be expected to be covered within the risk assessment. The expectation is that each individual premises would assess what impact it was having on the community in which it was located and what measures it could put in place to mitigate the risks and promote the licensing objectives;*

- *Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime,*
- *Ensuring that gambling is conducted in a fair and open way,*
- *Protecting children and other vulnerable persons from being harmed or exploited by gambling.”*

- 6 The proposed new appendix mirrors that of other authorities in relation to areas covered, due to the nature of materials available. When drafting this local area risk assessment appendix for local gambling premises officers considered the differing demographics of Wiltshire and considered the varying impacts on local businesses and communities.
7. A 28 day consultation on the Appendix took place during July and August 2016, with all relevant gambling premises in Wiltshire, and the required statutory bodies.

There were no responses’ received to the consultation.

### **Safeguarding Implications**

8. One of the key objectives of the Gambling Act 2005 is ‘The Protection of Children from Harm’: Wiltshire Council’s Children’s Services Department has been designated as the Responsible Authority under the Gambling Act 2005. In this capacity they are required to ensure that decisions about licensing are taken with due regard to the need to safeguard and promote the welfare of children.

### **Public Health Implications**

9. The Licensing and Public Health teams work together within the Council to ensure that the health implications of gambling are considered.

### **Environmental and Climate Change Considerations**

10. The impact of these proposals is assessed as ‘low’ against the Council statutory responsibilities. There are potential implications with respect to human rights.

### **Equalities Impact of the Proposal**

11. The impact of these proposals is assessed as ‘low’ against the Council statutory responsibilities. There are potential implications with respect to human rights.

### **Risk Assessment**

12. Licensing is a statutory undertaking. Should the proposals in this report not be adopted it would leave Wiltshire Council in a position of being unable to effectively undertake its statutory responsibilities and functions under the Gambling Act 2005.

## **Financial Implications**

13. There are no additional financial implications of the proposals contained within this report.

## **Legal Implications**

14. As stated, the Council is required under the Gambling Act 2005, to prepare and publish a Statement of Gambling Principles in relation to the exercise of its functions under the Gambling Act 2005. Once adopted, the Statement of Gambling Principles must be regularly reviewed and is a material consideration to be taken into account when the Council is exercising any of its functions under the Gambling Act 2005. In accordance with the Gambling Act 2005 and the Council's constitution, the Statement of Gambling Principles and any amendments or additions to it, must be approved by Full Council.

## **Conclusions**

15. As of 6th April 2016 it is necessary for all gambling premises to conduct a local area risk assessment. The appendix to the Council's Statement of Principles is to provide guidance for the premises' operators on how to complete an assessment document to meet the expectations of the Local Authority
16. It is a statutory requirement that the Statement of Gambling Principles, and any appendix or substantive change must be approved by Full Council as this is not a function that can be delegated to the Licensing Committee.

**Carolyn Godfrey**  
**Corporate Director**

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Report Author: Linda Holland  
Linda Holland Licensing Manager – Public Protection  
18 October 2016

## **Background Papers**

- Gambling Act 2005
- Gambling Commissions Guidance to Local Authorities 4<sup>th</sup> Edition
- Gambling Commissions Strengthening Social Responsibility
- Gambling Commissions Guidance to Local Authorities 5<sup>th</sup> Edition (in consultation)
- Wiltshire Council's Current Gambling Statement of Principles

## **Appendix**

1. Appendix A – Local Risk Assessment

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**D R A F T**  
**Wiltshire Council**

**Gambling Act 2005**

**Statement of Principles**

**2015 – 2018**

**Appendix A – Local Risk  
Assessment**

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### **4.0 Control Measures**

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6.6 Control Assessment

## 1.0 Introduction

As of the 6<sup>th</sup> April 2016 it will be a requirement for all Gambling Operators to have a completed local risk assessment for each of their Gambling Premises. Under the Gambling Commission's Social Responsibility Code they will need to take into consideration the likely harm their premises could have to the local community in their local area, and consider that in relation to the Licensing Objectives. There is an expectation that policies and procedures are put in place at the gambling premises to diminish the risks identified in the assessment.

Premises that require a local risk assessment are; Adult Gaming Centres / Family Entertainment Centres / Non-remote Betting (Betting Shops) / Non-remote Bingo / Non-remote Casinos / Remote Betting Intermediary (trading room only).

## 2.0 Risk Assessment Triggers

During the lifetime of gambling premises there may be times when the risk assessment needs to be reviewed and amended following the initial risk assessment. As required from 6<sup>th</sup> April 2016 the Gambling Operators' responsibility to conduct this review at regular intervals or following certain prompts, such as; a variation of a premises licence, when a significant change has occurred in the local area, when the licensee has made a significant change to the premises that would impact the risk the premises could pose or that may vary the management of those risks. A significant change could be a temporary change however despite the temporary nature of the change the risk assessment would need to be amended accordingly. The Licensing Authority may also request a review of a risk assessment if it is felt necessary.

The Licensing Authority will not request an up to date risk assessment each time it is reviewed by the Operator, unless it forms part of the variation application, however it would be considered best practice by the Licensing Authority if an Operator shared their risk assessment if asked.

The risk assessment provided by the Gambling Operator should clearly state the present areas of concern at the premises and the measures introduced to counteract these. If completed diligently and comprehensively, this would assist both the premises and Local Authority by reducing the concerns that the Local Authority may have regarding a premises, and therefore reduce the potential times that a premises needs to be considered for review or requires conditions imposed upon it.

### 2.1 New premises

When a new premises licence application is submitted to the Licensing Authority, under section 159 of the Gambling Act 2005, the applicant must conduct a local risk assessment for the premises. It is expected that this is provided with the application upon submission. It must take into consideration how the applicants are intending to operate their business at the premises within the local area.



## **2.2 Variation of the premises licence**

In order to modify authorised activities, amend the conditions of the licence, or change some other detail, Licence Holders may apply to Wiltshire Council Licensing Authority under section 187 of the Gambling Act 2005 for a variation to their licence. A licence may not be varied so that it relates to a different premise.

When a variation application is submitted to Wiltshire Council Licensing Authority an amended local risk assessment would be required to be submitted along with the application.

## **2.3 Significant changes in local circumstances**

Changes occur in the local area regularly; these can be permanent or temporary. A review of the risk assessment would be required if there was a significant change in the local circumstances, regardless of whether it be temporary or permanent. Permanent changes would have more of a significant impact to the area compared to a temporary change.

Wiltshire Council Licensing Authority would consider the following to be significant changes in local circumstances (this list is not exhaustive):

- Any building developments or conversions in the local area that would change the number of people visiting the area and the makeup of those people.
- Any new housing developments being built in the area, consideration may wish to be taken as to whether any social housing or help to buy schemes are in the development.
- Any increase or decrease in Military accommodation, facilities or training centres in the area.
- Any educational facilities in the area or the building of new facilities whether it be a significant extension or conversion of a current school/college etc. or a new build.
- Any changes to the local provisions of public transport;
  - Change in location of bus stops;
  - Changes to timings of buses or train services for example services going later into the evening;
  - Changes to the type of services in the area for example school bus stop being moved in closer proximity to gambling premises.
- Any changes to the location of taxi ranks in the area.
- Road diversions which involve the re direction of traffic.
- Other gambling premises in the area or new gambling premises seeking permission to open in an area.
- Any current pawn brokers or pay day loan businesses in the area or the opening of a new facility.
- Any facilities for vulnerable groups or the development of facilities for vulnerable groups in close proximity to a gambling premises i.e. mental health care/support facilities, specialist hospitals, addiction facilities, homeless hostels/care/support facilities.

- If the Local Police Authority has identified a local area as being a crime hot spot.
- If the Local Police Authority has experienced an increased crime rate over a period of time in a specific local area.

It is the responsibility of the Gambling Operator to identify the changes that have occurred in their local area and make changes to their risk assessment as necessary however the Licensing Authority may provide information to Gambling Operators if it becomes aware of a significant change to the local area that it feels could have a considerable impact.

## **2.4 Significant changes to the premises**

During the lifetime of a premise it is highly likely that cosmetic improvements will take place, it is probable that these will not have a bearing on the risk assessment. It would be up to the Gambling Operator to decide whether the changes they are undertaking in their premises would be classed as significant. If it is identified as a significant change, the local risk assessment for the premises would need to be amended to take into consideration the impact the change has had.

Wiltshire Council Licensing Authority would consider the following to be significant changes to a premise, some changes could result in the need for a variation to the premises licence (this list is not exhaustive):

- A refurbishment of a premises or building works in a premises that would result in the relocation of the facilities.
- A change to the entrances or exits of a premises;
  - Location of the entrances or exits,
  - Change in the direction the doors open,
  - Change in the way round the doors are used i.e. a swap of an entrance to become an exit or vice versa.
  - Change in the material used to make the door.
- A change to the internal policies or procedures of the Operator which could result in the need to amendments of control measures and/or staff retraining.
- A change to the levels of staff in the premises or the opening times of the premises.
- An application for a Premises Licence under the Licensing Act 2003 to increase the activities at a premises for example a licence for the sale of alcohol or adult entertainment at the premises.
- A difference in the gambling facilities that are available at a premises;
  - Increase or decrease in self service machines,
  - The use of hand held gaming devices,
  - Different category of gaming machines.
- The transfer of a licence to a different Gambling Operator, amendments to the local risk assessment will need to take into consideration the policies and procedures of the new Operator and the differences in the way the business are run.

## 3.0 Local Risk factors

### 3.1 Local area risks

There are many aspects to a local area that a Gambling Operator may regard as pertinent when completing/reviewing the risk assessment. It is essential that the Gambling Operator understand their local area and the makeup of those who frequent it, for example, it may be a predominately residential area or the area could consist of mostly offices and shops. The sphere of influence of the premises also needs to be considered when looking at the risk assessment as this could increase a local area.

The list below shows some examples that may wish to be considered (this list is not exhaustive);

- Makeup of the local area surrounding the gambling premises;
  - Residential/Commercial,
  - Other Gambling Operators in the area,
  - Large scale events held in the area that could increase the number of people or vary the makeup of population for a time.
- Demographic of population;
  - Residents/Workers/Visitors,
  - Professionals/Families/Young or Ageing population,
  - Ethnicity and/or culture in specific area,
  - Socio-economic make up of the area.
- Facilities in the local area;
  - Transport and parking facilities i.e. bus stops, taxi ranks, train station,
  - Educational,
  - Community buildings,
  - Hospitals/Doctors Surgery's,
  - Mental Health Facilities,
  - Job Centres,
  - Children's Homes or Care facilities,
  - Specialised housing for vulnerable people,
  - Gambling addiction support facilities,
  - Hostels or support services for the homeless,
  - Alcohol or Drug support facilities,
  - Pawn brokers or pay day loan businesses,
  - Places of Worship,
  - Other Gambling Premises.
- The area is frequented by children or young people at varying times of day.
- Presence of rough sleepers.
- Unemployment rates for the area and within a certain age group.
- Type and rates of crime in the area that could impact the premises.
- High number of people who have self excluded themselves from other gambling premises.

## **3.2 Gambling operational risks**

The risks associated with the gambling operation relate to the policies and procedures the business has in place for the premises. These should take into consideration legislation from the Gambling Act 2005 and guidance submitted by the Gambling Commission (Licenses Conditions and Codes of Practices). Any risks connected with the policies and procedures of a business are likely to be similar for a number of premises due to the nature of such documents; however it is important that they are considered on an individual premises basis as it can directly impact the mitigation measures that need to be put in place at that premise. The type of measures put in place could vary depending upon the size of the gambling organisation and premises.

The list below shows some examples that may wish to be considered (this list is not exhaustive);

- Hours of operation for a premise, the possible impact of this in the night time economy.
- Staffing;
  - Number of staff employed at a premises at any one time,
  - Training provided to staff especially regarding vulnerable groups,
  - Lone working policy.
- The operation of the gambling business;
  - Policies and Procedures,
  - Use of account/loyalty cards,
  - Support provided to customers, any intervention programmes,
  - Security provision in place at the premises,
  - How the Gambling Operator intends to conduct its business.
- What local advertising will take place for the premise?
- What products and facilities the premises are going to provide for gambling.
- Information provided by the Operator within the premises.

## **3.3 Premises design risks**

The design of a premise can assist greatly in the Operators' ability to manage identified local risks. Lack of planning in layout and design can actually result in an increase in risks at a premise or within the community. This could mean that the mitigation of risks associated with significant changes at a premise may not be able to be as thorough as possible. Any significant changes could result in the need for a variation of the premises licence.

### **3.3.1 Interior design risks**

Internal layout of a premise is a very important factor when considering the risk assessment. Depending upon the type of gambling premises and facilities they offer, a simple design of the internal area can lessen a number of risks and offer the premises vital opportunities to better manage their business.

The list below shows some examples that may wish to be considered (this list is not exhaustive);

- Position of internal CCTV cameras, the length of which recordings are kept.
- Use of mirrors in a premises to be able to view all areas of the premises and around obstructions, such as support pillars, machines or advertising screens.
- Positioning of gaming activities in the premises.
- The segregation of different gambling activities in the premises.
- Design of premises to allow gaming machines to be in line of sight of staff.
- Location of the staff area where money is taken for gambling activities.
- Distances between gambling facilities within a premises, i.e. gaming tables.
- Number of and locations of Cash Machines.
- The location of information displayed in the premises by the Operator.
- The location and use of marketing materials within the premises.
- Fixtures and fittings used in the premises.

### **3.3.2 Exterior design risks**

The external area of a premise can offer the Operator valuable advertising; however this could have a negative impact to the local area or cause concerns with regards to the Licensing Objectives. The design and frontage of the premises should therefore be considered in the risk assessment.

The list below shows some examples that may wish to be considered (this list is not exhaustive);

- Use of glass in the shop frontage, it may be necessary for this to be toughened glass to assist the premises in the prevention of crime.
- The use of shutters on the entrances/exits or window frontage.
- Use of external CCTV cameras covering entrances/exits.
- Use of high quality CCTV to enable identification of banned persons.
- Use of CCTV or other aids i.e. mirrors to allow staff to be able to see those entering or exiting the premises.
- Fitting screens or other materials to obscure the view from the street into the premises to prevent vulnerable persons having sight of the gambling activities.
- Use of advertising/marketing materials, the number and nature of those viewable externally to ensure appropriate content.

Mitigation of risks for design and layout of a premise could result in the need for works to be completed at the premises to make positive alterations. Depending upon the changes required a variation may need to be submitted.

## 4.0 Control measures

When risks are identified, control measures should be thought-out and put in place to lessen the potential impact the risk will have. The level of the risks identified will directly impact what type of control measures should be put in place; some risks may require a combination of systems, design and physical measures. Dependant on the measures put in place a Gambling Operator needs to ensure that staff are aware of those measures and are trained adequately to guarantee compliance with the conditions and control measures. Records may be kept by the Operator in relation to this as part of their due diligence defence.

### 4.1 Systems

When looking at systems as a control measure, reference is made to the policies and procedures established at the premises by the Gambling Operator. Some of the systems put in place will be specific to the company and therefore generic to all premises held by them, however others may be created purposely for an individual premises in order to alleviate the risks in that local area. These could include staff training, any security policies which might involve the need for a premise to have security on entrances, or whether the premises were going to have a membership scheme.

### 4.2 Design

Identified risks can be mitigated by being built into the design of a premises; the location of certain facilities such as gaming machines, cashier counters, positioning of cameras and general layout can have a bearing on risk. Internal and External factors can be tailored to each individual site, the same company may have a number of stores however each have a different layout and design due to the local risks.

- Internal
  - Location of gaming machines
  - Location of cashier counters
- External
  - Glass frontage to assist in staff being able to view outside
  - Reduced glass frontage to reduce advertising space

### 4.3 Physical

Physical measures can be used to address an identified risk factor, these could be;

- Intruder Alarm System
- Panic Alarm System
- CCTV cameras
- Mirrors
- Window and Door Shutters
- Security Doors

- Safes with time locks
- UV lights in toilets
- Lighting in all areas of premises (not to allow any dark corners)

#### **4.4 Licence conditions**

New Premises Applications and Variations of Applications will require a local risk assessment to be submitted as part of the application. Any control measures stated within the risk assessments may form part of the conditions on a gambling licence.

The Licensing Authority, according to its Statement of Gambling Principles 2015 – 2018, has stated that any conditions attached to licences will be proportionate and will be:-

- Relevant to the need to make the proposed building suitable as a gambling facility;
- Directly related to the premises and the type of licence applied for;
- Fairly and reasonably related to the scale and type of premises; and
- Reasonable in all other respects.

## 5.0 Local Area Profile

Wiltshire Council Licensing Authority can provide a profile of the Local Area to a Gambling Operator upon written request within 28 days.

The profile will include a map of the area with key features in the immediate vicinity will be marked out, for example; housing areas, hospitals, mental health facilities, schools and higher education buildings, residential housing areas, community groups.

Any concerns that the Local Authority have in an area will be clearly stated and the level of risk each possess will be shared with the Gambling Operator. Other partner agencies and council departments will also be consulted on the profile so that they can feed in any concerns they may have in relation to a particular area.

Local Area Profiles that have been requested will be reviewed periodically by the Licensing Authority alongside partner agencies and if any changes have occurred or will be due to occur, these will be re circulated.



## 6.0 Undertaking a local risk assessment

The local risk assessment would need to be carried out methodically at a gambling premise to ensure that it has considered all the possible risks thoroughly. It should first consider the risks associated with the local area, and then those in relation to the gambling operation and finally those risks associated with the design of the premises both internally and externally. When the risks have been identified, appropriate control measures proportionate to the risks should be considered and implemented. Some of the control measures may already be in place as part of the policies or procedures of the business however both the risks and the control measures should be documented within the assessment. It would also be beneficial to include who would be responsible for putting into operation the control measures and recording when they have been completed.

If the Operator of the premises has requested a Local Area Profile from the Local Licensing Authority the contents of the profile should be considered within the assessment. For a premises that borders two Authorities both Local Area Profiles should be considered and documented in the assessment making reference to all risk factors stated in both profiles.

### 6.1 Who should undertake the assessment?

The Gambling Operator is responsible for authorising the completion of the local risk assessment. They can either complete it themselves or they can delegate the responsibility to a competent assessor. If the local risk assessment is not completed thoroughly it could result in the Operator breaching the provisions of the Licences Conditions and Codes of Practices submitted by the Gambling Commission. Whoever is tasked with the completion of the document must have an understanding of; the business and how they currently operate or intend on operating; the local area where the premises is situated and its design. Information on these topics can be sought from employees of the premises or other reliable sources.

### 6.2 Step 1: The local area

For the Operator to be able to correctly identify the local risk factors relating to the premises it first must understand what makes up the local area. Certain gambling premises may have a larger sphere of influence than others therefore the local area could be larger than first thought for certain premises. Within this document there is a list of factors an assessor may wish to consider when looking to identify local risks (3.0 Local Area Risks). The assessor may feel that they would benefit from requesting a Local Area Profile from the Local Authority in order to complete this part of the assessment.

### 6.3 Step 2: The gambling operation

For this section of the assessment, the assessor will need to look at the Gambling Operators' policies and procedures and decide whether these procedures;

- a) result in a risk at the premises based on the local area, or
- b) mitigate risk already identified in the local area and therefore could be used as a control measure.

### **6.4 Step 3: The design of the premises**

As stated in the 3.3 (Premises Design Risks) of this document the design of a premise can assist greatly in the Operators' ability to mitigate and manage identified local risks. It is important that the assessor looks at the risks of both the internal and external design and that these are considered with reference to the local risks already recognised.

### **6.5 Step 4: Control measures**

When all the risk factors have been acknowledged, the assessor will need to ascertain suitable and appropriate control measures to mitigate the risks identified. The four categories of control measures, systems, design, physical and licence conditions (as stated in 4.0 Control Measures) should be considered. For some risks it may be that a combination of control measures are needed to neutralise the risk identified.

### **6.6 Completed assessment**

Once the risk assessment has been completed and the control measures documented it is important that they are then put into practise at the premises. This may involve changes to the layout or design, staff training or changes in procedures. When they have been actioned this should also be documented on the risk assessment. A copy of the risk assessment should then be kept on the premises and reviewed regularly regardless of whether one of the triggers stated in 2.0 Risk Assessment Triggers are being met.

**Wiltshire Council**

**Council**

**18 October 2016**

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## **Community Governance Review – Consequential Issues 1**

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### **Executive Summary**

At its meetings on 24 November 2015 and 12 July 2016 the Council approved a number of changes to parish boundaries within the County. This report seeks approval to a number of consequential governance arrangements within some of the parishes affected by those earlier decisions, together with some further changes affecting warding arrangements for Grafton and Tidworth parishes.

### **Proposal**

Council is asked to approve the further changes to community governance arrangements, as set out in this report and to authorise the making of Community Governance Orders to bring those changes into effect from 1 April 2017.

### **Reason for Proposal**

These proposals bring into effect some consequential community governance arrangements, following the decisions made by Council in November 2015 and July 2016 to amend the boundaries of the parishes concerned. These changes are considered to be appropriate in order to ensure that there is effective and convenient local government in the parishes whose boundaries are to be changed.

**Carolyn Godfrey**  
**Corporate Director**

**Community Governance Review – Consequential Issues**

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**Purpose of Report**

- 1 The purpose of this report is:-
  - a) to seek approval to consequential changes to community governance arrangements for some parishes whose areas are to change as a result of the Council's previous decisions;
  - b) to seek authority for the Solicitor to the Council to make the necessary Community Governance Order(s) to give effect to the changes arising from this report and the previously decisions of Council on the community governance review
  - c) to consider proposed changes to governance arrangements for Tidworth and Grafton Parish Council,
  - d) to seek authority for the Electoral Registration Officer to make any necessary changes to polling districts to bring them into line with the agreed governance changes.

**Relevance to the Council's Business Plan**

2. The Local Government and Public Involvement in Health Act 2007 places a duty on principal authorities to have regard to the need to secure that any community governance for the area under review reflects the identities and interests of the local community in that area

**Main Considerations for the Council**

3. Any further changes to the community governance arrangements for the parishes concerned are intended to ensure that there continues to be effective and convenient local government for the communities they serve

**Background**

4. At its meetings on 24 November 2015 and 12 July 2016, the Council approved a number of changes to the areas of some parishes within the County. In some cases, this involved only minor realignment of boundaries. However, in other cases, significant areas are to be

transferred from one parish to another. In one case, Roundway, the whole parish is to be dissolved and its area transferred to Devizes.

5. Since those decisions were made, officers have been consulting with the Parish Councils for the parishes affected, to determine whether there are any consequential changes that need to be made. This can involve changes to the warding arrangements within the parishes, or changes to the number of councillors on the parish council. In addition, the transfer of areas of land between parishes may also involve the transfer of ownership of assets situated within those areas, from one parish council to another.
6. Government Guidance recommends that, as far as possible, there should not be significant differences in the level of representation between different parish wards, in terms of the numbers of electors per councillor. The approach of the Working Party has been to allow the parish councils concerned to bring forward their own proposals for any further governance changes that they consider may be appropriate for their parishes, arising from the agreed boundary changes. Provided those proposals were consistent with that the Government's Guidance, the Working Group has been content to adopt them and to recommend them for approval.
7. The proposed consequential changes affecting individual parishes are set out below.
8. Council is also advised that letters before action have been received from solicitors acting for Hilperton Parish Council and West Ashton Parish Council, indicating an intention to challenge the outcome of the community governance review. An update on this will be provided at the meeting.

### **Corsham & Box**

9. Corsham Town Council have proposed that the name of the current Rudloe Ward within the Town be changed, as it would no longer be appropriate, following the boundary changes agreed by this Council in November 2015, which will result in the whole of the Rudloe estate being within Box parish. It is proposed that the name of this ward be changed to Corsham West.
10. There are no further changes proposed to Box Parish Council, other than the boundary changes previously approved.

### **Devizes**

11. At its meeting in November 2015, the Council approved a proposal for the parish of Roundway to be abolished and for the areas currently within Roundway to become part of Devizes parish. This proposal has implications both for the warding of Devizes and for the number of councillors to represent the enlarged town council. The proposed consequential changes are:-

- i. the area currently covered by Roundway parish is to become a separate ward within the Town Council, to be known as Roundway Ward;
- ii. the total number of town councillors will be increased from 17 to 21, with the existing South, North and East wards each having 5 members and the new Roundway ward having 6 members.
- iii. All assets owned by Roundway Parish Council are to be transferred to Devizes Town Council

### **Hilperton**

12. Whilst there are no warding changes proposed for Hilperton parish, following the changes to the parish are approved in July 2016, there are some assets owned by Hilperton Parish Council that will transfer to Trowbridge Town Council. These include a share in the ownership of a bus shelter on Leap Gate and a grit bin at Painters Mead. In addition, the parish council is the Custodial Trustee of the Paxcroft Mead Community Centre. This status is to be transferred to Trowbridge Town Council

### **Landford and Redlynch**

13. Following the decision to transfer the Nomansland and Hamptworth areas of Redlynch into Landford parish, it is proposed that the number of councillors on Landford Parish Council be increased to 9 from the current 7, but that the parish remains unwarded. The number of councillors on Redlynch Parish Council is to reduce from 15 to 10. Redlynch Parish currently has two wards – Nomansland and Redlynch. With the transfer of Nomansland to Landford, the parish of Redlynch will become unwarded.
14. There are a number of assets owned by Redlynch Parish Council in the area being transferred to Landford parish. Ownership of these assets will pass to Landford Parish Council under the provisions of the relevant Regulations. These include the Nomansland Reading Room and the Nomansland Recreation Ground, together with a war memorial, telephone box and defibrillator, bus shelter and notice board. Officers have been working with the two parish councils regarding the transfer of these assets.
15. In addition, Redlynch Parish Council has agreed to transfer a proportion of its year- end reserves to Landford Parish Council, to reflect the fact that a significant portion of its area will be transferring to Landford Parish. Such a transfer is allowed under the community governance regulations and will be dealt with by way of a separate agreement.

### **Melksham Area**

16. It was agreed in November 2015 that two areas of land are to be transferred from Melksham Without parish to Melksham parish. In addition land in the vicinity of Berry Lane is to transfer to Melksham Without parish from Broughton Gifford parish.

17. Both Melksham and Melksham Without parish councils have been considering the consequences of these changes and have provided this Council with revised warding arrangements as follows, which they have indicated would be acceptable:
  - i. That there be three wards within the parish of Melksham Town, to be called North Ward, Central Ward and South Ward, with boundaries as shown on the plan attached as Appendix 1 to this report. Each ward to have 5 councillors;
  - ii. That there be four wards within the parish of Melksham Without to be known as Beanacre, Shaw & Whitley Ward (to have 3 councillors); Blackmore Ward (2 councillors); Bowerhill Ward (6 councillors) and Berryfield Ward (2 councillors), with boundaries as shown on Appendix 2 to this report.

### **Salisbury & Laverstock**

18. Salisbury City Council have not indicated that they wish to make any consequential changes to their governance arrangements, following the various area changes agreed in November 2015 and July 2016.
19. Laverstock Parish Council have proposed that the number of Councillors in the Parish be increased from 13 to 16 and that these should be based on identifiable residential development, as follows.
  - i. Laverstock and Milford (essentially Postcodes SP1 1) - 5 Councillors.
  - ii. Bishopdown including the former Bishopdown North Ward and that part of Salisbury St Marks and Bishopdown that will move. (essentially Postcodes SP1 3) - 5 Councillors.
  - iii. Ford, Old Sarum, and eventually Longhedge (occupations start soon) (essentially Postcodes SP4 6) - 6 Councillors.

A plan of the proposed warding is attached as Appendix 3

### **Tidworth**

20. As mentioned at the last meeting of the Council in July, a proposal has been received that there be changes to the warding arrangements for Tidworth Town Council, to reflect recent and proposed residential development. This would involve changing the relative numbers of councillors for the existing wards, without changing the total number of councillors, or the ward boundaries.
21. The proposal is that there be 11 councillors for the East Ward (currently 10), 2 for Perham Down (currently 2) and 6 for West Ward (currently 7). This is considered acceptable by officers.

## **Grafton**

22. Grafton Parish Council currently has two wards – North and South. The Parish Council has proposed that this warding be abolished and that there be no warding of the parish. Whilst officers have no objection to this proposal, it has not yet been subject to any consultation and did not fall within the terms of the original community governance review.
23. It is therefore proposed that the Solicitor to the Council be authorised to conduct the necessary consultation process and, if there are no unresolved objections, and if it is considered to be consistent with the relevant criteria, to include this minor change within the Community Governance Order, if this can be achieved without prejudicing the overall timescale.

## **Steeple Ashton**

24. At the meeting of the Council in July, a further proposal was made affecting the boundary between Steeple Ashton and Trowbridge. This involved the transfer of part of Steeple Ashton parish into Trowbridge parish. The land affected was an area to the north of Green Lane and west of Ashton Road and is shown on Appendix 4 to this report.
25. A consultation process has been undertaken which has led to three responses from residents. A summary of those responses is attached as Appendix 5.
26. Trowbridge Town Council's view is that developments closely connected to the town, and at a greater distance from other developed parts of their existing parishes, should be part of the parish of Trowbridge. They believe that this will result in more efficient and effective local government for the residents of this area, for the residents of the parish of Steeple Ashton and for all of the residents of Trowbridge.
27. The Town Council has resolved to support a proposal to transfer the area of land concerned to Trowbridge. Keeping this area in the parish of Steeple Ashton would compromise the integrity of the village, as a significant proportion of the population would then be located a reasonable distance from the village and the majority of the parish population, but they would be in close proximity to the town and to all intents and purposes would be a part of the town. The town council considers that to exclude this development from the town would compromise the integrity of the town as the town council would not be in a position to represent the whole town.
28. Steeple Ashton Parish Council have deferred any formal decision to agree to this proposal, until such time as they are clear as to the stage at which any Community Infrastructure Levy is to be paid, or whether a covenant could be put in place by the developer to secure the CIL payment for the parish.



29. Given the position of Steeple Ashton Parish Council, it is felt that there is a need for more consideration on this proposal and that it would not be appropriate to take a decision at this stage.

### **Polling Districts**

30. The changes to areas of parish councils may have implications for polling districts, which may need to be altered to bring them into line with the new parish areas. Authority is therefore sought for the Electoral Registration Officer to make any such necessary changes.

### **Safeguarding Implications**

31. There are no safeguarding impacts arising from this report

### **Public Health Implications**

32. There are no public health impacts arising from this report.

### **Environmental and Climate Change Considerations**

33. There are no environmental impacts arising from this report.

### **Equalities Impact of the Proposal**

34. There are no equalities impacts arising from this report

### **Risk Assessment**

35. The legal Orders required to bring into effect the changes in community governance arrangement, including these additional consequential changes will need to be prepared before the end of the year, if the Unitary and Parish elections in May 2017 are not to be compromised.

### **Financial Implications**

- 36 There are no financial implications for the Council arising directly from this report

### **Legal Implications**

37. The Local Government and Public Involvement in Health Act 2007 requires that, when making changes to the areas of a parish, the Council considers any consequential changes to the electoral arrangements of the affected parishes. Changes to warding and the number of parish councillors need to be included within the Governance Order. The transfer of assets can be included within the order, or by separate arrangements under the aegis of the Order and the relevant Regulations.

## **Recommendations**

38. Council is recommended :-

- a) to approve the consequential changes to community governance arrangements for those parishes whose areas are to change as a result of the previous decisions of Council, as set out in this report,
- b) to authorise the Solicitor to the Council
  - i) to make the necessary Community Governance Order(s) to bring into effect all of the changes arising from this report and the previous decisions of Council on 24 November 2015 and 12 July 2016 on the community governance review.
  - ii) to approve the proposed changes to governance arrangements set out in this report for Tidworth Parish Council and also for Grafton Parish Council, in consultation with the Community Governance Working Group, subject to the completion of the consultation process, for inclusion in the Community Governance Order(s), provided that this does not prejudice the timescale for such Order(s)
- c) to take no further action at this stage in respect of the proposal to transfer the area shown hatched on the Plan for Scheme 104 on Appendix 4 from Steeple Ashton parish to Trowbridge parish, pending further consideration,
- d) to authorise the Electoral Registration Officer to make any necessary changes to polling districts to bring them into line with the agreed governance changes.

**Carolyn Godfrey**  
**Corporate Director**

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Report Author: Paul Taylor, Senior Solicitor

## **Background Papers**

The following unpublished documents have been relied on in the preparation of this report:

Correspondence from Parish Councils

## **Appendices**

Appendix 1 – Warding for Melksham Town parish

Appendix 2 – Warding for Melksham Without parish

Appendix 3 - Warding for Laverstock parish

Appendix 4 – Map of Scheme 104 – Trowbridge and Steeple Ashton

Appendix 5 – Consultation Responses - Scheme 104 – Trowbridge and Steeple  
Ashton

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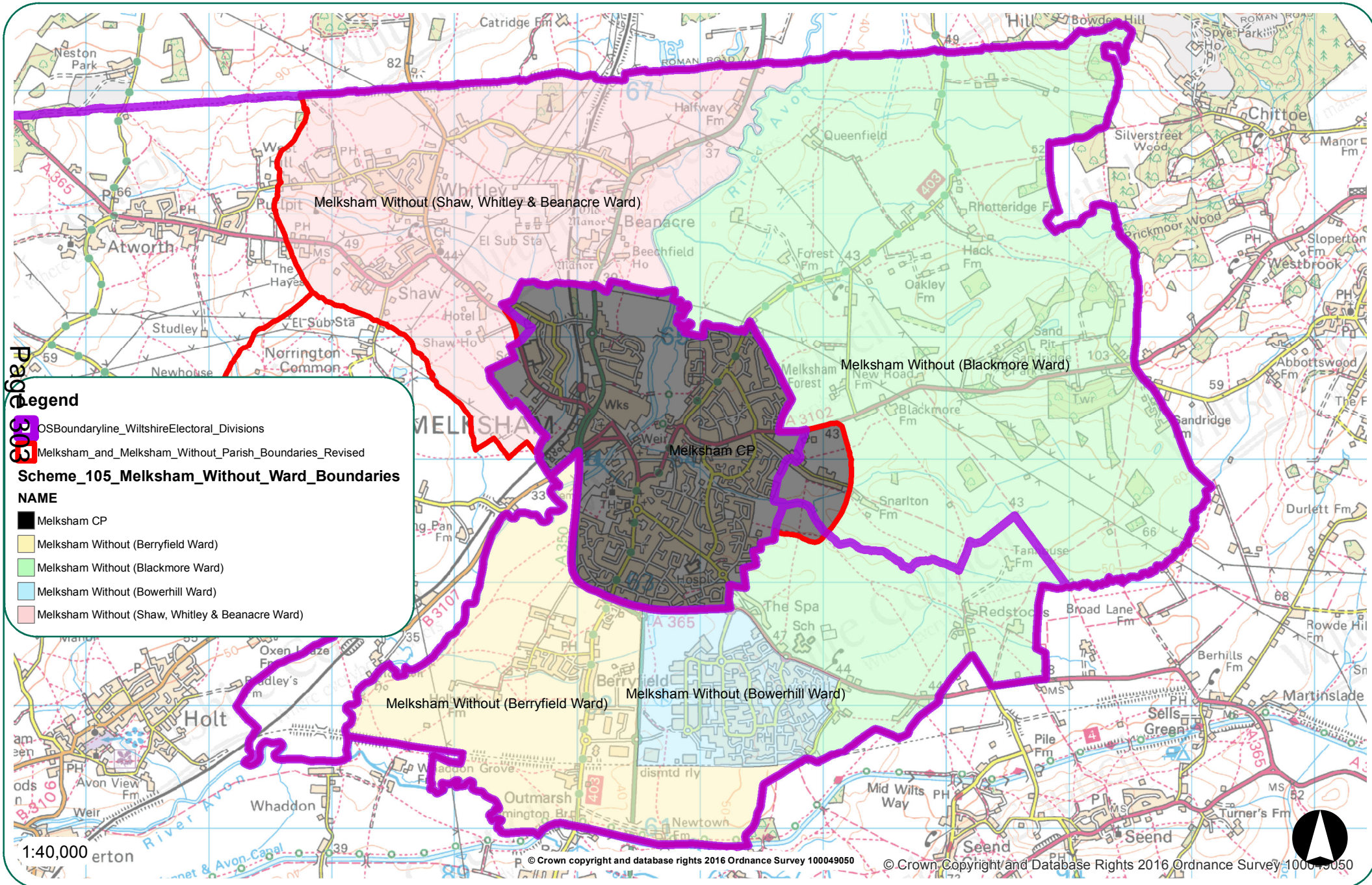
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# Melksham Without Parish with Proposed Parish Wards

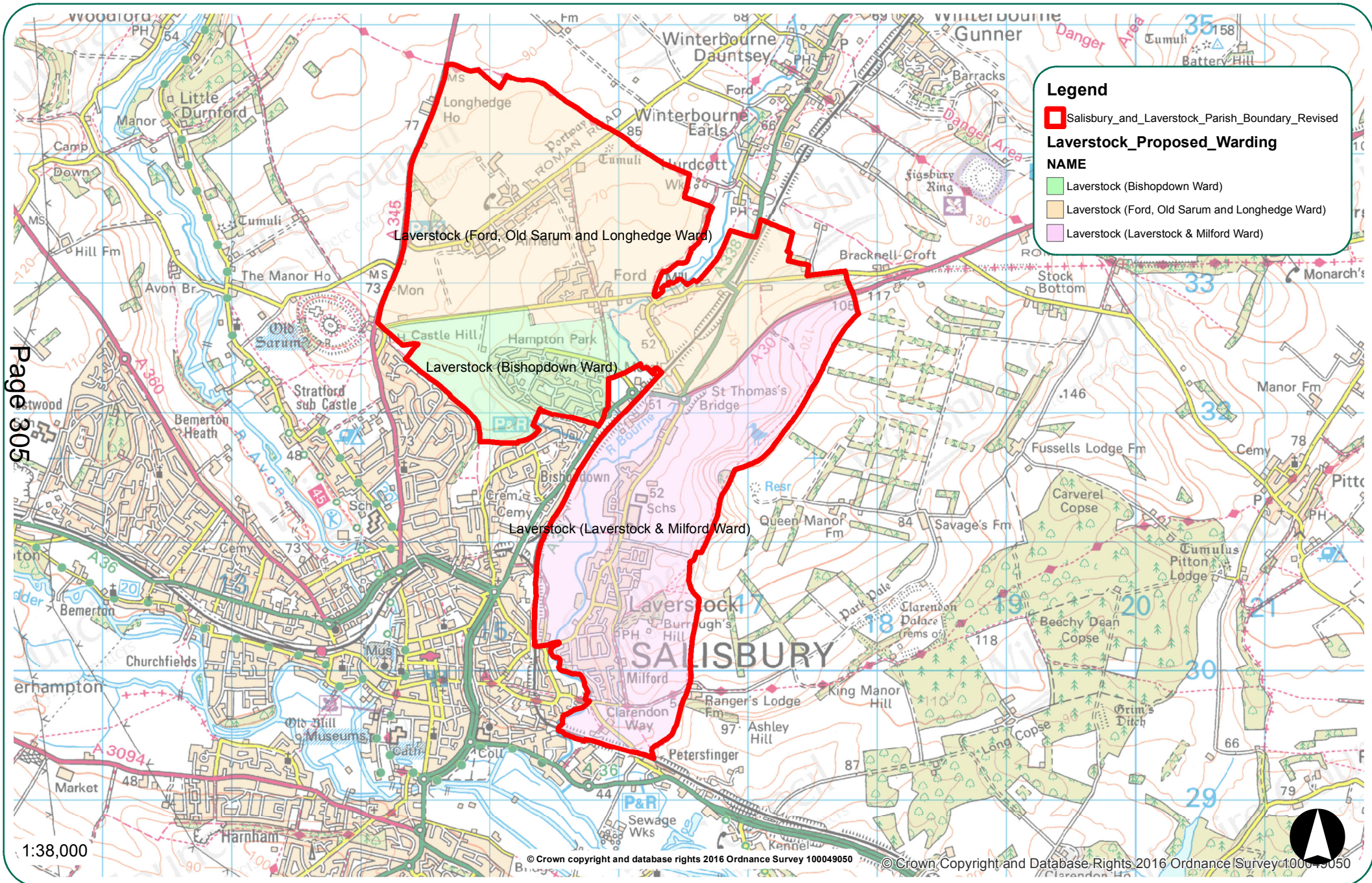


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# Laverstock Parish with Proposed Parish Wards

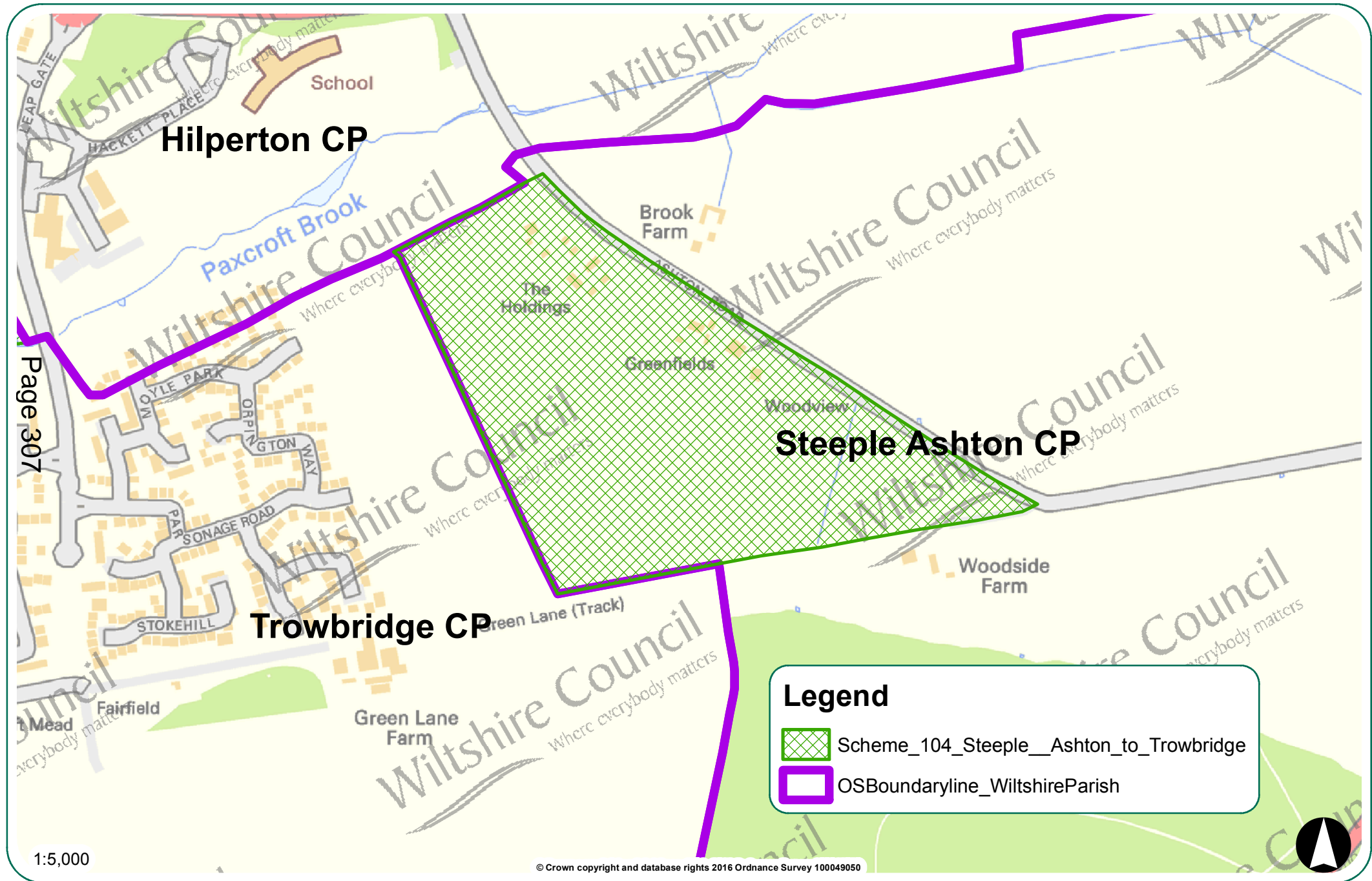


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# SCHEME 104 Trowbridge and Steeple Ashton Proposed Parish Boundary Changes



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## Scheme 104

This report was generated on 09/28/16. Overall 3 respondents completed this questionnaire. The report has been filtered to show the responses for 'All Respondents'.

The following charts are restricted to the top 12 codes. Lists are restricted to the most recent 100 rows.

### Are you answering this survey as?

A resident of the area affected by the proposal (3) 100%

A business or commercial concern in the area affected by the proposal (-)

A representative of a Parish or Town or City council affected by the proposal (-)

An interested party not necessarily from the area affected (-)

### What is your name?



### What is your postcode? In capitals with a space please e.g. SN13 9DN

BA14 6DT

BA14 6DT

BA14 6DT

### If you represent an organisation, business, parish or group can you say which?

Parish

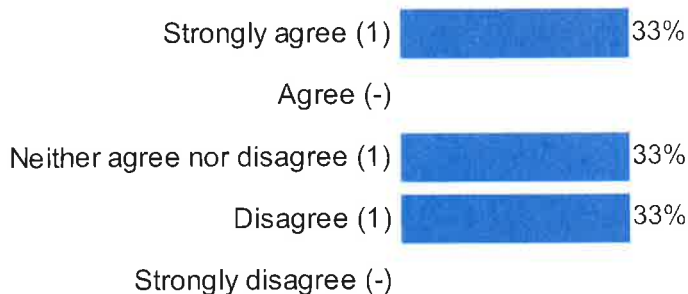
### Having studied the proposal for your area do you agree or disagree that the properties shown on the map move from Steeple Ashton Parish Council to Trowbridge Town Council?

Agree with the proposal (-)

Disagree with the proposal (2) 100%

Scheme 104

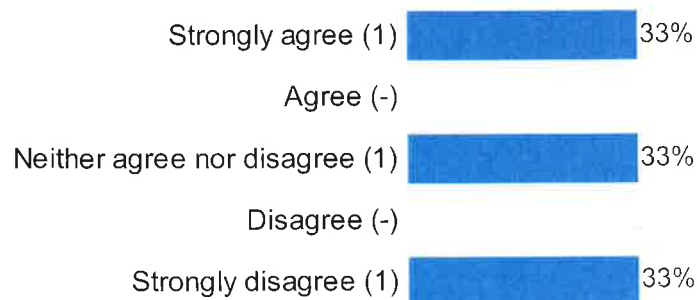
**How far do you agree or disagree that the proposed changes to the parish boundaries outlined above will improve the following factors? (A sense of civic pride and civic values)**



**How far do you agree or disagree that the proposed changes to the parish boundaries outlined above will improve the following factors? (A strong inclusive community and voluntary sector)**

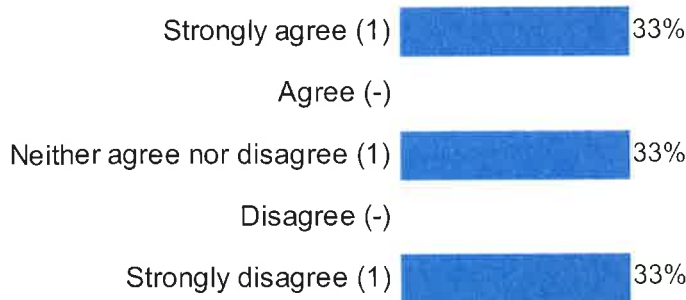


**How far do you agree or disagree that the proposed changes to the parish boundaries outlined above will improve the following factors? (A strong sense of place and local distinctiveness)**

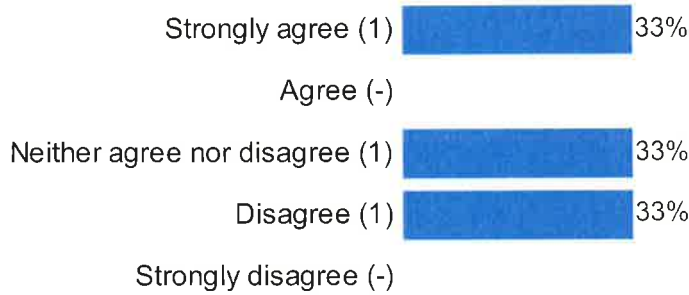


Scheme 104

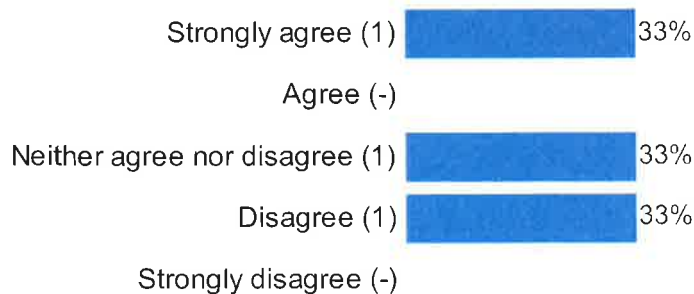
**How far do you agree or disagree that the proposed changes to the parish boundaries outlined above will improve the following factors? (Effective engagement with the local community)**



**How far do you agree or disagree that the proposed changes to the parish boundaries outlined above will improve the following factors? (Provide strong local leadership)**

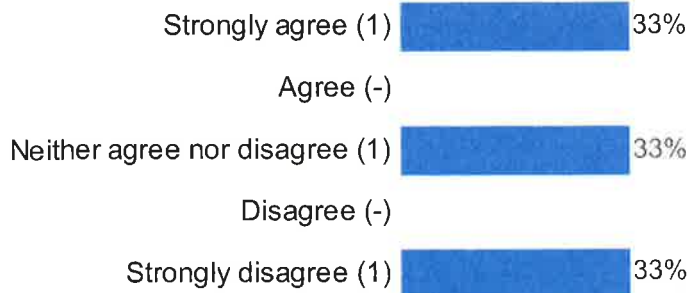


**How far do you agree or disagree that the proposed changes to the parish boundaries outlined above will improve the following factors? (Enable local authorities to deliver quality services)**



Scheme 104

**How far do you agree or disagree that the proposed changes to the parish boundaries outlined above will improve the following factors? (Create a parish of the right size)**



**Finally do you have any views about this review that you feel should be taken into account especially around the impact of community governance arrangements on community cohesion; and the size, population and boundaries of a local community or parish and effective and convenient governance. ( )**

I feel at the Council meeting on 17 October they will make their own decision

Already have a strong sense of place and local distinctiveness with sufficient engagement when desired. I have found in 46 years the local authorities deliver quality services when required. I wish to remain in Steeple Ashton parish.



## Notices of motion

**The following rules taken from Part 4 – Rules of Procedure – Council explain how motions are to be dealt with at the meeting:**

### At the meeting

89. The Chairman will invite the proposer, or one of the councillors, who has given notice of the motion to move the motion. Where these councillors are not available at the meeting, the motion can be moved and seconded by any other councillors.
90. A notice of motion must be moved at the meeting, it must then be seconded. If the motion is not moved and seconded, it will, unless postponed by consent of the Council, be treated as abandoned and may not be moved without fresh notice.
91. Once moved and seconded at the meeting, the councillor proposing the motion will be given up to five minutes in which to present his or her motion.
92. The Chairman will give the relevant cabinet member an opportunity to respond to the motion giving him or her up to five minutes in which to do so.
93. On considering a notice of motion and subject to paragraphs 95-100 below, the following options shall then be open to the council:
  - debate the motion and vote on it
  - refer it to an appropriate member body with or without debate
  - refer it to the Leader of Council with or without debate
94. The Chairman will move that the motion either be debated on the day or referred to the appropriate member body. This will be seconded by the Vice-Chairman of Council or in his or her absence, another member of the council and put to the vote without discussion. On the question of referring the motion to an appropriate member body, the only amendment the Chairman will accept is to which member body the motion should be referred.
95. If the motion relates to a function exercisable only by the council then the council will debate the motion and on consideration of a report, determine the motion or refer it to a future meeting of the Council.
96. If the motion relates to a function that has been delegated to another member body then the council will vote without debate on whether to refer the motion to that member body.
97. If referred to another member body that member body must consider the motion at its next available meeting. The mover and seconder of the motion will be invited to attend that meeting if they are not already members of that body in order to present their motion but will not be able to vote unless they

have voting rights. The member body must report back to the council as soon as practicable by way of the minutes of that meeting.

98. If the notice of motion is referred to another member body following debate at council, a summary of the debate at council together with any recommendation will be taken into account by the member body when considering the motion.
99. If the notice of motion relates to an executive function, the motion will be referred to the Leader of the Council. The Leader will write to the proposers of the motion with a copy to all members of the council, advising them what steps he or she proposes to take.
100. Any decision of council arising from a motion must comply with the principles of decision making as set out in Part 2, paragraph 14.2 of this Constitution.

## **Part 4C – Guidance on Amendments to Motions**

1. The requirements concerning amendments to motions are contained in the Council's Rules of Procedure in Part 4 of the Constitution. Paragraph 103 provides:

*An amendment to a motion must be relevant to the motion and will either be:*

- *to refer the matter to an appropriate body or individual for consideration or reconsideration*
- *to leave out words*
- *to leave out words and insert or add others or*
- *to insert or add words*

*as long as the effect of the amendment is not to negate the motion.*

2. The Chairman will determine the validity of any proposed amendment under this paragraph, after taking advice from the Monitoring Officer. The Chairman's decision on any proposed amendment is final.
3. In exercising judgment on the validity or otherwise of any proposed amendment, the Chairman will have regard to the following principles:
  - the overriding principle of fairness in the conduct of the Council's business;
  - the amendment is relevant to the motion;
  - the proposed amendment does not negate the motion; this can be secured more appropriately by voting against the original motion.
  - The content of the proposed amendment is proportionate to the original motion in nature and extent;
  - The proposed amendment does not amount to a device to frustrate the purpose of the original motion or to raise a late motion.
4. Councillors are encouraged, where practicable, to seek advice from the Monitoring Officer in connection with any proposed amendment in advance of the meeting at which it is to be moved.

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## **Notice of Motion No. 33**

### **Water Sprinklers in New Schools – From Councillors Graham Payne and Peter Edge**

**Also supported by Councillors Ernie Clark, Mollie Groom, John Knight, Chris Devine, Ricky Rogers, Bob Jones, Bridget Wayman and Christopher Newbury**

To consider the following motion received in accordance with the Council's constitution:

**“That Wiltshire Council views with great concern the decision of HM Government to remove the requirement for the compulsory fitment of water sprinklers to all new school buildings.**

**We therefore propose that Wiltshire Council establishes the necessary policies to ensure that the fitment of water sprinklers will continue to be a requirement in all new school buildings including school extensions and those school buildings undergoing major refurbishment in our County”.**

To assist Council in its consideration of the above motion, a briefing note is attached.

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**Notice of Motion No. 33 Water Sprinklers in New Schools  
From Councillors Graham Payne and Peter Edge**

**Briefing Note**

Current Wiltshire Council policy is to install fire sprinklers in new schools and large school extensions (Cabinet decision 26 January 2010). Where the Council commissions the work, the cost of installation of sprinkler systems is met by the Council, whereas the ongoing maintenance and servicing responsibilities rest with the school. This policy has been implemented in all new school or major school expansion schemes since 2010.

Earlier this year new draft guidance was issued in relation to *Fire Safety Design for Schools - BB100 Revised*. The amended guidance is no longer expected to mandate that sprinklers have to be installed, but instead advocates the use of a risk assessment for each new school project to help inform a decision as to whether to install a sprinkler system or not. The consultation on the draft guidance ended in August and final guidance has not yet been issued.

Two tools have been created to assist in this process. One tool kit covers risk assessments and enables a school to be classified as high risk, medium risk and low risk, and the second tool kit is a cost benefit analysis covering the use of sprinklers in schools.

So far as the outcome of a risk assessment is concerned:

1. If the outcome is high risk, then sprinklers should be provided.
2. If the outcome is medium risk then a sprinkler system is desirable.
3. If the outcome is low risk, then sprinklers may be beneficial.

Having reviewed the latest guidance, if a risk assessment was undertaken on a case by case basis to inform the need for sprinklers on a school project, then the outcome in some instances would be that the installation of a sprinkler system would not represent good value for money. This risk assessment could be undertaken in conjunction with the Fire Authority.

It is proposed that the matter be researched in more detail, to consult further with the authors of the revised BB100 and to seek the view of colleagues in neighbouring authorities to understand the approach that they are taking and to put this into a short paper for consideration as an amendment to the current policy.

NB A legal view has been sought on whether this policy should apply to all schools, including any new academy provision, where Wiltshire Council is the commissioner of the work. The legal view is that all schools regardless of status are currently included in the policy.

**Carolyn Godfrey**  
**Corporate Director**



**Wiltshire Council**

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**Notice of Motion No. 34 – Fire Authority**

**From Councillors Ernie Clark and Ricky Rogers**

**Also supported by Councillors Russell Hawker, Ian West, David Pollitt, Peter Edge, Graham Payne, Brian Dalton**

To consider the following motion received in accordance with the Council's constitution:

**“Wiltshire Council, being mindful of the difficult and wide ranging requirements in the merger of two public bodies, congratulates Dorset and Wiltshire Fire & Rescue Service on the successful and professional manner in which the merger has been carried out and the way in which excellent standards of service are provided to the residents of Wiltshire, Swindon, and Dorset”.**

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## Notice of Motion No. 35

### **A Fair Chance for Every Child in Wiltshire From Councillors Jon Hubbard and Steve Oldrieve**

To consider the following motion received in accordance with the Council's constitution:

**"The Conservative Government in Westminster have issued a Green Paper suggesting that every school could convert to a Grammar School, reintroducing selective education for children across the county of Wiltshire.**

**Sir Michael Wilshaw\*, the head of Ofsted, has described the expansion of Grammar Schools as a "retrograde step" and this view has been echoed by educationalists from across the country.**

**Currently in Wiltshire there are 2 Grammar Schools, both in Salisbury where there are 5 other state schools offering secondary education. No other community in Wiltshire enjoys having so many comprehensive schools in such a small geographical area.**

#### **Council notes:**

- **Should one, or more, of Wiltshire's market town schools, which is served by just one secondary school, convert to a grammar school then this would leave many children without a local school to attend**
- **Even Free School founder and right ring columnist Toby Young has publically stated that introducing new grammar schools with do nothing to help boost social mobility\*\***

#### **Council believes:**

- **That should rural comprehensive schools in Wiltshire be converted to grammar schools it would disadvantage Wiltshire's children, with many being forced to travel significant additional distance to schools each day**
- **That there is a considerable risk to the county's budget, should the council have to fund passenger transport for young people to schools other than those local to them as a result of not passing the 11 plus**
- **That dividing young people at the age of 11, based on their individual performance during a 145-minute\*\*\* one-off exam, is a retrograde step which will end up in the majority of young people be left feeling they are failures**
- **That former Prime Minister David Cameron was correct to say "I think it is delusional to think that a policy of expanding a number of grammar schools is either a good idea, a sellable idea or even the right idea."\*\*\*\***

**Council calls for:**

- **A statement to be issued by Wiltshire Council stating: “This Council does not support the further expansion of grammar schools in Wiltshire”**
- **The Cabinet Member for Children’s Services to lobby all parliamentarians in Wiltshire to do all in their power to prevent existing comprehensive schools being converted to grammar schools**
- **The Cabinet Member for Children’s Services to write to the Secretary of State stating that Wiltshire Council does not believe that the conversion of comprehensive schools to grammar schools in rural communities is in the best interests of *all* young people”**

\* speaking on LBC radio - <http://www.lbc.co.uk/hot-topics/schools/ofsted-chief-no-new-grammar-schools/>

\*\* <http://www.spectator.co.uk/2016/08/why-bringing-back-grammar-schools-wont-help-social-mobility/>

\*\*\* Source of details of 11 plus exams in Wiltshire - <http://www.elevenplusexams.co.uk/schools/regions/wiltshire-11-plus>

\*\*\*\* <http://www.telegraph.co.uk/news/2016/09/12/david-cameron-is-gone-but-these-tory-mps-will-fight-grammar-scho/>

To assist Council in its consideration of the above motion, a briefing note is attached.

**Notice of Motion No. 35**

**A Fair Chance for Every Child in Wiltshire  
From Councillors Jon Hubbard and Steve Oldrieve**

**Briefing Note 1**

The Government published the Green Paper 'Schools that Work for Everyone' on 12<sup>th</sup> September 2016. The consultation on the proposals will end on 12<sup>th</sup> December 2016.

Background

Legislation currently prohibits any new selective schools and prevents existing non-selective schools from becoming selective. This means that schools cannot introduce selective admission arrangements where they do not already exist. Existing selective schools can lawfully expand, and that includes expansion in annexes or on sites separate from the main body of the school provided that the offer to pupils on the separate sites is fully integrated with the teaching and learning in the rest of the school.

The Green Paper suggests there is a case for relaxing restrictions on selective education, in order to provide an increase in the number of good school places within the system – whether through the expansion of existing grammars, the creation of new selective schools or through allowing non-selective schools to become selective.

Proposals

The Green Paper proposals include:

- Allowing good and outstanding selective schools to expand, with dedicated funding of up to £50m a year to fund expansion of places upfront (thus removing a financial disincentive to expansion).
- The establishment of new selective schools, enabling new wholly-selective or partially-selective schools to be established. These would be established as Free schools set up in response to local demand.
- Allowing existing non-selective schools to become selective. These schools would become selective in response to local demand and would have flexibility to select 100% of their intake on the basis of ability. There is no information as to what measures will be taken to preserve school diversity in areas where schools choose to convert in this way.

As this is currently a Green Paper the Government will consider measures to preserve school diversity in areas where schools choose to convert in this way, but there is no detail at the current time.

Conditions for agreeing a conversion to selective status being considered include:

- Taking a proportion of pupils from lower income households. This would ensure that selective education is not reserved for those with the means to move into the catchment area or pay for tuition to pass the test;
- Establish a new non-selective secondary school, with the capital and revenue costs paid by government;
- Establish a primary feeder in an area with higher density of lower income households to widen access, with the capital and revenue costs paid by government;
- Partner with an existing non-selective school within a multi-academy trust or sponsor a currently underperforming and non-selective academy. Under these arrangements, selective schools would be expected to share resources, assist with teaching, provide curriculum support, assist with university applications and contribute to governance expertise.
- Ensure that there are opportunities to join the selective school at different ages, such as 14 and 16, as well as 11. This might be facilitated through partnership or sponsor arrangements with other schools.

The consultation on the Green Paper will close in December 2016 and the local authority will fully assess the potential impact of proposals on secondary education within Wiltshire when statutory guidance is provided by central government.

In Wiltshire, the percentage of 'good' and 'outstanding' places in secondary schools is currently 97%. Our School Place Commissioning Strategy is regularly updated and will be reviewed again in spring 2017. This will provide the most up-to-date information on areas of the county where there will need to be an expansion in the provision of secondary school places over the next few years. Further guidance is likely to be issued by central government on increasing the number of good school places before our School Place Commissioning Strategy is updated.

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## **Notice of Motion No. 36**

### **Capping Town and Parish Councils**

**From Baroness Scott of Bybrook OBE and Councillor John Thomson**

To consider the following motion received in accordance with the Council's Constitution:

"The Council has received notification of a consultation from the Department for Communities and Local Government which includes the suggestion that a referendum would be needed if a Town and Parish Council wished to increase its precept by more than 2 per cent.

#### **Specifically;**

- For the first time, referendum principles will apply to Town and Parish councils for which the Band D charge is higher than £75.46 and the total precept is over £500,000.
- However, those Town and Parish councils where a service had been transferred from a local authority would not be subject to the referendum principle, providing certain conditions are satisfied.
- The government is also prepared to consider extending the referendum principles to all Town and Parish councils.

#### **Preamble**

Towns and Parishes receive no government money therefore the level of precept should be decided locally and not by government. As far as a referendum is concerned this would impose extra costs on the Town or Parish that chooses to have one, putting additional pressure on the precept.

Towns and Parishes are the core of local democracy and should not be fettered and undermined by government.

#### **Motion**

That Council agrees that a cap should not be imposed on town and parish councils, that it responds to the consultation robustly and uses other contacts to influence the consultation.

<https://www.gov.uk/government/consultations/local-government-finance-settlement-2017-to-2018-technical-consultation>

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## **Notice of Motion No. 37**

### **Rethinking Wiltshire Council Governance**

**From Councillors Chris Caswill and Jon Hubbard**

To consider the following motion received in accordance with the Council's constitution:

"Council notes the provision made in Section 21 of and Schedule 2 to the Localism Act 2011 (which amended the Local Government Act 2000) and in the Local Authorities (Committee System) (England) Regulations 2012 that provide the option for Local Authorities to adopt a committee system in place of Cabinet governance.

Council also notes that under these provisions, a Local Authority such as Wiltshire is enabled to decide how its functions, i.e. the powers given to it by central government, are delivered.

In considering this option, Council takes account of those authorities that have in recent years decided to move to a committee-based system of decision making, and the advantages that those changes are seen to have delivered. For example:

- Nottinghamshire County Council
- London Borough of Sutton (unitary authority)
- Brighton and Hove City Council (unitary authority)
- Reading Borough Council (unitary authority)
- Norfolk County Council

To quote the 2014 Local Government Information Unit (LGIU) report <sup>1</sup>:

*"The most cited advantage (and reason for changing) is that the committee system is inherently more democratic, with more councillors directly involved in decision-making. The opposition has more say and its voice is more strongly heard."*

And

*"The supporters of the committee system do feel that decisions are more out in the open. Of course, especially in councils with majority administrations, important*

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<sup>1</sup> LGIU Policy Briefing "Changing to a Committee System in a New Era", 16 December 2014

*decisions are taken by the political groups. This can, at times, curtail genuine discussion. However, a committee system means that there is more likelihood of fewer decisions being pre-determined and that it is worth opposition members proposing alternatives or moving amendments to decisions – which will sometimes gain support from councillors with a majority. In councils with no overall control there is no certainty about what will happen at a committee. Councils represented here did say that councillors in general were having to take on extra work so that they could contribute effectively to their committees and they needed more training. But council leaders felt this was positive, as was the need for officers to be better at forward planning.”*

Council further notes that none of those Authorities moving to a committee system have wanted simply to replicate the old committee arrangements and all have introduced streamlined committee arrangements. In most cases these arrangements have either replaced Scrutiny Committees as part of a push for cost-neutrality, or reduced Scrutiny to a single committee with a clearly defined remit. From the LGIU report again:

*“All of the councils insisted that they were not going back to the system pre 2000. They were, they said, building on the best of that system but also on the best of the cabinet model.”*

Council recognises the benefits of this change and believes that a modern committee system would, in principle, provide more open and inclusive governance for Wiltshire, especially in its ability to engage members in the decision making process, and provide more open and transparent decision making for the public who vote for and pay for the Council.

Council also recognises that such a change cannot be made overnight, and requires careful preparation<sup>2</sup>. It also recognises that it would not in any case be appropriate or democratic to introduce a new system within a few months of an ‘all-out’ election.

**Council therefore resolves:**

- 1. To recommend to the incoming Authority that a committee based system of decision making would in principle be preferable to a Cabinet system, for the reasons given above, and those which underpin the changes made by other Authorities**
- 2. To ask Cabinet to set up a cross party task group, in consultation with Group Leaders, to explore detailed options for how a committee system could best work for Wiltshire and what part, if any, scrutiny arrangements could usefully play within them**
- 3. That the task group and officers should be asked specifically to investigate how such a change could be introduced on a cost-neutral basis**
- 4. That the task group be asked to report in time for its conclusions to be considered by the incoming g Council at and soon after May 2017”.**

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<sup>2</sup> LGIU ‘Rethinking Governance’ Guidance, January 2014

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## **Notice of Motion No. 38**

### **Democratic Accountability**

**From Councillors Chris Caswill and Chris Hurst**

To consider the following motion received in accordance with the Council's Constitution:

"Council notes the extensive powers attributed within the Wiltshire unitary system to the Leader and the Cabinet, and to Officers under Delegated Powers. Council asserts the importance of democratic debate and challenge, and of the active engagement of backbench members and the public in the Council's work.

It has accordingly proposed detailed measures designed to:

- (a) increase the accountability of the executive, in its various forms, and
- (b) improve those elements of the system which provide for the contributions of individual elected members, and
- (c) Strengthen the participation of , and engagement with, the Wiltshire public, and
- (d) Thereby strengthen the democratic legitimacy and contribution of Wiltshire Council

These measures are set out at Annex 1 to this Motion.

#### **Council resolves that :**

- 1. The list at Annex 1 be adopted as the ambition for changes to current procedures, instruments and practices**
- 2. The changes proposed for Scrutiny be referred to the Overview and Scrutiny Management Committee, for its agreement to implementation or report back to Council at its next meeting**
- 3. Cabinet be asked to have the process of implementing the other changes begun as soon as possible**

4. **Officers be requested to identify for an early Cabinet meeting those changes which can be implemented, or at least initiated, before May 2017 and to begin work on those as a matter of priority**
5. **Cabinet be asked to report on progress by the end of March 2017, along with a justification of any changes it rejects**
6. **And a plan for implementation of remaining changes after May 2017, subject to the agreement of the new Council.**

## **Annex 1 to Council Motion on Democracy and Accountability**

### **List of proposed changes to current procedures, instruments and practices**

#### **Scrutiny**

1. All Scrutiny Committees will be chaired by a Councillor from outside the ruling administration group.
2. Membership of all Scrutiny Committees shall include two members of the public, appointed on the basis of responses to advertised vacancies and selection by the Committees
3. Cabinet responses to Scrutiny recommendations will be brought to Committees by the relevant Cabinet members in person. Recommendations and responses will be prominently displayed on the Council web site
4. Provision will be made for public petitions to be presented and discussed at Scrutiny meetings (see below)
5. Scrutiny meetings will be advertised on the Council web site and members of the public invited to address Committees on high profile items
6. It shall be established within Constitution protocols understood that Scrutiny Committee decisions are not taken on party political / group lines, without prior group briefing
7. Cabinet members and portfolio holders shall not be members of Scrutiny Committees
8. Strengthened staffing of Scrutiny support will be regarded as a corporate priority. Scrutiny staff will be brought together as a separate team, together with Democratic Services

#### **Area Boards**

- a) Provision will be made for public participation at the beginning of Area Board meetings, similar to that made for Cabinet and other committees
- b) Provision will be made for public petitions to be presented *and discussed* at Area Board meetings (see below)

#### **Planning**

- i. The right of local residents to call in planning applications for committee decisions in public will be restored, with a threshold of six signatories
- ii. Speaking time for members of the public will be increased to a maximum of 5 minutes
- iii. All planning meetings will begin in the early evening, preferably at 6 pm, to allow working residents to attend.
- iv. It shall be established within Constitution protocols understood that decisions within all Planning Committees are not taken on party political / group lines, without prior group briefing
- v. Guidance will be given to planning officers that their reports should explicitly address those residents' objections that relate to planning policies, not simply list them
- vi. A user-friendly guide will be provided for residents who wish to make representations on planning applications and the Council web will be restructured to provide well signposted and user-friendly routes for that purpose.

### **Licensing**

- 1) Local members will be informed of any formal warning notices sent to licensed premises in their areas
- 2) New user-friendly guidance will be provided for the public on the licensing system and opportunities for the public to engage.

### **Highways**

- All CATG meetings will be held in public, and advertised on the Council web site
- A route will be restored for local members to make direct contact with Council officers on highways issues, and bring issues directly to CATGs
- All highways work that will disrupt roads or pavements for more than one day will be required to display reasons and timetables for the work

### **Democratic opposition**

- Direct Democratic Services and research support will be provided to Opposition groups with four or more members, to be determined by discussion between the Leader and Opposition Group Leaders

### **Engagement of Individual members**

- I. The Constitution protocol for providing information to local Members will be strengthened, so that it the expectation will be that local members will be informed in advance, and in good time, of all decisions and decisions under consideration that would enable them to discharge their responsibilities as

community leaders, irrespective of considerations of any embarrassment to the ruling administration

- II. Clear protocols will be introduced to provide opportunities for individual backbench members to challenge and bring forward for review significant decisions taken by Officers under Delegated Powers, recognising that work will need to be done in advance on a classification and presentation of a limited group of *significant* decisions (to avoid all Officer decisions being capable of review)

### **Council and committees**

1. The annual State of Wiltshire debate will be restored, with officer support available to opposition groups for research purposes
2. Now that the electronic voting system is in place, all votes at Council meetings will be recorded.
3. Councillor's questions will be taken higher on the agenda at Council meetings, after public participation but prior to any Resolutions, and with a time limit of 30 minutes for supplementary questions and answers
4. All Council, Cabinet and other committee agendas will be published sufficiently far in advance of the meeting to allow the public at least five clear working days to read the papers and indicate a wish to make a statement or ask a question
5. The combined Democratic Services and Scrutiny functions will report directly and independently of executive functions to the Monitoring Officer, and then preferably to a restored Chief Executive post.

### **Engagement with the Public**

- Provision has already been made above for enhanced public engagement with scrutiny, planning and licensing. Additionally, the threshold for petitions which will automatically generate a debate will be reduced to 1000. Petitions achieving this threshold may be discussed at full Council or be referred to the relevant Scrutiny Committee, where the petitioner(s) will have the opportunity to participate in the debate. Presenters of petitions with over 50 proper signatures will have the opportunity to have their petition discussed at the relevant Area Board(s), should they wish, and to have a decision from the Board(s) as to the next steps
- There will be a professional independent review of the Council web site, leading to its replacement or restructuring into a user-friendly format that interactively engages the public

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**Notice of Motion No. 39**

**Delegation to Elected Members**

**From Councillors Chris Caswill and Chris Hurst**

**Also supported by Councillor Jon Hubbard**

To consider the following motion received in accordance with the Council's constitution:

"Council notes that Section 236 of the Local Government and Public Involvement in Health Act 2007 gave the power for Local Authority delegation to individual Councillors.

Council further notes that a significant number of Local Authorities have arrangements in place which delegate budgets to individual Members, and that these include:

- The London Boroughs of Haringey, Hillingdon, Lewisham and Westminster
- Cornwall, Cumbria, Devon, Hampshire, Hertfordshire, Kent, Lancashire, Northamptonshire, Suffolk and Warwickshire County Councils

and that although the majority of these delegations relate only to community grants, at least two, Hertfordshire and Suffolk delegate funding for highways improvements. Council notes that Suffolk County Councillors have a £10,000 locality budget for 'local projects in their Division that benefit the local community' and each also has a highways budget of £15000, which can be rolled forward.

Council recognises that the increasing pressures on the Wiltshire budget have resulted in rationing systems and delegations to town and parish councils that have left individual members with reduced roles. And also that those financial pressures are expected to increase, and with that further reductions in the ability of individual members to contribute locally, and deliver their responsibilities as local representatives, community leaders and 'champions of their divisions', as set out in Part 12 of the Constitution ('Roles and Responsibilities of Members').

Council supports the creation of individual grant and highways budgets for elected Wiltshire Council Members as an important step to reverse that trend, and because of the benefits it will bring, including:

- Expressed trust in the qualities and judgements of individual members
- Enhanced roles for Members in their local communities
- Encouragement of small scale and local community awards
- Enhanced engagement of the public with individual members
- An enhanced role for elected members of Wiltshire Council, and hence an increased incentive for candidates of quality from all walks of life to put themselves forward for election to the Council
- More flexible and speedy decision making
- Increased accountability of individual Members to local communities

Council recognises four particular challenges in making this change:

- a. Accountability : In addition to the record keeping required by the 2007 Act, there are opportunities for regular reporting to the local communities via meetings of the Area Boards, and by easily accessible reports on the Council's web site
- b. Adequate budgets : this will require increases in the amounts delegated by Cabinet and from Officer delegations, which is to be welcomed in its own right
- c. The relationship with Area Board community grants : Community Area funds can and should be retained for Area-wide applications. Councillor budgets would be complementary, smaller, and used for purposes local to their Divisions. It should also be possible for two or more members to pool their funding for local applications that cross Division boundaries
- d. Managing the flows of funds; Council is confident that Wiltshire Council's officers and systems are at least as capable of coping with this requirement as those in the other Authorities which already operate this kind of delegation

**Council accordingly resolves:**

- 1. That the Leader be asked to initiate a system of Member delegated budgets, and that these should be in place prior to the May 2017 elections, so as to help attract a diverse range of good quality candidates**
- 2. And that those delegated budgets should include funds for community grants and minor highways works, alongside some fund retained for Community-wide grant applications**
- 3. And that accountability to the public will be achieved by annual presentations of decisions and outcomes at Area Board meetings, and on the Council web site**
- 4. And that the aim should be for Member annual budgets to be initially £ 2000 for local (Divisional) community awards and £10,000 for minor**



**highways works, with the option of increasing these amounts in future years**

- 5. And that the Leader and officers be asked to bring detailed proposals for this to the February Council meeting, so that they can be publicised before the May 2017 elections, and in place during the Financial Year 2017-18”.**

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## **Extended Leave of Absence – Councillor Helen Osborn**

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### **Purpose of Report**

1. To ask Council to consider a request from Councillor Helen Osborn for a further extension of office beyond the six month period of non-attendance due to ill health.

### **Main considerations of the Council**

2. Under Section 85 (1) of the Local Government Act 1972, if a member of a local Authority fails throughout a period of six consecutive months, from the date of his or her last attendance to attend any meeting of the authority or as a representative of the authority on an outside body, he or she shall, unless the failure was due to some reason approved by the authority before the expiry of that period, cease to be a member of the Authority.

### **Background**

3. The report previously considered by Council at its annual meeting on 10 May 2016 is attached as background information which sets out the detail. At that meeting, Council resolved as follows:
  - a) That Council approves the request from Councillor Helen Osborn for an extension beyond the six month period of non-attendance on the grounds of ill health.
  - b) That such an extension be granted until the end of October 2016 which would allow for any request for a further extension being considered by Council at its meeting on 18 October 2016. In the event of that meeting either being cancelled or postponed, such an extension to remain in place until after the next available meeting of the Council.
4. Councillor Helen Osborn continues to be unwell and therefore unable to attend meetings of the Council.
5. Councillor Helen Osborn's Lambrook Division continues to be looked after by Councillor John Knight, who is happy to continue to do so. This is also supported by Councillor Knight's Group Leader, Baroness Scott of Bybrook OBE.

## **Proposals**

- a) **That Council approves the request from Councillor Helen Osborn for a further extension beyond the six month period of non-attendance on the grounds of ill health.**
- b) **That such an extension be granted until the end of February 2017.**

**Robin Townsend**  
**Associate Director, Corporate Function, Procurement and Programme Office**

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Report author: Yamina Rhouati, Democratic Governance Manager

Appendix

Report to Council – 10 May 2016

Background Papers

None

**Wiltshire Council**

**Annual Council**

**10 May 2016**

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**Extended Leave of Absence – Councillor Helen Osborn**

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**Purpose of Report**

1. To ask Council to consider a request from Councillor Helen Osborn for an extension of office beyond the six month period of non-attendance due to ill health.

**Main considerations of the Council**

2. Under Section 85 (1) of the Local Government Act 1972, if a member of a local Authority fails throughout a period of six consecutive months, from the date of his or her last attendance to attend any meeting of the authority or as a representative of the authority on an outside body, he or she shall, unless the failure was due to some reason approved by the authority before the expiry of that period, cease to be a member of the Authority.

**Background**

3. As members will be aware, Councillor Helen Osborn, who represents Trowbridge Lambrook Division, is presently recovering from surgery and at the time of writing this report remains in hospital. Councillor Helen Osborn has also suffered the recent loss of her husband, the late Wiltshire Councillor Jeff Osborn.
4. Councillor Helen Osborn has not been able to attend any Council or Committee meetings since the Trowbridge CATG meeting on 14 December 2015 and has requested Council to approve an extension to the usual six month rule to enable her to remain in office.
5. Council can only consider approval of any reasons for non-attendance before the end of the relevant six month period, which would be 13 June 2016. This Annual Council meeting would be the last opportunity for Council to consider such a request before the expiry of the relevant six month period.
6. Subject to membership changes made at this meeting, Councillor Helen Osborn currently serves as a full member of the Children's Select Committee, the Safeguarding Children and Young People Panel and Trowbridge Area Board. Councillor Helen Osborn also serves as a substitute member on the Audit Committee, Health Select Committee and Overview and Scrutiny Management Committee. Councillor Helen Osborn also represents the Council

on the Trowbridge Local Youth Network and the Wiltshire Victoria County History Committee.

7. Councillor John Knight is looking after the needs of Councillor Helen Osborn's division in her absence with this having been agreed with their respective Group Leaders. This also applies to being able to act on matters of planning call-in following agreement with the Chairman of the Western Area Planning Committee.

### **Safeguarding Implications**

8. Not applicable.

### **Public Health Implications**

9. Not applicable.

### **Equalities Impact**

10. Not applicable.

### **Environment and Climate Change considerations**

11. Not applicable.

### **Risk Assessment**

12. Not applicable.

### **Financial Implications**

13. Not applicable.

### **Procurement Implications**

14. None

### **Legal implications**

15. Section 85(1) of the Local Government Act 1972 enables a local authority to approve the reason(s) for non-attendance of a Member at any meeting of the authority throughout a period of six consecutive months, provided that approval is given by the authority before the expiry of the six month period.
16. If the approval of Council is not given at this meeting and given that Councillor Helen Osborn is not well enough to resume her duties as a member of the Council before the expiry of the six month period, Councillor Helen Osborn would be disqualified from office as a Councillor. Council is unable to grant retrospective approval.

## **Proposals**

- (a) That Council approves the request from Councillor Helen Osborn for an extension beyond the six month period of non-attendance on the grounds of ill health.**
- (b) That such an extension be granted until the end of October 2016 which would allow for any request for a further extension being considered by Council at its meeting on 18 October 2016. In the event of that meeting either being cancelled or postponed, such an extension to remain in place until after the next available meeting of the Council.**

**Robin Townsend**  
**Associate Director, Corporate Function, Procurement and Programme Office**

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Report author: Yamina Rhouati, Democratic Governance Manager

Background Papers

None

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**Wiltshire Council**

**Council**

**18 October 2016**

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## **Review of Proportionality and Allocation of Seats on Committees to Political Groups**

### **Introduction**

1. Following changes in the number of seats held by individual political groups on the Council due to the outcome of the by-election held on 14 July 2016 won by Cllr Chris Auckland (Liberal Democrat), a request has been received from the Leader of the Liberal Democrat group for a review of the allocation of seats to political groups.
2. This report guides the Council through the legal requirements in allocating seats to the political groups.

### **Review of Allocation of Seats to Political Groups**

#### **Legal Position**

3. Under the Local Government & Housing Act 1989 (“the Act”) and subsequent Regulations, (“the Regulations”), the Council must review the representation of the different political groups on committees when requested to do so by a leader of a political group where changes have occurred in the size of political groups.
4. It is open to the Council when carrying out a review to adopt some arrangement other than that prescribed by the Act and the Regulations. Notice of such a proposal would have to be given in the Summons, and a decision would need to be made with no one voting against it. The remainder of this report assumes that the Council will not want an alternative arrangement to that prescribed by law.

#### **Political Groups**

5. There are currently 4 political groups on the Council. The respective strengths of those Groups following these changes are as follows:-

Name of Group	No. of Councillors in Group
Conservative	61
Liberal Democrat	22
Independent	10
Labour	4
Ungrouped Member	1

6. Under the regulations, two or more councillors may form and register a group.
7. This report has been prepared on the basis of the strengths of the various political groups set out in paragraph 5.

### **Principles**

8. The Act sets out four principles which must be followed so far as reasonably practicable. They are:
  - (a) *Preventing domination by a single group:* All the seats on a committee should not be allocated to the same political group.
  - (b) *Ensuring a majority group enjoys a majority on all committees:* If one political group has a majority in the full Council, that political group should have a majority on each committee.
  - (c) *Aggregating all committee places and allocating fair shares:* Subject to the above two principles, the total number of seats on all the committees of the Authority allocated to each political group should be in the same proportion as that political group's seats on the full Council.
  - (d) *Ensuring as far as practicable fairness on each committee:* Subject to the above three principles, the number of seats on each committee of the Authority allocated to each political group should be in the same proportion as that political group's seats on the full Council.

### **Application of Principles**

9. The Council must review the establishment of its committees in accordance with the principles laid down in the Act. Immediately this is done, each political group should state the names of the councillors it wishes to take its allocated places on committees, including substitutes, and when those wishes are known, the Council is under a duty to make the appointment of those councillors as soon as practicable. It is a legal requirement however that the Council formally approves the appointment of councillors to committees and therefore it is essential that political groups notify the Democratic Governance Manager of their nominated councillors to serve on committees.

### **Councillors not in a Political Group**

10. In the case of councillors who are not members of a political group, a proportion of seats on committees equal to the proportion of Council members who do not belong to a political group has to be reserved, with appointments to these seats being made by the Council at its discretion.

## **Method to Calculate Places**

11. The principles in paragraph 8 can be applied in the following sequence:
  - (i) Calculate the total number of seats with votes on all the ordinary committees and any Joint Committees.
  - (ii) Calculate the proportion that each political group forms of the total membership of the Authority. Reserve an appropriate number of seats for ungrouped members.
  - (iii) Apply those proportions to the total number of ordinary committee seats to give the aggregate entitlement of each group; the requirement to apply the proportions “so far as reasonably practicable” can be met by rounding down fractional entitlements of less than half, and rounding up entitlements of a half or more; if this results in a greater aggregate than the number of seats available, the fractional entitlement(s) closest to a half should be rounded in the other direction until entitlements balance the available seats.
  - (iv) Apply the proportions to the number of councillors on each ordinary committee to give provisional entitlement to seats on that committee.
  - (v) If the provisional entitlement gives only one group seats on the committee, adjust the entitlement so that the next largest group has a seat (thus applying principle (a) in paragraph 8).
  - (vi) Finally, adjust the seats on each committee so that the total allocated to each group is as near as possible to their aggregate entitlement, whilst preserving the results reached at steps (iv) and (v) (thus applying principle (c) in paragraph 8).
12. The Council is free to adopt any aggregate number of places on ordinary committees so long as it follows the principles in paragraph 8 and the sequence in paragraph 11.
13. Attached to this report at Appendix 1 is a numerical guide to proportional representation on Committees based on the respective strengths of the political groups set out in paragraph 5.
14. This indicates that the net effect of the change in political group sizes is that the Liberal Democrat Group gains two seats. A draft scheme of committee places to follow.
15. The allocation of seats to political groups on the Wiltshire Police and Crime Panel and the Council’s representation on the Dorset and Wiltshire Fire Authority remain unaffected.

## **Matters for Decision**

15. The Council is asked:

- (a) To note this report and the legal requirements.
- (b) To confirm the aggregate number and the draft scheme of committee places available to members of the Council as set out in Appendix 2 (to follow).
- (c) To make those changes to the appointment of councillors and substitutes to serve on those committees in accordance with the revised scheme of committee places, until the next occasion membership is reviewed under the provisions of the Local Government & Housing Act 1989.
- (d) In accordance with paragraph 4.4 of Part 3 of the Constitution (Responsibilities for Functions) to request that Council ratify the appointment of Councillor Chris Auckland to the Trowbridge Area Board.

**Robin Townsend**  
**Associate Director – Corporate Functions, Procurement and Programme Office**

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Report Author: Yamina Rhouati, Democratic Governance Manager

Unpublished documents relied upon in the production of this report: NONE

Environmental impact of the recommendations contained in this report: NONE

**Appendices**

Appendix 1 – Numerical Guide to political proportionality

Appendix 2 – Draft Scheme of Committee Places (to follow)

Proportional Representation Table

	Conservative	Liberal Democrat	Labour	Independent	UKIP	
	61	22	4	10	1	
1	0.622		0.041	0.102	0.010	0.78
2	1.245	0.449	0.082	0.204	0.020	2.00
3	1.867	0.673	0.122	0.306	0.031	3.00
4	2.490	0.898	0.163	0.408	0.041	4.00
5	3.112	1.122	0.204	0.510	0.051	5.00
6	3.735	1.347	0.245	0.612	0.061	6.00
7	4.357	1.571	0.286	0.714	0.071	7.00
8	4.980	1.796	0.327	0.816	0.082	8.00
9	5.602	2.020	0.367	0.918	0.092	9.00
10	6.224	2.245	0.408	1.020	0.102	10.00
11	6.847	2.469	0.449	1.122	0.112	11.00
12	7.469	2.694	0.490	1.224	0.122	12.00
13	8.092	2.918	0.531	1.327	0.133	13.00
14	8.714	3.143	0.571	1.429	0.143	14.00
15	9.337	3.367	0.612	1.531	0.153	15.00
16	9.959	3.592	0.653	1.633	0.163	16.00
17	10.582	3.816	0.694	1.735	0.173	17.00
18	11.204	4.041	0.735	1.837	0.184	18.00
19	11.827	4.265	0.776	1.939	0.194	19.00
20	12.449	4.490	0.816	2.041	0.204	20.00
21	13.071	4.714	0.857	2.143	0.214	21.00
22	13.694	4.939	0.898	2.245	0.224	22.00
23	14.316	5.163	0.939	2.347	0.235	23.00
24	14.939	5.388	0.980	2.449	0.245	24.00
25	15.561	5.612	1.020	2.551	0.255	25.00
26	16.184	5.837	1.061	2.653	0.265	26.00
27	16.806	6.061	1.102	2.755	0.276	27.00
28	17.429	6.286	1.143	2.857	0.286	28.00
29	18.051	6.510	1.184	2.959	0.296	29.00
30	18.673	6.735	1.224	3.061	0.306	30.00
31	19.296	6.959	1.265	3.163	0.316	31.00
32	19.918	7.184	1.306	3.265	0.327	32.00
33	20.541	7.408	1.347	3.367	0.337	33.00
34	21.163	7.633	1.388	3.469	0.347	34.00
35	21.786	7.857	1.429	3.571	0.357	35.00
36	22.408	8.082	1.469	3.673	0.367	36.00
37	23.031	8.306	1.510	3.776	0.378	37.00
38	23.653	8.531	1.551	3.878	0.388	38.00
39	24.276	8.755	1.592	3.980	0.398	39.00
40	24.898	8.980	1.633	4.082	0.408	40.00
41	25.520	9.204	1.673	4.184	0.418	41.00
42	26.143	9.429	1.714	4.286	0.429	42.00
43	26.765	9.653	1.755	4.388	0.439	43.00
44	27.388	9.878	1.796	4.490	0.449	44.00
45	28.010	10.102	1.837	4.592	0.459	45.00
46	28.633	10.327	1.878	4.694	0.469	46.00
47	29.255	10.551	1.918	4.796	0.480	47.00
48	29.878	10.776	1.959	4.898	0.490	48.00
49	30.500	11.000	2.000	5.000	0.500	49.00
50	31.122	11.224	2.041	5.102	0.510	50.00
51	31.745	11.449	2.082	5.204	0.520	51.00
52	32.367	11.673	2.122	5.306	0.531	52.00
53	32.990	11.898	2.163	5.408	0.541	53.00
54	33.612	12.122	2.204	5.510	0.551	54.00
55	34.235	12.347	2.245	5.612	0.561	55.00
56	34.857	12.571	2.286	5.714	0.571	56.00
57	35.480	12.796	2.327	5.816	0.582	57.00
58	36.102	13.020	2.367	5.918	0.592	58.00
59	36.724	13.245	2.408	6.020	0.602	59.00
60	37.347	13.469	2.449	6.122	0.612	60.00
61	37.969	13.694	2.490	6.224	0.622	61.00
62	38.592	13.918	2.531	6.327	0.633	62.00
63	39.214	14.143	2.571	6.429	0.643	63.00
64	39.837	14.367	2.612	6.531	0.653	64.00
65	40.459	14.592	2.653	6.633	0.663	65.00
66	41.082	14.816	2.694	6.735	0.673	66.00
67	41.704	15.041	2.735	6.837	0.684	67.00
68	42.327	15.265	2.776	6.939	0.694	68.00
69	42.949	15.490	2.816	7.041	0.704	69.00
70	43.571	15.714	2.857	7.143	0.714	70.00
71	44.194	15.939	2.898	7.245	0.724	71.00
72	44.816	16.163	2.939	7.347	0.735	72.00
73	45.439	16.388	2.980	7.449	0.745	73.00
74	46.061	16.612	3.020	7.551	0.755	74.00
75	46.684	16.837	3.061	7.653	0.765	75.00
76	47.306	17.061	3.102	7.755	0.776	76.00
77	47.929	17.286	3.143	7.857	0.786	77.00
78	48.551	17.510	3.184	7.959	0.796	78.00
79	49.173	17.735	3.224	8.061	0.806	79.00
80	49.796	17.959	3.265	8.163	0.816	80.00
81	50.418	18.184	3.306	8.265	0.827	81.00
82	51.041	18.408	3.347	8.367	0.837	82.00
83	51.663	18.633	3.388	8.469	0.847	83.00
84	52.286	18.857	3.429	8.571	0.857	84.00
85	52.908	19.082	3.469	8.673	0.867	85.00
86	53.531	19.306	3.510	8.776	0.878	86.00
87	54.153	19.531	3.551	8.878	0.888	87.00
88	54.776	19.755	3.592	8.980	0.898	88.00
89	55.398	19.980	3.633	9.082	0.908	89.00
90	56.020	20.204	3.673	9.184	0.918	90.00
91	56.643	20.429	3.714	9.286	0.929	91.00
92	57.265	20.653	3.755	9.388	0.939	92.00
93	57.888	20.878	3.796	9.490	0.949	93.00
94	58.510	21.102	3.837	9.592	0.959	94.00
95	59.133	21.327	3.878	9.694	0.969	95.00
96	59.755	21.551	3.918	9.796	0.980	96.00
97	60.378	21.776	3.959	9.898	0.990	97.00
98	61.000	22.000	4.000	10.000	1.000	98.00
99	61.622	22.224	4.041	10.102	1.010	99.00

	Conservative	Liberal Democrat	Labour	Independent	UKIP	
	61	22	4	10	1	
100	62.245	22.449	4.082	10.204	1.020	100.00
101	62.867	22.673	4.122	10.306	1.031	101.00
102	63.490	22.898	4.163	10.408	1.041	102.00
103	64.112	23.122	4.204	10.510	1.051	103.00
104	64.735	23.347	4.245	10.612	1.061	104.00
105	65.357	23.571	4.286	10.714	1.071	105.00
106	65.980	23.796	4.327	10.816	1.082	106.00
107	66.602	24.020	4.367	10.918	1.092	107.00
108	67.224	24.245	4.408	11.020	1.102	108.00
109	67.847	24.469	4.449	11.122	1.112	109.00
110	68.469	24.694	4.490	11.224	1.122	110.00
111	69.092	24.918	4.531	11.327	1.133	111.00
112	69.714	25.143	4.571	11.429	1.143	112.00
113	70.337	25.367	4.612	11.531	1.153	113.00
114	70.959	25.592	4.653	11.633	1.163	114.00
115	71.582	25.816	4.694	11.735	1.173	115.00
116	72.204	26.041	4.735	11.837	1.184	116.00
117	72.827	26.265	4.776	11.939	1.194	117.00
118	73.449	26.490	4.816	12.041	1.204	118.00
119	74.071	26.714	4.857	12.143	1.214	119.00
120	74.694	26.939	4.898	12.245	1.224	120.00
121	75.316	27.163	4.939	12.347	1.235	121.00
122	75.939	27.388	4.980	12.449	1.245	122.00
123	76.561	27.612	5.020	12.551	1.255	123.00
124	77.184	27.837	5.061	12.653	1.265	124.00
125	77.806	28.061	5.102	12.755	1.276	125.00
126	78.429	28.286	5.143	12.857	1.286	126.00
127	79.051	28.510	5.184	12.959	1.296	127.00
128	79.673	28.735	5.224	13.061	1.306	128.00
129	80.296	28.959	5.265	13.163	1.316	129.00
130	80.918	29.184	5.306	13.265	1.327	130.00
131	81.541	29.408	5.347	13.367	1.337	131.00
132	82.163	29.633	5.388	13.469	1.347	132.00
133	82.786	29.857	5.429	13.571	1.357	133.00
134	83.408	30.082	5.469	13.673	1.367	134.00
135	84.031	30.306	5.510	13.776	1.378	135.00
136	84.653	30.531	5.551	13.878	1.388	136.00
137	85.276	30.755	5.592	13.980	1.398	137.00
138	85.898	30.980	5.633	14.082	1.408	138.00
139	86.520	31.204	5.673	14.184	1.418	139.00
140	87.143	31.429	5.714	14.286	1.429	140.00
141	87.765	31.653	5.755	14.388	1.439	141.00
142	88.388	31.878	5.796	14.490	1.449	142.00
143	89.010	32.102	5.837	14.592	1.459	143.00
144	89.633	32.327	5.878	14.694	1.469	144.00
145	90.255	32.551	5.918	14.796	1.480	145.00
146	90.878	32.776	5.959	14.898	1.490	146.00
147	91.500	33.000	6.000	15.000	1.500	147.00
148	92.122	33.224	6.041	15.102	1.510	148.00
149	92.745	33.449	6.082	15.204	1.520	149.00
150	93.367	33.673	6.122	15.306	1.531	150.00
151	93.990	33.898	6.163	15.408	1.541	151.00
152	94.612	34.122	6.204	15.510	1.551	152.00
153	95.235	34.347	6.245	15.612	1.561	153.00
154	95.857	34.571	6.286	15.714	1.571	154.00
155	96.480	34.796	6.327	15.816	1.582	155.00
156	97.102	35.020	6.367	15.918	1.592	156.00
157	97.724	35.245	6.408	16.020	1.602	157.00
158	98.347	35.469	6.449	16.122	1.612	158.00
159	98.969	35.694	6.490	16.224	1.622	159.00
160	99.592	35.918	6.531	16.327	1.633	160.00
161	100.214	36.143	6.571	16.429	1.643	161.00
162	100.837	36.367	6.612	16.531	1.653	162.00
163	101.459	36.592	6.653	16.633	1.663	163.00
164	102.082	36.816	6.694	16.735	1.673	164.00
165	102.704	37.041	6.735	16.837	1.684	165.00
166	103.327	37.265	6.776	16.939	1.694	166.00
167	103.949	37.490	6.816	17.041	1.704	167.00
168	104.571	37.714	6.857	17.143	1.714	168.00
169	105.194	37.939	6.898	17.245	1.724	169.00
170	105.816	38.163	6.939	17.347	1.735	170.00
171	106.439	38.388	6.980	17.449	1.745	171.00
172	107.061	38.612	7.020	17.551	1.755	172.00
173	107.684	38.837	7.061	17.653	1.765	173.00
174	108.306	39.061	7.102	17.755	1.776	174.00
175	108.929	39.286	7.143	17.857	1.786	175.00
176	109.551	39.510	7.184	17.959	1.796	176.00
177	110.173	39.735	7.224	18.061	1.806	177.00
178	110.796	39.959	7.265	18.163	1.816	178.00
179	111.418	40.184	7.306	18.265	1.827	179.00
180	112.041	40.408	7.347	18.367	1.837	180.00
181	112.663	40.633	7.388	18.469	1.847	181.00
182	113.286	40.857	7.429	18.571	1.857	182.00
183	113.908	41.082	7.469	18.673	1.867	183.00
184	114.531	41.306	7.510	18.776	1.878	184.00
185	115.153	41.531	7.551	18.878	1.888	185.00
186	115.776	41.755	7.592	18.980	1.898	186.00
187	116.398	41.980	7.633	19.082	1.908	187.00
188	117.020	42.204	7.673	19.184	1.918	188.00
189	117.643	42.429	7.714	19.286	1.929	189.00
190	118.265	42.653	7.755	19.388	1.939	190.00
191	118.888	42.878	7.796	19.490	1.949	191.00
192	119.510	43.102	7.837	19.592	1.959	192.00
193	120.133	43.327	7.878	19.694	1.969	193.00
194	120.755	43.551	7.918	19.796	1.980	194.00
195	121.378	43.776	7.959	19.898	1.990	195.00
196	122.000	44.000	8.000	20.000	2.000	196.00
197	122.622	44.224	8.041	20.102	2.010	197.00
198	123.245	44.449	8.082	20.204	2.020	198.00
199	123.867	44.673	8.122	20.306	2.031	199.00
200	124.490	44.898	8.163	20.408	2.041	200.00