

# AGENDA

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Meeting: **Cabinet**  
Place: **Council Chamber - County Hall, Trowbridge BA14 8JN**  
Date: **Tuesday 3 July 2018**  
Time: **9.30 am** – please note that the Wiltshire Housing Site Allocations item (no. 8) will not start until 10:30am

Please direct any enquiries on this Agenda to Will Oulton, of Democratic Services, County Hall, Trowbridge, direct line 01225 713935 or email [william.oulton@wiltshire.gov.uk](mailto:william.oulton@wiltshire.gov.uk)

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

All public reports referred to on this agenda are available on the Council's website at [www.wiltshire.gov.uk](http://www.wiltshire.gov.uk)

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## Membership:

Cllr Baroness Scott of Bybrook OBE	Leader of Council
Cllr John Thomson	Deputy Leader, and Cabinet Member for Communications, Communities, Leisure and Libraries
Cllr Pauline Church	Cabinet Member for Economic Development and Salisbury Recovery
Cllr Richard Clewer	Cabinet Member for Housing, Corporate Services, Arts, Heritage and Tourism
Cllr Laura Mayes	Cabinet Member for Children, Education and Skills
Cllr Toby Sturgis	Cabinet Member for Spatial Planning, Development Management and Property
Cllr Bridget Wayman	Cabinet Member for Highways, Transport and Waste
Cllr Philip Whitehead	Cabinet Member for Finance, Procurement, ICT and Operational Assets
Cllr Jerry Wickham	Cabinet Member for Adult Social Care, Public Health and Public Protection

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## **Public Participation**


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

The full constitution can be found at [this link](#). Cabinet Procedure rules are found at Part 6.

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

Key Decisions Matters defined as 'Key' Decisions and included in the Council's Forward Work Plan are shown as 

1 **Apologies**

2 **Minutes of the previous meeting** (*Pages 7 - 20*)

To confirm and sign the minutes of the Cabinet meeting held on 12 June 2018, previously circulated.

3 **Declarations of Interest**

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

4 **Leader's announcements**

5 **Public participation and Questions from Councillors**

The Council welcomes contributions from members of the public. This meeting is open to the public, who may ask a question or make a statement. Questions may also be asked by members of the Council. Written notice of questions or statements should be given to Will Oulton Democratic Services by 12.00 noon on Wednesday 27 June. Anyone wishing to ask a question or make a statement should contact the officer named above.

6 **Emergency Stopping Places Strategy** (*Pages 21 - 46*)

 Report by Alistair Cunningham, Corporate Director



7 **Site Disposal** (*Pages 47 - 100*)

 Report by Alistair Cunningham, Corporate Director

8 **Wiltshire Housing Site Allocations Development Plan Document - Proposed Submission Materials** (*Pages 101 - 330*)

 Report by Alistair Cunningham, Corporate Director

Please that we will not start this item until 10:30am.

- 9 **Local Government and Social Care Ombudsman** (*Pages 331 - 356*)  
Report by Dr Carlton Brand, Corporate Director
- 10 **Annual Governance Statement** (*Pages 357 - 380*)  
Report by Dr Carlton Brand, Corporate Director
- 11 **Performance Management and Risk Outturn Report: Q4 2017/18** (*Pages 381 - 398*)  
Report by Dr Carlton Brand, Corporate Director
- 12 **Families & Children's Services Social Work Capacity** **\*\*Not yet available\*\***  
(*Pages 399 - 408*)  
 Report by Terence Herbert, Corporate Director
- 13 **Wiltshire Council Adoption Service: 2017-18 Year End Report** (*Pages 409 - 432*)  
Report by Terence Herbert, Corporate Director
- 14 **Proposed Changes to the Senior Management Structure** (*Pages 433 - 442*)  
Report by Cllr Baroness Scott of Bybrook OBE, the Leader of Council
- 15 **Wiltshire Council's Housing Board Annual Report** (*Pages 443 - 462*)  
Report by Alistair Cunningham, Corporate Director
- 16 **Housing Repairs and Maintenance Service** (*Pages 463 - 472*)  
 Report by Alistair Cunningham, Corporate Director
- 17 **Urgent Items**  
Any other items of business, which the Leader agrees to consider as a matter of urgency.

## **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**

### **18 Exclusion of the Press and Public**

This is to give further notice in accordance with paragraph 5 (4) and 5 (5) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 of the intention to take the following item in private.

To consider passing the following resolution:

To agree that in accordance with Section 100A(4) of the Local Government Act 1972 to exclude the public from the meeting for the business specified in Item Number 19 because it is likely that if members of the public were present there would be disclosure to them of exempt information as defined in paragraph 3 of Part I of Schedule 12A to the Act and the public interest in withholding the information outweighs the public interest in disclosing the information to the public.

Reason for taking item in private:

Paragraph 3 - information relating to the financial or business affairs of any particular person (including the authority holding that information).

### **19 Housing Repairs and Maintenance Service (Part ii) (Pages 473 - 478)**

The information contained in the appendix has been made exempt from publication as it contains sensitive contract information, and sensitive staff information.

Our vision is to create stronger and more resilient communities. Our priorities are: To protect those who are most vulnerable; to boost the local economy - creating and safeguarding jobs; and to support and empower communities to do more themselves.

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## **CABINET**

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### **MINUTES OF THE CABINET MEETING HELD ON 12 JUNE 2018 AT ALAMEIN SUITE - CITY HALL, MALTHOUSE LANE, SALISBURY, SP2 7TU.**

#### **Present:**

Cllr John Thomson (Vice-Chairman), Cllr Pauline Church, Cllr Richard Clewer, Cllr Laura Mayes, Cllr Toby Sturgis, Cllr Bridget Wayman, Cllr Philip Whitehead and Cllr Jerry Wickham

#### **Also Present:**

Cllr Ben Anderson, Cllr Ian Blair-Pilling, Cllr Matthew Dean, Cllr Mary Douglas, Cllr Darren Henry, Cllr Alan Hill, Cllr Ruth Hopkinson, Cllr Jon Hubbard, Cllr Brian Mathew, Cllr Jonathon Seed, Cllr Ian Thorn, Cllr Philip Whalley and Cllr Robert Yuill

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#### **236 Apologies**

Apologies were received from Baroness Scott

#### **237 Minutes of the previous meeting**

The minutes of the meeting held on 15 May 2018 were presented.

#### **Resolved**

**To approve as a correct record and sign the minutes of the meeting held on 15 May 2018**

#### **238 Declarations of Interest**

There were no declarations of interest.

#### **239 Leader's announcements**

The Deputy Leader made the following announcements:

##### **Royal Visit to Salisbury**

The Deputy Leader stated that he was delighted to be holding our cabinet meeting in Salisbury today, as this marked 100 days since the incident on 4 March.

Noting that the recovery work that is well underway had involved major resource and effort from both local and national agencies, he stated that the clean-up process was well under way, with sites being handed back and returning to normal use, including The Maltings reopening which was key milestone in the recovery process.

As well as the support to almost forty businesses, the council had supported the OVO Energy Cycle Race to help boost the local economy and showcase Salisbury nationally and internationally through extensive positive media coverage.

The Deputy Leader also welcomed the announcement that their Royal Highnesses The Prince of Wales and The Duchess of Cornwall would be visiting the city on Friday, 22 June to support the recovery programme.

### **Health and Social Care Integration**

At the invitation of the Deputy Leader, Councillor Jerry Wickham stated that the 70th anniversary of the NHS is being widely publicised and will include the publication of a Government green paper in July to coincide with this anniversary with a likely focus on collaborative working to integrate health and social care services will continue.

It was also anticipated that the green paper would provide clarity on the future direction for NHS commissioning; particularly commissioning by CCGs of health services. On the basis of the anticipated change, Wiltshire Council and CCG had discussed and agreed that it would be sensible to reconsider the appointment of a joint accountable officer.

He also stated that the integrate health and care services remains a priority for the council, expressed disappointment that the council and CCG cannot proceed, as planned, with a senior joint accountable officer post. He confirmed, however, that the council would continue to look at an alternative joint post with Wiltshire CCG so that they could build on what had already achieved in integrating services for the benefit of Wiltshire residents.

### **Urgent Item**

In accordance with the Special Urgency provision as set out in the Constitution, and with the consent of the Chairman of Council, I agree to take the item regarding Southview Park Council House Building for the following reason:

*That contractors are currently onsite and are close to completing phase one. Allowing them to ramp down and leave site will create a serious time and cost risk to the development of phase two. By taking the decision today we mitigate against the risk of that increase cost and potential delay.*

## 240 **Public participation and Questions from Councillors**

Colin Gale made a statement, appended to these minutes, regarding the Everleigh Recycling Centre on behalf of Pewsey Community Area Partnership (PCAP), Campaign to Protect Rural England (CPRE) and Pewsey Parish Council (PPC),

The Deputy Leader stated that he would ask for any outstanding response to issues raised by given, and that would ask the Monitoring Officer to arrange a response to the issue of the legality of the consultation.

## 241 **Draft Statement of Accounts and Revenue Outturn 2017/2018**

Councillor Philip Whitehead presented the report which advised Cabinet of the (unaudited) General Revenue Fund and Housing Revenue Account outturn positions for financial year 2017/18, as well as the position for the Collection Fund and Reserves; and provided Cabinet with oversight of the unaudited Statement of Accounts, including the narrative report.

Matters highlighted in the course of the presentation and discussion included: that the council had ended the year with a budget surplus which would transfer to reserves; that there was an underspend of under £1m on Housing Revenue Account; that the £144m capital programme was underspent by £30m; the highlighted major changes to the budgets and the reasons for those including changes in income and spending assumptions.

Cllr Ian Thorn, Chairman Financial Planning Task Group thanked Ian Duncan and Councillor Whitehead for meeting with the task group and stated that he was encouraged that the Council had ended the year with an underspend, and agreed that the underspend on capital funding should be addressed.

### **Resolved**

#### **To note:**

- a) **the outturn for the General Revenue Fund and HRA, subject to external audit, of a General Fund underspend of £0.410 million and an HRA underspend of £0.951 million and planned draw from reserve of £6.762 million. This gives an overall draw from HRA reserves of £5.811 million.**
- b) **the transfers to the General Revenue Fund and Earmarked reserves, as set out in Sections 38-43 of the report, and return to HRA reserves.**
- c) **the unaudited Statement of Accounts for 2017/18.**

#### **To approve:**

**d) The position of the 2017/18 capital programme at Outturn (31 March 2018) including highlighted budget changes.**

*Reason for Decision:*

*As part of its role in ensuring sound financial management and financial soundness, Cabinet are required to assess and note the final revenue outturns for 2017/18 and assess any impact on the longer term financial standing of the Council.*

**242 Annual Reports on Treasury Management 2017/2018**

Councillor Philip Whitehead presented the report which provided the annual review following the end of the year describing the activity compared to the treasury strategy.

Matters highlighted in the course of the presentation and discussion included: how the borrowing and investments were managed over the course of the year; the changes proposed to the strategy which would require the agreement of Full Council; the revenue benefits arising from investment decisions; that the council will prioritise using its own cash for investment rather than requiring borrowing; how risks will be identified for future individual investment decisions; and that the council would normally look to invest over the longest appropriate period.

**Resolved**

- a) To note that the contents of this report are in line with the Treasury Management Strategy 2017/18.**

**Recommend to Full Council**

- b) To approve an amendment to the Treasury Management Strategy 2018/19, to include a new class of alternative investments to the available list of non-specified investments (as outlined in report).**
- c) To approve an amendment to the Minimum Revenue Provision Policy 2017/18, to allow for an alternative method of calculation, where appropriate (as outlined in report).**

*Reason for Decision*

*To give members an opportunity to consider the performance of the Council against the parameters set out in the approved Treasury Management Strategy for 2017/18.*

*To agree to a revision to the Treasury Management Strategy 2018/19 and the Minimum Revenue Provision Policy 2017/18 in order to continue to comply with statutory guidance and reflect best practice.*

## 243 **Delivery of the Digital Strategy - Outline Business Case**

Councillor Philip Whitehead presented the report which: informed Cabinet of the Microsoft Cloud Navigator Programme and its Outcome; sought approval to delegate the Council to award a call-off contract from the G-Cloud 9 Framework subject to the positive review of the full business case; and requested that Cabinet delegate the decision to enter into the contractual agreement and approve capital expenditure to the Corporate Director for Communities, Resources and Digital after consultation with the Cabinet Member for Finance, Procurement, ICT. In making his presentation, Councillor Whitehead commended the hard work of the team to bring the proposals together.

Matters highlighted in the course of the presentation and discussion included: the proposals were part of the first stage in the delivery of the wider digital strategy; that the savings that have been identified but more information would be required to allow the delegated decision to be taken; the scope and impact of the proposals; the opportunities to expand on app based services, the development of the website and the opportunities for using automation; that the chair of the Chairman Digital Strategy Task Group was on the digital board; how savings may be realised; the particular support for vulnerable groups including looked after children and those leaving the armed services.

Councillor Jon Hubbard, Chairman Digital Strategy Task Group, asked the Council to be mindful that the aspirations should be realistic. He also stated that he recognised that change was required.

In response to a series of questions raised by Councillor Hubbard, Councillor Whitehead stated: that some of the investment identified would have been required simply to maintain the current system; that the service agreements would be required to ensure that savings would be achieved and accountability was clear; that feedback on progress made would be received as the programme achieves different milestones were reached; that it was recognised that there was a need to get right staff recruited and that he did not want to progress the project at too quick a pace without the appropriate resource; that Microsoft had been picked as reputable partner with a good track record in delivering projects in support of the vulnerable.

In response to further questions at the meeting, Councillor Whitehead confirmed: that Microsoft had been selected following a procurement process; that business cases would be submitted for individual projects; that partners such as the Police would benefit from some of the additional security features but that further benefits from the programme would have to be discussed.

In moving his recommendation, Councillor Whitehead stated that an additional resolution should be added requesting that a presentation be made to Cabinet, at a future meeting, at least within 12 months of the commencement of the project, on the actual savings achieved in each service area and relate these back to the current forecast savings.

**Resolved**

- i) To note the progress of the Microsoft Cloud Navigator Programme.**
- ii) To agree in-principle to embark on the Cloud Navigator Programme.**
- iii) To agree to award a call-off contract from the G-Cloud 9 framework arrangements to Microsoft and Thoughtonomy.**
- iv) Based on the completion of the full business case and in line with the funding recommendations made in paragraph 54, to delegate the decision to enter into the contractual agreement and approve capital expenditure to the Corporate Director for Communities, Resources and Digital after consultation with the Cabinet Member for Finance, Procurement, ICT and Operational Assets, Corporate Director for Growth, Investment and Place, Corporate Director for Children and Education and the Director of Finance and Procurement.**
- v) To agree that the Corporate Director for Communities, Resources and Digital is nominated as the Contracting Council's Representative for the purposes of the Contract.**
- vi) That a presentation be made to Cabinet, at a future meeting, at least within 12 months of the commencement of the project, on the actual savings achieved in each service area and relate these back to the current forecast savings.**

*Reason for Decision:*

*The Council's digital strategy must be delivered and the associated improvement to customer digital service access and savings made. The Microsoft Cloud Navigator proposal provides an integrated solution to deliver a series of initiatives delivered as a coherent programme. This will provide both the digital tools and skills to ensure Wiltshire Council continues to utilise digital technology to save money, provide an improved service to our customers and meet their digital expectations of our customers, staff and partners as per the council's vision for the future.*

#### **244 Outdoor Education Update**

Councillor Philip Whitehead presented the report which asked Cabinet to consider the next steps for outdoor education centres following the receipt of expressions of interest in the sites operation.

Mr John Hawkins, Chairman Outdoor Education Task Group, stated that he was pleased to note the Council motion and the support to find a solution.

In response to questions raised by Mr Hawkins, Councillor Whitehead stated that press releases had been published to encourage the centre's usage; that



the updated condition survey could be considered as part of the preplanning process

In response to questions raised by Councillor Hubbard, Councillor Whitehead that he recognised the need to consider social value as part of the legal requirements to meet best value; that he did not agree that a further extension of the period when the Council was running them.

In response to questions raised by Councillor Thorn, Councillor Whitehead that it was important to establish the open market value of properties to enable the council to assess properly how best value can be achieved.

### **Resolved**

- i. To commence a market testing process to consider options for the future operation of the outdoor education sites;**
- ii. To delegate to the Director for Children's Services, in consultation with the Cabinet Members for Children's Services and Finance, the delivery of the market testing process;**
- iii. To extend the operation of both Braeside and Oxenwood outdoor education sites until 31 December 2018.**
- iv. To extend the period of consultation with outdoor education staff in line with the Councils HR Policies.**

Reason for Decision:

- 1) Following the Council's review of the two outdoor education sites, Braeside and Oxenwood and the Cabinet's decision to close both sites, interested parties have come forward with a variety of proposals for the continuation of outdoor education in Wiltshire.*
- 2) This report considers these expressions of interest and how best to progress the review of outdoor education. This provides new information for Cabinet to consider.*

### **245 Approval to Dispose of the Freehold Interest**

Councillor Philip Whitehead presented the report which asked Cabinet to consider the next steps for outdoor education centres following the receipt of expressions of interest in the sites operation.

Mr John Hawkins, Chairman Outdoor Education Task Group, stated that he was pleased to note the Council motion and the support to find a solution.

In response to questions raised by Mr Hawkins, Councillor Whitehead stated that press releases had been published to encourage the centre's usage; that

the updated condition survey could be considered as part of the preplanning process

In response to questions raised by Councillor Hubbard, Councillor Whitehead that he recognised the need to consider social value as part of the legal requirements to meet best value; that he did not agree that a further extension of the period when the Council was running them.

In response to questions raised by Councillor Thorn, Councillor Whitehead that it was important to establish the open market value of properties to enable the council to assess properly how best value can be achieved.

### **Resolved**

- i. To commence a market testing process to consider options for the future operation of the outdoor education sites;**
- ii. To delegate to the Director for Children's Services, in consultation with the Cabinet Members for Children's Services and Finance, the delivery of the market testing process;**
- iii. To extend the operation of both Braeside and Oxenwood outdoor education sites until 31 December 2018.**
- iv. To extend the period of consultation with outdoor education staff in line with the Councils HR Policies.**

Reason for Decision:

- 1) Following the Council's review of the two outdoor education sites, Braeside and Oxenwood and the Cabinet's decision to close both sites, interested parties have come forward with a variety of proposals for the continuation of outdoor education in Wiltshire.*
- 2) This report considers these expressions of interest and how best to progress the review of outdoor education. This provides new information for Cabinet to consider.*

### **246 Future of Wiltshire Council's Freehold Assets in Rudloe**

Councillor Toby Sturgis presented the report which outlined the options to Cabinet so that they might make a decision on whether to declare the freehold interest of the Council's land holding in Rudloe for disposal either selectively or as a whole, and to confirm a preferred option for disposal. In moving his recommendations, Councillor Sturgis suggested that resolution two be amended to specify that the community's requirements be considered.

Representations were received from the following at the meeting:

Councillor Ben Anderson, the local division member, stated that he was aware of the concerns of those in the area, and hoped that development in the area would address some of these concerns sensitively, with particular reference to parking, community space and parks/green spaces.

Councillor Brian Matthew, from a neighbouring local division, asked that the potential community benefit arising from commercial development be considered.

Phil Bowley, from GreenSquare, expressed his organisations desire to work with community groups to see how best their requirements can be met by the development.

Paul Turner expressed concern that the development would not meet the needs of the community and stressed the importance of community facilities.

Francis Tristam, owner of the Camomile Café, outlined her alternative proposals for site.

Councillor Ruth Hopkinson, from a neighbouring local division, stated that she recognised the problems with the existing community centre building, but emphasised the need to improve facilities for the community.

Councillor Philip Whalley, from a neighbouring local division, stated that there was need for more social housing and that he hoped the needs of the community would be addressed by the development.

In response to the issues raised, and with the support expressed from colleagues in the Cabinet, Councillor Sturgis stated that he would work with GreenSquare, with whom the Council had a good working relationship, to investigate what funding was available to address the community's needs.

## **Resolved**

- 1. To declare the Council's freehold land and property holding in Rudloe (See Annex 1 – Plan) as surplus and for disposal either in its entirety or selectively. If a disposal of part only of the site transpires as the outcome, elements of the site would remain in Council ownership.**
- 2. To support the recommendation on the preferred option to engage in negotiations with GreenSquare, to include consideration of community requirements, with a view to a transfer to GreenSquare of the Council's freehold interest required for their regeneration scheme within an agreed timescale, potentially at an under-value and on terms to be agreed.**
- 3. To confirm disposal of part or the whole of the Council's freehold land and property in Rudloe on the open market if negotiations are unsuccessful with GreenSquare.**

Reason for Decision:

*To confirm the freehold interests of the Council's assets in Rudloe can be sold, with the primary aim to increase affordable housing provision in Rudloe through partnership working with GreenSquare to enable their proposed regeneration scheme.*

#### 247 **Urgent Items**

Councillor Richard Clewer presented the item which sought approval to build 22 new council homes across two parcels of land at Southview Park, Trowbridge with capital funding and land set aside for the delivery of affordable housing.

#### **Resolved**

- a) **To use the land in Appendix 1 for affordable housing**
- b) **To carry out any appropriations necessary pursuant to s122 LGA 1972 to ensure that the sites in a) are held by the Council for housing purposes**
- c) **To use a total budget of £4m with delegated authority to substitute and change funding streams to optimise financing. Funding streams may be increased or decreased as required providing that they stay within available allocation and do not affect the total budget position.**
- d) **To enter into contracts for consultants, construction and other elements of the project to enable the delivery of 22 new homes within the total scheme costs identified in Appendix 1 in accordance with the Corporate Procurement & Commissioning Board approach.**
- e) **To enter into funding agreements with Homes England as required to secure any grant funding allocated.**

*Reason for Decision*

*The Council has capital funding set aside within the Council's capital budget for investment in affordable housing. The Council also has land at Southview Park, Trowbridge that was transferred to the Council for the delivery of new affordable homes. This creates an opportunity to use the available funding to deliver 22 new affordable council owned and managed homes in Trowbridge to meet identified housing needs.*

#### 248 **Exclusion of the Press and Public**

The Cabinet resolved not to exclude the press and public as there was not a need to discuss the information contained in the following appendix exempt from publication.

**249 Future of Wiltshire Council's Freehold Assets in Rudloe (Part II)**

The meeting noted the information contained in the exempt report when making their decision.

(Duration of meeting: 9.30 - 11.58 am)

These decisions were published on the 15 June 2018 and will come into force on 25 June 2018.

The Officer who has produced these minutes is Will Oulton of Democratic Services, direct line 01225 713935, e-mail [william.oulton@wiltshire.gov.uk](mailto:william.oulton@wiltshire.gov.uk)

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

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**Wiltshire Council**

**Cabinet**

**12 June 2018**

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**Colin Gale**

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

**Pewsey Community Area Partnership (PCAP), Campaign to Protect Rural England (CPRE) and Pewsey Parish Council (PPC) Statement to Wiltshire Council Cabinet, 12 June 2018, on the status of Everleigh HRC**

- PCAP submitted questions on Everleigh Household Recycling Centre to the Pewsey Area Board on 5<sup>th</sup> March 2018. The Director for Waste did not answer the questions as part of her presentation at the Area Board and has still not provided a formal response to the questions which were submitted prior to the meeting.
- PCAP/CPRE/PPC submitted further questions to the WC Cabinet meeting held on 27<sup>th</sup> March. It was agreed by Cabinet at the direction of Baroness Scott that the continuous to-ing and fro-ing was not progressing the situation and not satisfying either parties. It was agreed that a meeting would be held with the Cabinet Member to resolve the status. Questions would be submitted prior to this meeting to aid the discussions. The area WC Councillors requested that they also attend.
- The meeting with PCAP and CPRE was held on 2<sup>nd</sup> May. A history of events covering the period since September 2015 was provided in advance along with a set of questions. This information was also provided to all the area WC Councillors. The questions and draft responses were discussed. The following is a snapshot of some of the status advised:
  - The drainage system that was installed at Everleigh in 1996 was not installed in accordance with the original design.
  - There has been no maintenance carried out at Everleigh since 1996 and as a consequence the shortfall in drainage was not discovered until the recent surveys were conducted as part of the changeover of contractors in 2017.
  - The original Environmental Agency permit covered a much reduced set of recyclable items. As a consequence the installed drainage system would have been adequate. The level of recycling has grown which at the time of contract transfer has highlighted the potential risk and has

resulted in a reduced range of recycling being made available at the Everleigh HRC.

- The original contract with Hills was written at a much higher level than contracts now issued by WC. However, under the Hills contract there may be some liability for Hills to pay for some of the recovery of the site but the majority of the liability would fall to WC.
- PCAP/CPRE/PPC have still not received a formal response to the questions submitted for this meeting.
- The area WC Councillors held a separate meeting with the Cabinet Member on 10<sup>th</sup> May. No feedback on this meeting has been provided, however, at the Pewsey Area Board on 21<sup>st</sup> May the Councillors in response to a similar statement being made did confirm the meeting did take place but stated that they were unable to provide details of the meeting due to confidentiality.
- PCAP/CPRE/PPC have, and will continue to provide full support to try and progress the Everleigh issue but at present the action is firmly with Wiltshire Council to provide formal responses to the questions raised.

Since the submission of this statement responses have been received on 7<sup>th</sup> June which the organisations are reviewing. A further meeting has been offered by the Director of Waste to discuss the responses. It is probable that further discussion will be requested.

Yesterday we were also notified that a consultation on the proposed closure of Everleigh HRC had been posted on the WC website. This was surprising when discussions were still ongoing on the status and issues over Everleigh. I have reviewed the consultation document and support document and my initial belief is the consultation as presented is unlawful based on the criteria laid down by the Supreme Court. I believe a number of the 6 criteria stipulated by the Supreme Court have been breached. We will advise accordingly in due course.



**Wiltshire Council**

**Cabinet**

**3 July 2018**

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**Subject: Gypsy and Travellers  
Emergency Stopping Places Strategy**

**Cabinet Member: Councillor Toby Sturgis - Planning and Strategic Asset  
Management**

**Key Decision: Yes**

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## **Executive Summary**

National planning policy requires local planning authorities to identify, and ensure the delivery of, sites to meet the permanent and transit accommodation requirements for travellers. Planning for permanent accommodation needs will be addressed through the Local Plan Review. There is currently no transit provision operating in Wiltshire, as the Council's only transit site located at Odstock in the south of the County it is currently closed.

There is a continuing problem of unauthorised encampments and lack of basic temporary accommodation for travellers passing through the county. Cabinet have previously agreed that an Emergency Stopping Places Strategy should be developed to manage unauthorised encampments, consistent with the approved Wiltshire Traveller Strategy. Such a network can allow for more effective management of unauthorised encampments and provide opportunities for short-term, safe stay for travellers.

This report seeks approval for an Emergency Stopping Places Strategy and the development of the network of sites using land in the Council's ownership. A report will be brought to Cabinet Autumn 2018, with proposals to bring forward sites.

## **Proposals**

### **That Cabinet:**

- (i) Approves the Wiltshire Emergency Stopping Places Strategy for Gypsy and Travellers set out at **Appendix 1**; and
- (ii) Agrees that the Director for Economic Development and Planning, in consultation with the Director for Finance and Cabinet Members for 'Planning and Strategic Asset Management' and 'Finance', prepare a subsequent report for Cabinet's consideration regarding the implementation of the Strategy including site proposals and assessments of delivery and maintenance costs.

### **Reason for Proposal(s)**

Wiltshire Council currently has no operational transit site. Dealing with unauthorised encampments is a continuing issue for Wiltshire Council Highways Enforcement and Wiltshire and Swindon Police. Establishing a network of Emergency Stopping Places will enable unauthorised encampments to be dealt with more effectively, enable large groups of Travellers to be dispersed and fulfil the Council's statutory duties to provide for the transit accommodation needs of Gypsies and Travellers.

**Alistair Cunningham**  
**Corporate Director**

**3 July 2018**

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**Subject: Gypsy and Travellers  
Emergency Stopping Places Strategy (Part I and Part II  
Report)**

**Cabinet Member: Councillor Toby Sturgis - Planning and Strategic Asset  
Management**

**Key Decision: Yes**

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**Purpose of Report**

1. To seek approval for, and agreement to, implement an Emergency Stopping Places (ESP) Strategy for Gypsies and Travellers.

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

2. The Business Plan 2017-2027 'Forward Thinking' seeks to create strong communities in Wiltshire. Priorities in relation to stronger communities and protecting the vulnerable recognise the importance of early intervention and action. Agreeing the ESP Strategy and delivering sites for transit traveller accommodation responds to these challenges by providing a safe stopping place for young families and potentially vulnerable adults, and removing potential for conflict between the settled and travelling communities.

**Background**

3. In September 2017, Cabinet approved the Council's Local Development Scheme (LDS) 2017. As part of this, Cabinet agreed that a standalone Gypsy and Traveller Development Plan Document would no longer be pursued and planning for the permanent accommodation needs of travellers would be subsumed into the Local Plan review.
4. It was also agreed that a strategy for emergency stopping places would be developed to manage unauthorised encampments, consistent with the approved Wiltshire Traveller Strategy.
5. Dealing with unauthorised encampments is a continuing issue for Wiltshire Council Highways Enforcement and Wiltshire and Swindon Police. Where they occur, encampments can be a nuisance to landowners and the public.
6. Delivering and maintaining a network of emergency stopping sites would complement the review of Council owned gypsy and traveller sites considered by Cabinet under a separate agenda item; including providing

alternative provision to the Odstock transit site to enable investment in the adjoining permanent site at Oak Tree Field.

### **Main Considerations for the Council**

7. Attached at **Appendix 1** is a draft Emergency Stopping Places (ESP) Strategy for Gypsy and Travellers which sets out the Council's role in meeting the transit accommodation needs of Travellers; clarifies the need for transit accommodation in Wiltshire and proposed location of ESP; the methodology for identifying sites; and considers how the strategy could be implemented. Each section of the Strategy reports on the main considerations for the Council, and are summarised below.

#### Policy requirements (Section 3, Appendix 1)

8. Local planning authorities are required by national planning policy enshrined in Planning Policy for Traveller Sites (PPTS)<sup>1</sup> to prepare and maintain an up to date understanding of the likely permanent and transit accommodation needs of their areas. In seeking to fulfil this duty the Council undertook a Gypsy and Traveller Accommodation Needs Assessment in 2014 (GTAA). This concluded that:

*"The evidence also shows that as transit provision is required in a number of areas and suggests that a single transit site would not meet this need and would result in ongoing problems with encampments elsewhere in Wiltshire. We would therefore recommend that the Council seek to provide a number of shorter-term stopping places at locations across Wiltshire."*  
(paragraph 7.5, GTAA)

9. The Wiltshire Traveller Strategy was adopted in 2010 and refreshed in 2016. The refreshed document was approved by Environment Select Committee on 13 September 2016. Action 2 relates to unauthorised encampments.

#### Unauthorised encampments (Section 4 and Appendix A in Appendix 1)

10. The Council's only transit site is currently closed pending a decision on its future. The Council and Police cannot currently move travellers from unauthorised encampments onto a dedicated site within the local authority boundary. Stakeholders on the Traveller Reference Group have confirmed that this reduces the ability to deal with encampments effectively within the powers of the Criminal Justice and Public Order Act 1994.
11. The ongoing occurrence of unauthorised encampments has implications for the Council in terms of:
  - Clean up costs when public spaces and roads are used and then abandoned by the traveller community.

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<sup>1</sup> DCLG (2015)

- Reputational costs when public spaces are not available to the public or through nuisance complaints not quickly dealt with.

#### Emergency Stopping Places Site Requirements (Section 7, Appendix 1)

12. There is currently no guidance available on requirements for emergency stopping places. Practice from elsewhere suggests that emergency stopping sites can be relatively basic compared to a fully developed transit site. They should not be designed to encourage long stay beyond a period of 28 days. The ESP Strategy proposes that several small sites of 4-6 pitches would be better for managing larger groups, as opposed to a single large site.
13. The ESP Strategy proposes that once created, sites should only be available through the main travelling season from April to November and even then, only available when required. This will reinforce their temporary nature and reduce overall costs.
14. The site selection methodology for identifying sites reflects the expectation that the sites will cater for short term needs only. Table 1 in **Appendix 1** sets out the criteria for site assessment covering:
  - a. Policy and environmental constraints
  - b. Site size
  - c. Safe and convenient access to the road network
  - d. Impact on the strategic road/highway network
  - e. Vehicular access
  - f. The site causes minimum disruption to surrounding communities
  - g. Land quality
  - h. Health and safety
  - i. Deliverability
15. The criteria have been derived from Wiltshire Core Strategy Core Policy 47 which applies to both permanent and transit sites and develops the approach first discussed at Cabinet Capital Assets Committee on 20 May 2014 in relation to permanent Traveller accommodation.
16. Suitable sites on Council owned land will be identified using this methodology and the approach set out in the ESP. A report will be brought to Cabinet Autumn 2018, with proposals to bring forward sites. This will consider suitable sites on Council owned land, as well as land in other public sector ownership as appropriate.

#### **Overview and Scrutiny Engagement**

17. Overview and scrutiny engagement has taken place in relation to monitoring the progress of the former Gypsy and Traveller Development Plan Document. The Environment Select Committee received reports on its progress in June 2016 and February 2017.
18. Progress in relation to the Wiltshire Traveller Strategy was last considered by the Environment Select Committee on 19 September 2017.

19. At the request of the Chairman and in consultation with the Vice-Chairman, the Environment Select Committee (ESC) will be receiving information on this Cabinet report at its 26 June 2018 meeting

### **Safeguarding Implications**

20. There are no safeguarding implications arising immediately from the proposal. However, once the network of emergency stopping places is in place the sites may be occupied temporarily by families with young children or vulnerable adults.

### **Public Health Implications**

21. Optimal health and wellbeing is supported by planning for sustainable development to meet the employment, housing and infrastructure needs of communities. Well planned developments, including appropriate infrastructure, supports the health and wellbeing of local communities, for example through the provision of green infrastructure and infrastructure to encourage walking and cycling as means of travel. The provision of short-term safe stopping places could allow travellers (if required) to be able to stop to access local healthcare services.

### **Procurement Implications**

22. The ESP Strategy is a process document and therefore has no direct procurement implications. However, in agreeing to take forward sites to be developed as ESP there may be implications in relation to maintaining the safety and security of the sites while they are occupied; services which may need to be procured.

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

23. The ESP Strategy has been developed through the Traveller Reference Group which brings together multiple departments within the Council with the aim to create resilient communities. The ESP Strategy is geared to improve the availability of stopping places. A network of emergency stopping sites is considered to be more effective in managing unauthorised encampments and improving the conditions for short-term stay for travellers by providing dedicated sites.
24. The Council must consider its duties under the Equality Act 2010 in taking the recommended decisions. Officers do not consider that the decisions or their implications will prejudice any particular group or groups of people defined by a protected characteristic. The Traveller Reference Group is committed to promoting equality and diversity and ensuring that everyone is treated fairly taking into account their individual needs and circumstances. The ESPs will improve the range of facilities available to gypsies and travellers, mitigate the impacts of enforcement action against them in other locations and reduce the risk of harm being caused to others in the community in consequence of the use of unsuitable stopping places. The provision of a safe managed environment, together with the services

that can be made available to users of the ESPs, will help to address the education and health and other particular needs of those staying on the ESPs Compatibility with the Human Rights Act 1998. The provision of ESPs ensures a balanced and equitable approach to ensure that duties are fulfilled appropriately in line with the Human Rights Act 1998.

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

25. At the next stage, in considering candidate sites specialist officers will be consulted to ensure that environmental or climate change impacts can be minimised. There are no further environmental and climate change considerations arising from the proposal at this stage.

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

26. The principal risk is that there will continue to be incidents of unauthorised encampments which cannot be dealt with effectively given the absence of transit accommodation in the County to direct groups to an alternative site. Another risk may be further costs to the council of officer time, site visits and legal intervention with unauthorised encampments. The introduction of a network of ESP will not remove the problem of unauthorised encampments but it would help manage their impact by enabling the police to utilise their powers to move unauthorised encampments (providing there was adequate space) reducing their occurrence, minimising costs and improving community relations. There is a potential for challenge from third parties if the Council does not make provision to meet identified need.

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

27. There is a risk that as awareness of new transit provision becomes known within the Gypsy and Traveller community it will attract more Travellers to the County. In reality, many Travellers follow a similar, traditional route each year. Making the network of ESP available for only part of the year and only when required should help mitigate against this possibility. Also, Dorset County Council's experience is that the number of encampments decreased since their stopping site at Piddlehinton opened several years ago.
28. Communities may be concerned about the nature and use of emergency stopping places. This would be mitigated by working with the Council's Communications Team to enable effective communication and engagement throughout the planning and implementation process. Consultation with gypsies and travellers will be undertaken as part of strategy implementation.

## **Financial Implications**

29. To implement the ESP Strategy, as set out in its Section 7, costs will be incurred in relation to:
  - developing a site (planning, on site works)
  - maintaining a site (clean-up costs, basic facilities while site is occupied, potential security)
30. Site acquisition is currently not identified as a cost as the focus is likely to be on land already within the Council ownership. Delivering ESPs on Council owned site rather than purchasing or leasing a private market site will reduce the cost to the Council. There may be the option to consider land owned by the MoD or other public sector partners.
31. The assessment of site delivery and maintenance costs should include consideration of whether capital received from the proposed sale of the Council's Traveller sites at Oak Tree Fields and Dairy House Bridge can be used to invest in the ESPs in order to ensure there is sufficient transit provision in the County to meet needs in locations that are suitable for this purpose.
32. It would be possible to recoup some of these costs by charging travellers when occupying the site. When the transit site was last open, the Council charged travellers £20 pound per week plus electricity (on a card meter). Dorset CC charges more for the use of their site (a recent and relatively local example of providing ESPs). Some councils also ask for an initial bond as well before the traveller can move on to the site for example £200. Consideration will need to be given to what would be an appropriate charge once further details on individual set up cost are known.
33. It is envisaged that a cross-service departmental group would be formed to ensure effective Strategy implementation and management. Officers within Spatial Planning, Properties, Legal Services, Finance, Highway Enforcement and Gypsy and Traveller Liaison would be involved.

## **Legal Implications**

34. Through the development and implementation of the Emergency Stopping Places Strategy the Council fulfils its stated intention in the 2017 Local Development Scheme report. This will further inform the Local Plan review and contribute to planning for gypsies and travellers consistent with national policy.
35. Other legal implications are detailed in the body of the report.



## **Options Considered**

36. The option to encourage private transit sites to be provided alongside existing permanent traveller sites was considered as an option alongside the provision of ESP. This was discounted at an early stage because of the experience of tensions between the permanent and temporary residents. There were also concerns over availability should the permanent site owners retain transit pitches for personal friends and family fettering the Police's ability to respond to incidents of unauthorised encampments.
37. It was concluded that implementing a network of emergency stopping sites would be the most effective way of dealing with unauthorised encampments, providing safe stay for travellers and meeting national policy requirements. A network of stopping places would aid officers to react more flexibly in collaboration with the Police where necessary to deal with unauthorised encampments.

## **Next steps**

38. Subject to Cabinet's approval of the ESP Strategy, the next steps relate to the identification of available and suitable sites, and delivery and maintenance costs. A report will be prepared for Cabinet's consideration regarding the implementation of the Strategy including site proposals and assessments of delivery and maintenance costs. It is anticipated that this will be in late Autumn 2018.

## **Conclusion**

39. The Emergency Stopping Places Strategy sets out how the Council can respond to the ongoing need for temporary accommodation for Gypsies and Travellers in Wiltshire. It includes a methodology for identifying suitable and deliverable sites and explains why such a network is a reasonable response to the current lack of transit accommodation. A network of stopping places would also aid officers to react more flexibly in collaboration with the Police where necessary to deal with unauthorised encampments.
40. The proposal implements the agreed action of Cabinet that a Strategy for emergency stopping places should be developed to manage unauthorised encampments, consistent with the approved Wiltshire Traveller Strategy.

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## **Appendices**

Appendix 1: Draft Wiltshire Emergency Stopping Places Strategy for Gypsies and Travellers (May 2018)

## **Background Papers**

Wiltshire Traveller Strategy 2017 <http://www.wiltshire.gov.uk/sppolicy-wiltshire-traveller-strategy-2016-refreshed.pdf>

Wiltshire Gypsy and Traveller Accommodation Needs Assessment 2014  
<http://www.wiltshire.gov.uk/wiltshire-gtaa-final-report.pdf>

**Wiltshire Council Traveller Reference Group**

**Draft Gypsy and Travellers Emergency Stopping Places Strategy**

**June 2018**

Spatial Planning Service

Economic Development and Planning

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## **1. Executive Summary**

- 1.1 In Wiltshire there is currently no temporary accommodation available for travellers when they pass through the county. This Strategy (developed through the Council's Traveller Reference Group) sets out how a network of emergency stopping places will be delivered which provides for short-term, safe stay for travellers and helps managing unauthorised encampments more effectively. The network will consist of suitable council-owned sites in three broad locations in the north, south and west of the county, based on a robust but flexible methodology. Sites will be implemented through a cross-departmental delivery team and operated and maintained by the Council's Highway Enforcement Team together with the Gypsy and Traveller Liaison Service.

## 2. Introduction

- 2.1 In Wiltshire, there are no emergency stopping places which can provide safe short term stay to meet gypsies and traveller's temporary accommodation needs. One consequence of this is that travellers encamp on public and private land in Wiltshire, which can result in expenditure to landowners, local authorities and the police when dealing with encampments. Providing a network of emergency stopping places will aid in improving this situation.

## 3. Background

- 3.1 Local planning authorities are required by national planning policy in Planning Policy for Traveller Sites (PPTS)<sup>1</sup> to prepare and maintain an up to date understanding of the likely permanent and transit accommodation needs of their areas over the lifespan of their development plan, working collaboratively with neighbouring local planning authorities (PPTS para. 7b). Local planning authorities are required to set pitch targets for gypsies and travellers and plot targets for travelling showpeople which address the likely permanent and transit site accommodation needs of travellers in their area, working collaboratively with neighbouring local planning authorities (PPTS para. 9); and identify sites to meet those targets (para. 10).
- 3.2 The Council owned and operated a transit site with 12 pitches at Odstock near Salisbury. The site lies adjacent to the council-owned permanent site at Oak Tree Field. The Odstock site was used to accommodate travellers on a short term basis, including travellers who had encamped unlawfully within the county area. The site has been closed for several years and there are no plans to re-open it. As a result Council does not currently provide land in its area to accommodate travellers on a temporary basis.
- 3.3 Lack of transit accommodation also hinders the effective management of unauthorised encampments.
- 3.4 Wiltshire Council completed a Gypsy and Traveller Accommodation Assessment (GTAA)<sup>2 3</sup> in 2014 to determine the need for new permanent and transit pitches in the county from 2014-29. The evidence in the GTAA is based, amongst other things, on interviews with key stakeholders and travellers. It was prepared to inform the review of the Wiltshire Local Plan. The study states at paragraph 7.5:

*"Based on evidence provided by stakeholders and data from the Council the view of ORS is that it would not be economically feasible for the Council to provide and*

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<sup>1</sup> Department for Communities and Local Government (DCLG) (2015)

<sup>2</sup> Opinion Research Services, for Wiltshire Council (2014)

<sup>3</sup> <http://www.wiltshire.gov.uk/wiltshire-gtaa-final-report.pdf>

*manage more than one permanent transit site in Wiltshire. The evidence also shows that as transit provision is required in a number of areas and suggests that a single transit site would not meet this need and would result in ongoing problems with encampments elsewhere in Wiltshire. We would therefore recommend that the Council seek to provide a number of shorter-term stopping places at locations across Wiltshire, and also to explore how best to meet the very short-term needs of those travelling to specific events and festivals. As such it [is] [sic] recommended that the Council to consider the provision of Emergency Stopping Places at locations near to Trowbridge, Salisbury and to the north of the county.”*

- 3.5 The GTAA currently forms a material consideration in planning terms and its findings are considered in this Strategy.
- 3.6 Going forward, the Local Plan 2016-36 will include the strategy and policy for meeting permanent accommodation needs for travellers and travelling showpeople as per Planning Policy for Traveller Sites. This is set out in the published Local Development Scheme 2017. Its supporting report<sup>4</sup> states that in order to address the relatively urgent need for emergency stopping provision an Emergency Stopping Sites Strategy should be developed.
- 3.7 Wiltshire Council has a dedicated Traveller Reference Group which brings together Wiltshire Council officers, members, and representatives from the Fire Service and the Police. The aim of the group is to improve the health and wellbeing of the traveller population of Wiltshire in line with the strategic objectives of Wiltshire Council to create stronger and more resilient communities and ensure those from traveller communities have healthy, high-quality lives. The group is accountable to the Council's Environment Select Committee.
- 3.8 The Traveller Reference Group developed a Wiltshire Traveller Strategy which was adopted in 2010 and refreshed in 2017. The Strategy also notes that there are currently no emergency stopping places where Gypsies and Travellers could stop for very short periods determined by the Local Authority.
- 3.9 The Traveller Strategy is accompanied by an action plan which aids in its delivery. Action 2 in the plan provides to gather intelligence on preferred travelling routes and locations of unauthorised encampments over time to understand the repeating patterns of accommodation needed to reduce unauthorised encampments in Wiltshire. Evidence collated as part of this work has informed the preparation of this Strategy.

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<https://cms.wiltshire.gov.uk/documents/s133636/Wiltshire%20Local%20Development%20Scheme%20Update.pdf>

## 4. Management of unauthorised encampments in Wiltshire

- 4.1 An unauthorised encampment is when an individual or group of individuals move onto a piece of land that they do not own, without the permission of the landowner. Wiltshire Council's policy towards dealing with unauthorised encampments is published on its website<sup>5</sup>.
- 4.2 The Council's Highways Enforcement Team collects data on the number and location of unauthorised encampments in Wiltshire. The data shows that there are locations within Wiltshire which are regularly frequented by travellers for short-term stay. Reasons for this can be (non-exhaustively):
- Travellers know these places are accessible
  - They are on route to their destination
  - They are safer than other more isolated spots
  - Travellers may be tolerated there by the Council
- 4.3 Appendix A (all encampments data 2012- 2016<sup>6</sup>) shows the location and number of unauthorised encampments, and ethnicity. Some recorded encampments are connected with the same group of travellers but they also show that encampments can occur in the same area at the same time.
- 4.4 The analysis of number of visits per month indicates that most visits occur between April and November (Appendix A, Figure 2). This aligns with the travelling season which normally begins in the spring and ends in the autumn; but a proportion of travellers recorded are economic or new age travellers who travel all year round. Unauthorised encampments are mainly Irish or New Age Travellers.
- 4.5 The data further shows that there are a number of settlements in the county where unauthorised encampments concentrated in 2012-16. Table 1 in Appendix A summarises where more than 10 encampments were recorded in 2012-16 at respective settlements. These were Amesbury, Salisbury, Chippenham, Marlborough, Devizes (incl. Rowde), and Trowbridge. The largest numbers of encampments were recorded at Salisbury which could be due to the presence of the transit site (although this is closed) and the proximity to key travel routes.
- 4.6 Out of 244 encampments, 155 were recorded at those key settlements, and 89 were recorded elsewhere. Amongst the latter, the main areas where encampments occurred were Calne, Seend and Melksham.
- 4.7 The usually very large unauthorised encampments which occur during the summer solstice are not captured in these data. The summer solstice event attracts large numbers of new age travellers and other people to the south of Wiltshire and can

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<sup>5</sup> <http://www.wiltshire.gov.uk/gypsies-travellers-unauthorised-camping>

<sup>6</sup> Note that 2016 monitoring data is only available for January-August.



result in dozens of caravans parked up adjacent to the highway, local byways, and car parks for a few days in late June. This is a single, large event and different from unauthorised traveller encampments occurring throughout the year. Also, visitor numbers are so large that provision of ESPs would simply be insufficient. Separate event management is undertaken for Avebury and Salisbury for these specific periods.

- 4.8 There is wide range of powers available to the police and local authorities to deal with unauthorised encampments. They are summarised in Government guidance<sup>7</sup>. The main legislation is the Human Rights and Race Relations Acts and Sections 61, 62, 62A-E, 77 and 78 of the Criminal Justice and Public Order Act 1994 (CJPOA). There also provisions in the Highway Act 1980 that can be applied in connection with encampments on highway land. CJPOA S.61 and S.62 are applied by the police whereas S.77 & 78 powers can be exercised by council officers.
- 4.9 Legislation was interpreted by the courts and there is guidance from government. Wiltshire Council follows a set procedure based on Government guidance which involves proving ownership of the land, obtaining details of the encampment, assessing an encampment's effects on the local area, serving notices and summonses that will enable necessary authority to be obtained from the courts to order the travellers to leave the site. In addition, officers will have to make enquiries regarding general health, welfare and children's education.
- 4.10 In certain circumstances the Council will work with Wiltshire Police and request use of S.61 powers to promptly remove encampments. The police will deal with crime when there is a complaint and evidence to support it; such as anti-social or unlawful behaviour. Fly-tipping and damages to property can also be reasons for eviction and potentially prosecution.
- 4.11 Unauthorised encampments may be tolerated up to an agreed deadline if the occupants are behaving in an acceptable manner and the site is being kept tidy. This approach can save the council costs and provides a period of stability to travellers.

*Criminal Justice and Public Order Act 1994*

- 4.12 Section 61 and 62 of the Act can be applied by the police to direct two or more persons to leave the land they have been trespassing if the landowner has asked them to leave; was subjected to abuse and trespassers caused damage to the land or property on the land; and if those persons have between 6 or more vehicles on the land. Non-compliance or return within 3 months constitutes a criminal offence and can result in imprisonment of up to 3 months, or a fine. The police can also seize vehicles under Section 62 if such persons return within 3 months or fail to remove vehicles having been issued with a S61 direction. Section 62A (5) requires the police officer to consult the local authority if there is a pitch for the caravan or each of the caravans on a relevant caravan site in the local authority's area. There are further provisions in the

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<sup>7</sup> Dealing with illegal and unauthorised encampments - A summary of available powers (DCLG, 2015). The Government is currently consulting if available powers should be strengthened.

Act dealing with unauthorised gatherings/raves on private land; and provisions enabling the local authority to direct unauthorised campers to leave any land forming part of a highway; any other unoccupied land; or any occupied land without the consent of the occupier (Section 77 and 78).

- 4.13 Section 62A (5) is particularly relevant here as the ability to move travellers onto a site managed by the local authority increases 'leverage'. Otherwise trespassers are likely to appear in other places following eviction. Council data show that repeat encampments at different locations by the same group of travellers have occurred before.
- 4.14 S62 powers are easier to do and are better in preventing further trespass within the local authority's area if persons can be moved onto a site within the area. If a suitable site is available within the local authority area, but persons refuse to leave or trespass on any land within the local authority area within 3 months, then an offence is committed. According to Wiltshire Police this would have a marked impact on not only dealing with the issue, but preventing reoffending and also quickly make Wiltshire an unattractive location to trespass as they could deal with the matter effectively. This was also confirmed by Dorset CC who operates an emergency stopping site. The provision of an emergency stopping site at Piddlehinton has resulted in a swift move of traveller encampments onto the new site under the legal powers held by the authority in collaboration with the police. Dorset CC officers confirmed that unauthorised encampments overall decreased since the site was put in place.
- 4.15 However in Wiltshire S62 powers cannot be used due to the lack of suitable sites, such as transit or emergency stopping places, where trespassers could be directed to.
- 4.16 In contrast, S.61 is only effective in preventing a person from returning to a specific location but does not stop them trespassing elsewhere.
- 4.17 Wiltshire Police provided rough statistics on dealing with unlawful encampments to give an idea about officer hours committed:
- For 2 months (June/July 2016) 30 unlawful encampments were recorded by the Police (21 in Wiltshire and 9 in Swindon) totalling approximately 600 Police hours (200 Wilts/400 Swindon)
  - Enforcement action was required on 7 occasions:
    - 5 in Wiltshire – approx. 140 hours
    - 2 in Swindon – approx. 235 hours (one very difficult group took over 200 hours)
- 4.18 These figures do not take into account any aspects outside of attending the site. Assuming that this is £50/hr (the Police charge £75/hr on events as this means working on rest days) this would equate to over £30,000 in 2 months.

- 4.19 Highway Enforcement colleagues advised that in the first three months of 2017, 17 unauthorised traveller encampments were reported resulting in 238 hours of officer time. The hourly rate of pay is £13.90 which results in total costs of £3,308. This does not include internal vehicle hire which has a recharge of £37 per day, and any clean-up costs.
- 4.20 In addition to officer time spent on dealing with encampments, they result in complaints from members of the public, especially where repeat encampments occur in the same location.

## **5. Summary**

- 5.1 It is clear from the above that due to the lack of suitable sites, travellers do not have opportunities for short-term stay in Wiltshire when passing through the county. The lack of sites also reduces the ability of the Council and the Police to manage unauthorised encampments effectively. Assessing and meeting the accommodation needs of travellers is a national policy requirement for local authorities. The evidence shows that a network of ESPs would be an effective means of addressing this need in Wiltshire and to aid in managing unauthorised encampments. The following chapters set out how such a network will be brought forward.

## **6. Geographical Scope**

- 6.1 This Strategy picks up the recommendations of the GTAA and considers the evidence gathered by the Council on the number and location of unauthorised encampments at Appendix A. Based on the Council's evidence a single stopping site should ideally be provided at or near Trowbridge, Devizes, Amesbury, Marlborough, and Chippenham. Again, the GTAA provides that the area around Trowbridge could be a broad location of an emergency stopping site.
- 6.2 The GTAA proposes provision of three emergency stopping sites in broad locations in Wiltshire (North; South; West) taking into account stakeholder evidence and key travelling routes in the county.
- 6.3 Based on the above this Strategy directs provision of a site in the north, south and west of the county as per 2014 GTAA in the first instance. The Strategy does not restrict site provision solely to these broad areas however as it needs to account for site availability constraints for example. So if additional sites at other locations are available and deliverable then they could be considered further. This also allows for more sites to come forward in the future should the need arise.
- 6.4 The suitability of sites will be tested using the methodology set out in Table 1 in the next Chapter.

## 7. Strategy implementation

### Emergency stopping site requirements

- 7.1 There is currently no guidance available on requirements for emergency stopping places. Previously, local planning authorities were able to refer to 'Designing Gypsy and Traveller Sites Good Practice Guide'<sup>8</sup>. This document was rescinded by the Coalition Government but it can still provide a useful benchmark in the absence of any newer guidance. With this in mind, Wiltshire Council relies on its own interpretation of what is required. It also considers the recommendations in the 2014 GTAA.
- 7.2 Emergency stopping sites have different requirements to permanent sites in that access to essential services is not a priority. The 2008 DCLG Guidance states that emergency stopping sites should provide safe and convenient access to road networks and be located so as to cause minimum disruption to surrounding communities. When considering the suitability of different sites, the potential presence of young children and any risks that may arise due to adjoining land uses must be considered. This means that locations within easy reach of the main travelling routes will be preferred, and that they should be located outside settlements.
- 7.3 In terms of on-site infrastructure ESPs should be relatively basic in order to serve the purpose of a short stay for travellers. They should not be designed to encourage long stay. Effectively this would require equipping ESPs with hardstanding, fence and a skip for rubbish disposal.
- 7.4 In terms of spacing requirements, an emergency stopping pitch should be at least 250m<sup>2</sup> which is a suitable transit site pitch size evidenced in the Council's 2010 Gypsy & Traveller DPD site selection methodology, in the absence of any newer guidance.
- 7.5 There is no evidence about an appropriate number of pitches per site. The DCLG guidance advises that transit sites should not exceed 15 pitches to remain manageable. A similar figure could be applied to ESPs but a number of smaller sites would aid better in the management of large groups. Consequently a figure of 4-6 pitches would be more realistic.
- 7.6 In terms of total site size this would result in 1,500m<sup>2</sup> sites to host a maximum of 6 pitches, although additional space would normally be provided for landscaping and other requirements.
- 7.7 In terms of site selection the following methodology will be applied to find emergency stopping sites. Given the temporary nature of the sites, matters such as access, traffic, highway and health and safety are particularly relevant.

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<sup>8</sup> DCLG (2008)

**Table 1: Site Selection Methodology for Emergency Stopping Sites**

Criterion	Detail	Justification	Planning Policy and other evidence
Policy and environmental constraints	Sites should avoid any adverse impact on local/national designations (such as conservation areas and Areas of Outstanding Natural Beauty). Sites should avoid any hazardous areas (such as flood zones, contaminated land).	Candidate sites ought to be safe for users, and free of hazardous areas. Sites should avoid causing adverse impacts on local, national and international designations.	Gypsy and Traveller Site Allocations DPD Consultation Report 2010; Wiltshire Core Strategy Core Policy 47; PPTS Policies B, C, E
Site size	The site must meet space requirements for internal road(s) and parking and circulation space, and fire safety standards. The site should have additional space for facilities such as waste disposal.	There are no standards for emergency stopping site size. A transit pitch accounts for 250m <sup>2</sup> and therefore represents the only benchmark	DCLG Guidance on Site Design (2008); Gypsy and Traveller Site Allocations DPD Consultation Report 2010
Safe and convenient access to the road network	The site should be near or adjacent to key travelling routes identified in the GTAA.	Proximity to key travelling routes is important as otherwise the site would not be easily accessible to travellers passing through Wiltshire.	Gypsy and Traveller Site Allocations DPD Consultation Report 2010; Wiltshire Core Strategy Core Policy 47; 2014 GTAA
Impact on the strategic road/highway network	The site should not have a detrimental impact on the safe and efficient operation of the strategic/highway road network, including junctions and land within the ownership of Highways England and/or Wiltshire Council required for operational purposes.		DCLG Guidance on Site Design (2008)
Vehicular access	The candidate site must be serviced by an independent vehicular access point that adheres to the Highway Authority's guidance and standards in terms of safe entry and egress. The road to and from the site must be of sufficient quality and size to enable access onto and off the site by heavy vehicles such as trailers.	The highway leading up to the site must be of sufficient width and standard to accommodate heavy vehicles. The site access must have sufficient visibility splays, and width to allow for safe access and exit.	Gypsy and Traveller Site Allocations DPD Consultation Report 2010; Wiltshire Core Strategy Core Policy 47
The site causes minimum disruption to surrounding communities	Access to candidate sites should avoid the need to use local roads within industrial areas, recognised commercial areas or housing areas. The site should not give rise to visual impacts or pollution on surrounding land uses and other receptors. Space for a clear barrier around the site is required to prevent unauthorised extension to	The use of an emergency stopping site is assessed in terms of its impact on the character/ appearance of the surrounding area, along with the impact on the residential amenity of nearby properties.	Gypsy and Traveller Site Allocations DPD Consultation Report 2010; Wiltshire Core Strategy Core Policy 47; PPTS Policy B and C

	the site.		
Land quality	Brownfield land is preferred over greenfield land. Where no brownfield land is available, greenfield land of poor agricultural quality (Grade 3b or poorer) is preferred.	In the interest of protecting best and versatile agricultural land.	Wiltshire Core Strategy Core Policy 47; NPPF para. 111-112; PPTS Policy H
Health and safety	All routes for vehicles on the site, and for access to the site, must allow easy access for emergency vehicles and safe places for turning vehicles.		Wiltshire Core Strategy Core Policy 47; DCLG Guidance on Site Design (2008)
Deliverability	The ease of commitment to bringing sites forward and the timing of land release.	The timely delivery of emergency stopping sites is key to the overall success of the strategy.	-

7.8 The above methodology is robust but flexible enough to enable a balanced view on candidate ESPs as it is conceivable that not every selection criterion can be met; and land availability may be problematic. Input from expert officers will be sought in the assessments, and to establish how any identified harm caused by development can be mitigated. Assessments should include the pre-application process as this would enable a coordinated response and early engagement. The pre-application response would enable project delivery to be based on a sound assessment of costs per item required for candidate ESPs.

7.9 Appropriate consultation with gypsies and travellers will be undertaken as part of Strategy implementation.

### **Notional costs of site provision**

7.10 In order to test the deliverability of candidate ESPs the associated costs and revenues need to be identified. As described above the sites would be relatively basic and include hardstanding, fence and rubbish disposal. Development costs for candidate sites will be established for sites on an individual basis and for this reason cost details cannot be estimated in advance. The below gives a broad provisional indication.

7.11 One-off costs for initial provision of a 6 pitch site would typically involve:

- (Pre-) Planning application (where required) and consultation<sup>9</sup>
- Engineering works to prepare the site for development
- Construction of hardstanding, skip area, fencing
- Labour

7.12 Maintenance costs are difficult to estimate as this depends on how often a site is used and if damages or fly-tipping occur. Keeping sites relatively basic and providing a rubbish skip will aid in keeping costs manageable. In Dorset, an ESP has been

<sup>9</sup> This excludes officer time spent on the planning application process.

operated for several years at Piddlehinton. The County Council confirmed that the number of unauthorised encampments has now significantly decreased.

- 7.13 In order to ensure a return from the use of sites setting a weekly charge could be considered. When the transit site was last open, the Council charged travellers £20 pound per week plus electricity (on a card meter). Dorset CC charges more for the use of their site. Some councils also ask for an initial bond as well before the travellers can move on to the site, for example £200.

### **Site delivery and management**

- 7.14 Emergency stopping sites would be delivered and managed by the Council in order to ensure effective operation and management, and that sites are available when needed. Private emergency stopping site provision is considered to be unrealistic because of the experience of tensions between the permanent and temporary residents and concerns about community cohesion at Odstock and Oak Tree Field. There would also be uncertainty over pitch availability should private site owners retain pitches for personal friends and family fettering the authorities' ability to respond to incidents of unauthorised encampments.
- 7.15 There is no guidance how long emergency stopping places remain open during the year. The transit site at Odstock was open all year round. Dorset County Council's site at Piddlehinton is available from March-August but only used when travellers are directed to it upon discretion by the Traveller Liaison Service in collaboration with the Police. Staffs within the Traveller Liaison Team hold the keys for the site. Travellers need to sign a basic 'transit site agreement' which restricts stay to 28 days.
- 7.16 Based on the above, emergency stopping sites will be available between 1 April and 30 November (8 months) and open when required – i.e. when a group is moved onto a site or for travellers who voluntarily want to use sites as they travel through the area.
- 7.17 Suitable ESP sites will be delivered by the Council's Properties (Estates) Team and appointed contractors, as sites will be in Council ownership. Other teams involved in the planning and delivery of sites will be Finance, Planning and Legal Services. A cross-departmental project delivery group will be established to plan and implement sites.
- 7.18 ESP operation and maintenance will be undertaken by the Council's Highway Enforcement Team in cooperation with the Gypsy and Traveller Liaison Team, to provide the ESPs to travellers quickly when the need arises, and deal with any issues.
- 7.19 A project budget will be identified and allocated to the Council's Properties Team.

## **8. Monitoring and Strategy Revision**

- 8.1 This Strategy will be 'owned' by the Traveller Reference Group and an annual monitoring report will be provided with input from Housing, Highways Enforcement and Planning officers. A report will be presented to Environment Select Committee as an annual update or upon request.



## Appendix A – Number and location of encampments in Wiltshire (2016)

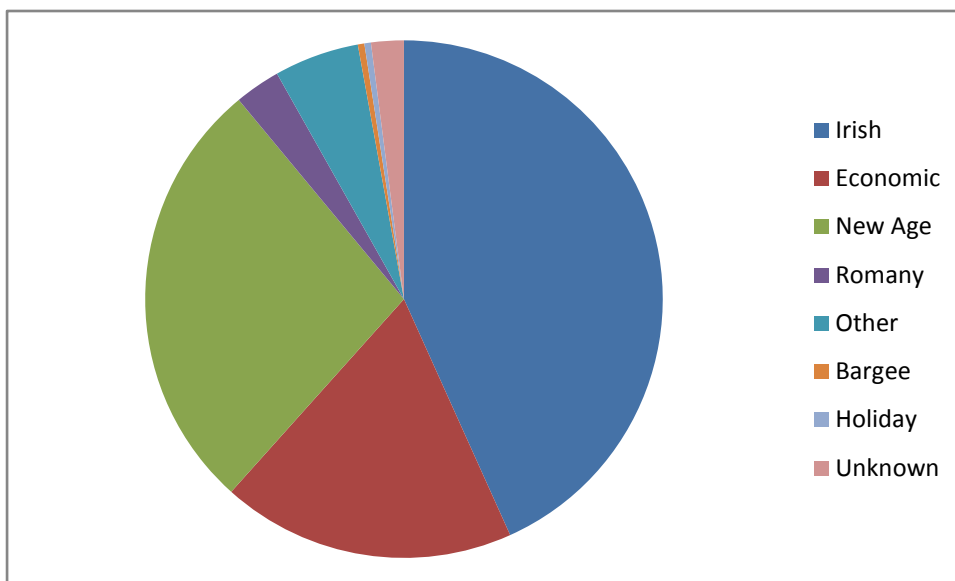
Table1: Unauthorised encampments by location 2012-16

	Ames- bury	Salis- bury	Chippen- ham	Marl- borough	Devizes (incl. Rowde)	Trowbridge	All other	Total
<b>2012</b>	6	19	0	3	11	3	22	64
<b>2013</b>	3	16	6	3	6	1	25	60
<b>2014</b>	4	7	4	4	7	6	20	52
<b>2015</b>	4	8	9	0	8	1	14	44
<b>2016<sup>10</sup></b>	1	2	5	1	4	1	6	20
<b>no date</b>	2	0	0	0	0	0	2	4
<b>Total 2012- 16</b>	<b>20</b>	<b>52</b>	<b>24</b>	<b>11</b>	<b>36</b>	<b>12</b>	<b>89</b>	<b>244</b>

Source: Wiltshire Council Highway Enforcement Monitoring 2012-16

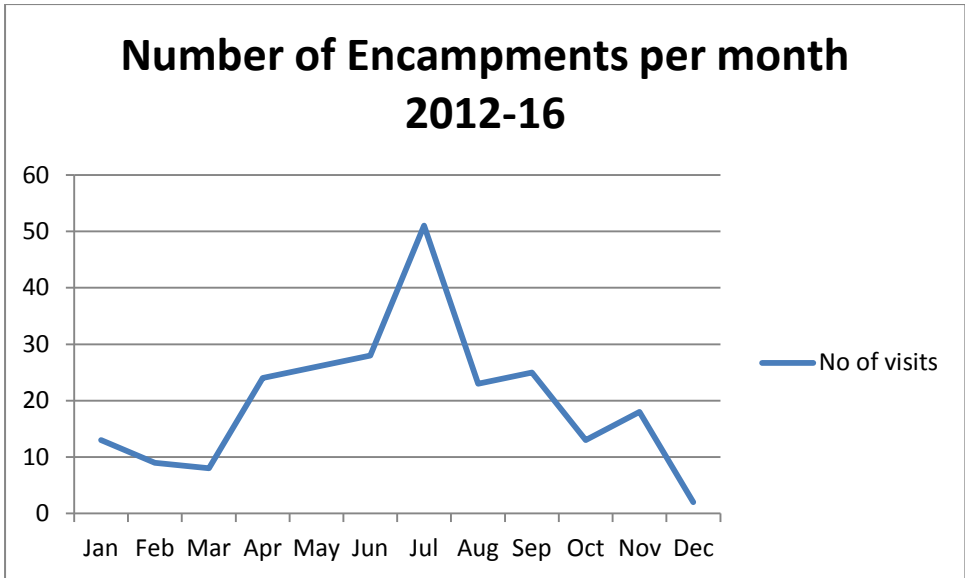
Settlements where more than 10 encampments were recorded in 2012-16 are listed above.

Figure 1: Encampments by ethnicity (all encampments = 244)



<sup>10</sup> No monitoring data available for September-December 2016.

<sup>11</sup> 4 encampments were recorded with no date so they are not included here.



*Source: Wiltshire Council Highway Enforcement Monitoring 2012-16*

**Wiltshire Council**

**Cabinet**

**3 July 2018**

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**Subject: Site Disposal**

**Cabinet Member: Councillor Cllr Toby Sturgis, Cabinet Member for Planning and Strategic Asset Management**

**Key Decision: Yes**

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## **Executive Summary**

The Council owns 5 permanent gypsy and traveller sites and one transit site, a total of 100 permanent pitches and 12 transit pitches. These are as follows;

Thingley, near Chippenham – 31 permanent pitches (remodelled 2016/17)

Fairhaven, Dilton Marsh – 7 permanent pitches (remodelled 2016/17)

Lode Hill, Downton – 12 permanent pitches (remodelled 2016/17)

Oak Tree Field, Salisbury – 32 permanent pitches

Dairy House Bridge, Salisbury – 18 permanent pitches

Odstock transit site (adjacent to Oak Tree Field) – 12 temporary pitches.

The Thingley, Fairhaven and Lode Hill sites have been improved and it is proposed that these sites will remain in Council ownership. They provide a total of 50 permanent pitches.

The Oak Tree Field and Dairy House Bridge sites along with the transit site adjacent to Oak Tree Field (Odstock transit site) are in need of investment to enable them to continue in use as gypsy and traveller sites.

A number of options have been considered for these sites including closure, refurbishment and disposal.

The purpose of this paper is to consider the option of transferring the ownership of the Oak Tree Field, Dairy House Bridge and Odstock sites including any expenditure required to achieve transfer and maintain health and safety to enable them to receive the investment they need to continue to remain in use as gypsy and traveller sites.

## **Proposals**

It is recommended that;

Approval is given to:

1. Dispose of the Council's freehold interests in the two gypsy and traveller sites at Oak Tree Field and Dairy House Bridge including the Odstock transit sites to enable them to stay as gypsy and traveller sites; and
2. Delegate to the Director for Housing and Commercial Development authority to agree the terms of the transfer of ownership in consultation with the Cabinet Member for Spatial Planning, Development Management and Property, the Director of Finance and Procurement and the Director of Legal and Governance Services.

## **Reason for Proposals**

Dairy House Bridge, Oak Tree Field and the Odstock transit sites are in need of substantial investment. Transfer of ownership of the sites to a new owner will enable this investment to ensure the sites are able to remain in use as gypsy and traveller sites.

**Alistair Cunningham**  
**Corporate Director**

## Wiltshire Council

### Cabinet

3 July 2018

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**Subject:** Site Disposal

**Cabinet Member:** Councillor Cllr Toby Sturgis, Cabinet Member for Planning and Strategic Asset Management

**Key Decision:** Yes

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### Purpose of Report

1. The purpose of this paper is to consider the option of transferring the ownership of the Oak Tree Field, Dairy House Bridge and Odstock sites including any expenditure required to achieve transfer and maintain health and safety to enable them to receive the investment they need to continue to remain in use as gypsy and traveller sites.

### Relevance to the Council's Business Plan

2. The transfer of sites relates to the following business plan priorities and goals;
  - a. Growing the economy – I live in a good home I can afford
  - b. Commercialism – consider innovative funding options and opportunities
  - c. One Public Estate – a strategic and commercial approach to managing assets.

### Background

3. Relevant history including previous decisions
  - 3.1 In September 2013 Wiltshire Council secured £4.419m from the Homes and Communities Agency (HCA), now called Homes England to redevelop the 32 pitches at Oak Tree Field and the 18 pitches at Dairy House Bridge – A total of 50 pitches, within the 2011-15 HCA programme with a requirement to complete the project by the end of March 2015. This proposal involved temporary closure of the transit site to use as decant accommodation, with the transit site reopening on completion of the remodelling works to the 50 permanent pitches.
  - 3.2 Planning permission for both sites was achieved in spring 2014, followed by a tendering process to appoint a contractor. However, the prices quoted for the works far exceeded initial expectations, thus requiring additional funding. As the funding was not available within the Council's capital

programme, the work was unable to progress and the government grant allocation was handed back.

- 3.3 There is Homes England grant funding available to bid for to redevelop gypsy and traveller pitches as part of the Shared Ownership and Affordable Homes Programme 2016-21. However, grant rates are significantly lower than they were at the time of bidding for funding in 2013 and as a result the council will have to find a capital budget for this project to proceed.

#### 4. Policy issues

- 4.1 Planning Policy for Travellers Sites (August 2015), requires local planning authorities to set pitch targets for gypsies and travellers and plot targets for travelling showpeople which address the likely permanent and transit site accommodation needs of travellers in their area, working collaboratively with neighbouring local planning authorities. More specifically local planning authorities should;

- Identify and annually update a supply of specific deliverable sites sufficient to provide five years' worth of sites against their locally set targets.
- Identify a supply of specific, developable sites or broad locations for growth, for years 6-10 and, where possible, for years 11-15.

- 4.2 The Wiltshire Gypsy and Traveller Accommodation Assessment completed in December 2014 recognised the contribution the 100 permanent pitches and 12 transit pitches in council ownership made to the overall supply of pitches in Wiltshire. It recommended that in addition to these pitches and the existing private pitches, there was a need for an additional 90 pitches in Wiltshire between 2014-2029. This figure also assumed that the council transit site would be converted to provide 4 permanent pitches. Regarding transit accommodation the report recommends implementation of a network of emergency stopping sites rather than operating a single transit site in the extreme south of the county.

#### 5. Statutory requirements

- 5.1 The Equality Act 2010 does not define race; however case law has established that Roma gypsies and Irish travellers are covered by the protected characteristic of race for the Equality Act 2010. Therefore, the Council has a duty actively to seek to eliminate unlawful discrimination, advance equality of opportunity and promote good race relations.

- 5.2. Eliminating discrimination and harassment** - When a public body, like a local council or a government department (for example the Department of Work and Pensions) makes a decision it **must** have due regard to the need to eliminate discrimination and harassment of Gypsies, Travellers and Roma people.

**5.3 Advancing equality of opportunity** - The public body **must** also have due regard to the need to advance equality of opportunity for Gypsies, Travellers and Roma people. That means thinking about:

- the disadvantages they face and how to remove or minimise those disadvantages;
- how the needs of Gypsies, Travellers and Roma people are different to the needs of other groups; and
- how to encourage Gypsies, Travellers and Roma people to participate in activities which they often do not participate in, including public life.

**5.4 Fostering good relations** - Public bodies **must** have due regard to the need to foster good relations between Gypsies, Travellers and Roma people and others. When fostering good relations, a public body must think about the need to tackle prejudice and promote understanding.

**5.5 Mobile Homes Act 2013** – this requires that the site owner of a site not owned by a local authority is a fit and proper person and offers some protection to site residents relating to pitch fee increases and unfair eviction and harassment.

## 6. Consultation

- 6.1 There is no statutory requirement to carry out public consultation regarding transfer of ownership of gypsy and traveller sites.
- 6.2 Hampshire, Buckinghamshire and Somerset councils have all disposed of their gypsy and traveller sites. Officers and Members have consulted with these authorities to ensure understanding of the implications of site disposal.

## **Main Considerations for the Council**

### 7. Site conditions and investment required

- 7.1 Site surveys have been carried out to estimate the extent of works required to appropriately maintain the sites in the future. There are works required to bring the sites up to a licensable standard, although it is considered that no additional work (over and above responsive repairs) should be carried out prior to sale.

### 8. Resident engagement outcome

- 8.1 Engagement with residents on the two sites commenced on 23<sup>rd</sup> April 2018. A number of site visits have been held to discuss the proposal with groups of residents and individual households and listen to any concerns. A survey form has been given to every household on site and the results of these surveys are collated at **Appendix 1**.

8.2 The key concerns and issues raised by residents regarding a change of site ownership are;

- increased rents and service charges
- requirement to rent mobile homes from the new owners
- less security of tenure and threats of eviction
- less open and transparent management policies
- possibility of discrimination against and victimisation of some residents which, due to culture of the residents, isn't reported
- mixing of different gypsy and traveller ethnic or cultural groups on one site could lead to issues of community cohesion

## 9. Marketing advice

9.1 An agent has been appointed to advise on a marketing strategy and to provide initial disposal advice.

## **Overview and Scrutiny Engagement**

10. A briefing was held with the Chair of Overview & Scrutiny Committee on 5th June 2018

## **Safeguarding Implications**

11. An Equality Impact Assessment has been carried out to assess the implications of the proposal. This is attached at **Appendix 2**.

12. There are a number of families living on the two sites with children. There are also some adults who could be considered vulnerable. However, the residents' agreements are, and will continue to be, governed by the Mobile Homes Act 1983 (as amended by the Mobile Homes Act 2013) which provides the residents security of tenure and requires any site owner to comply with the provisions of the Mobile Homes Acts and Regulations made under those Acts.

13. A caravan site outside of council ownership is required to hold a licence which sets out how the operation of the site should be managed in terms of health and safety of the occupiers and good practice. Any new owner would need to make an application for a licence. If during the application process potential breaches of the Model Standards 2008 for Caravan Sites for England are identified then the licence would set out the time period within which these potential breaches should be remedied. Not holding a licence or breaching licence conditions could lead to a criminal prosecution of the site owner. In light of the current condition of the sites, it is proposed that an indication of the conditions likely to be attached to any licence to a private owner will be provided to any potential buyer.

## **Public Health Implications**

14. A Health Impact Assessment has been carried out and is attached at **Appendix 3**.



## **Procurement Implications**

15. As this will be a land sale, there are no current procurement implications to this proposal. The appointed agent has been competitively tendered and the sale will be conducted in the open market.

## **Equalities Impact of the Proposal** (detailing conclusions identified from Equality Analysis, sections 4 and 5)

16. An Equality Impact Assessment has been completed and will continue to be monitored, reviewed and updated throughout the resident engagement and transfer process. This is attached at **Appendix 2**.

## **Environmental and Climate Change Considerations**

17. The transfer proposal will involve retaining the current sites as gypsy and traveller sites. However, as part of the proposal, the intention is that the new owner will be able to invest in the sites to improve the site conditions, in particular site drainage.

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

18. If the sites are not transferred, due to the lack of capital funding available to invest in improving site conditions, it is likely that the sites will need to close which will reduce the number of pitches available to meet the accommodation needs of gypsies and travellers in Wiltshire and require the relocation of a number of families and households.
19. This in turn will create greater pressure on the local plan to identify additional gypsy and traveller pitches to meet needs.
20. Alternatively around £3m of capital funding would need to be identified within the Council's capital budget to fund the works required.

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

21. A risk assessment has been completed and is attached at **Appendix 4**.

## **Financial Implications**

22. There is insufficient capital within the current Council capital programme to invest in the Oak Tree Field and Dairy House Bridge gypsy and traveller sites.

## **Legal Implications**

23. The sale of the sites will need to comply with the Equality Act 2010, the Mobile Homes Act 2013 and the Council's financial and procurement regulations.

24. Whilst there is no statutory requirement to consult regarding this proposal, there is an obligation to treat people fairly and this has been addressed by engagement with the residents and their families.
25. Section 123 of the Local Government Act 1972 requires the Council to seek best value for any disposal or for such disposal to fall within The Local Government Act: General Disposal Consent (England) 2003, which can include the consideration of the value of social and environmental benefits as well as economic or purely financial benefits. If not, the consent of the Secretary of State will need to be sought and obtained.

### Options Considered

26. A number of options have been considered in relation to the Oak Tree Field and Dairy House Bridge sites. These are as follows;

1	Do nothing
2	Minimal refurbishment and drainage improvements
3	Improvement of the pitches
4	Transfer ownership of both sites

27. An assessment of each option is attached at **Appendix 5**.

### Conclusions

28. The two sites are in need of investment to enable them to continue in use as gypsy and traveller sites. There is a need to maintain the number of gypsy and traveller pitches in Wiltshire and to ensure they are safe and sustainable. The option that will enable this is the option to transfer ownership to a new owner to enable that investment.

### **Alan Richell (Interim Director - Housing and Commercial Development)**

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29th May 2018

### Appendices

- Appendix 1 – Outcome of resident engagement
- Appendix 2 – Equality Impact Assessment
- Appendix 3 – Health Impact Assessment
- Appendix 4 – Risk Assessment
- Appendix 5 – Options appraisal

### Background Papers

The following documents have been relied on in the preparation of this report:  
 None

## Appendix 2

### RESIDENT ENGAGEMENT FEEDBACK

	Total pitches	Occupied	Forms returned
Oak Tree Fields	32	26	12
Dairy House Bridge	18	13	2

#### Gender

	Male	Female
Oak Tree Fields	5	7
Dairy House Bridge	0	2

#### Age

	Under 19	Under 40	Under 60	60+
Oak Tree Fields	0	7	3	2
Dairy House Bridge	0	1	1	0

#### Ethnic Origin

	White British	Asian / British	Roma / Gypsy	Traveller or Irish heritage	Not stated
Oak Tree Fields	2	0	4	4	2
Dairy House Bridge	0	0	2	0	0

#### How they would like to be consulted

	Personal Visits	Letter / Newsletter	Group / Site meeting
Oak Tree Fields	2	1	9
Dairy House Bridge	2	0	0

#### Concerns

Being evicted from their homes

The sites being sold as development land

Will they be able to keep and stay on their current pitches and are the number of pitches on the sites likely to reduce

Concerns about the rents and services charges being increased

A private site owner with a G&T background could be scary and concerns have been raised about how they can be protected from victimisation. They mentioned that the Gypsy and Traveller community are not able to use normal measures such as reporting issues to the police as this is not how it works in this community

Some have said that if the sites are sold to Irish Travellers then this will be the end for them on these sites as it won't be tenable for them to stay for safety reasons.

Concerns in regard to the allocation of vacant pitches after the sites are sold. The current sites are mainly Roma Gypsies and concerns were raised about other traveller groups being allowed on site as this won't work and will cause huge site issues.

Huge concerns about how the sites in Hampshire have been sold and now managed with rumours of increased rent and service charges, and the requirement new occupiers to purchase the site owners caravans

The future landlord not accepting travellers on Housing Benefit

Will they invest and improve the sites and how will this be guaranteed

Unless the landlord is the Local Authority the residents have confirmed they would feel unsafe and uncomfortable

No concern regarding the transfer as we would want the standard of the sites to improve, especially the drainage and sheds. We would like the site to be maintained as a gypsy and traveller site and some guarantee on rents and services charges not increasing

## **Options**

For the residents to purchase there on pitches and work together to maintain the site

The Local Authority to stay as the landlord and the residents will maintain their own pitches and work together to improve the site

Consider selling Dairy House Bridge and use the money to invest and refurbish Oak Tree Fields. The transit site could be utilised to accommodate the remaining residents on Dairy House Bridge

They don't want a full refurbishment just to sort the drains / sewerage and the day rooms they will manage

Request for funding from others, like MPs or Lottery funding

To stop the rat lady and the refuge truck as this work can be done by the residents

If the Local Authority isn't going to be the landlord then the residents will leave and create homes in car parks and along the highway, this is not ideal but this is what they will do

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Equality Analysis Evidence Document					
<b>Title: Dairy House Bridge and Oak Tree Field Gypsy and Traveller Sites</b>					
The cabinet have asked for an assessment of the option to dispose of these two sites but on the basis that they are retained as G&T sites and continue to provide accommodation to the existing residents					
<b>Why are you completing the Equality Analysis?</b> (please tick any that apply)					
Proposed New Policy or Service	Change to Policy or Service ✓	MTFS (Medium Term Financial Strategy) ✓	Service Review		
<b>Version Control</b>					
Version control number	1.1	Date	14th May 2018	Reason for review (if appropriate)	To appraise the option for transfer of ownership of two Gypsy and Traveller Sites
<b>Risk Rating Score</b> (use <a href="#">Equalities Risk Matrix</a> and guidance)  **If any of these are 3 or above, an Impact Assessment <b>must</b> be completed. Please check with <a href="mailto:equalities@wiltshire.gov.uk">equalities@wiltshire.gov.uk</a> for advice					
<b>Criteria</b>	<b>Inherent risk score on proposal</b>		<b>Residual risk score after mitigating actions have been identified</b>		
Legal challenge	12 (Significant Risk)		6		
Financial costs/implications	2		2		
People impacts	16 (Significant Risk)		8		
Reputational damage	12 (Significant Risk)		6		
<b>Section 1 – Description</b> of what is being analysed					
<p>The Cabinet has asked officers to bring forward the implications of an option to consider the transfer the ownership of the Gypsy and Traveller Sites at Dairy House Bridge and Oak Tree Field in and near Salisbury.</p> <p>Recent discussions with Homes England have highlighted that some new external grant funding might be available for these sites but that the Council would need to find the remaining funding. At a time when the Council needs to find substantial savings and cut back on some service provision, finding the funding required for these sites was always going to be difficult to achieve. However, this new funding would only be available for the redevelopment of the existing sites, therefore, it is likely that the Council would need to find something in the realm of £3m to progress this work, subject to successful bids to obtain the balance in grant funding.</p> <p>In a paper taken forward with the options for investment into these sites, officers were asked to examine the option for transferring the ownership to be layered in as an additional and potentially favoured solution, given the financial constraints placed on the Council.</p> <p>This Equality Impact Assessment is therefore geared to consider the implications of this one solution of transferring the ownership</p>					

**Section 2A – People or communities that are currently targeted or could be affected**

by any change (please take note of the Protected Characteristics listed in the action table).

The community / people who are impacted by this proposal are:

- The existing residents on both sites, who for many years have been informed that redevelopment of these sites was the proposal of the Council. The remaining 3no Gypsy and Traveller sites owned by the Council have had this work completed and, due to the investment made, are not being considered for transfer due to the need to generate income to help pay off the investment made by the Council.
- The wider Gypsy and Traveller Community as conditions on Dairy House Bridge and Oak Tree Field mean that vacant units on these sites are not suitable to be offered as accommodation until at least some investment is made. It is questionable that conditions comply with the government's Model Standards 2008 for Caravan Sites in England.

As a result, it could be construed that that Council is not acting in a fair manner to these groups who, up to this point, have been led to believe that the Council would invest in the redevelopment and creation of sustainable housing solutions on these sites. As a result of this previous decision, the council has held off some repairs and only carried out repairs of a temporary nature to keep facilities going rather than spend money on things that would originally been down for complete replacement.

At present there are now 10 plots on these sites that are no longer fit for letting due to fly-tipping, vandalism and poor site conditions, and this means both a loss of rental income and an under provision of accommodation to the wider Gypsy & Traveller community.

What is becoming obvious is that the option to transfer the ownership will not come without some expense on the part of the Council and so it comes down to a comparison of all the options into to reach a sustainable decision.

Any decision not to proceed with the redevelopment option could be considered to be discriminatory towards the Gypsy and Traveller community without a full and proper explanation that clearly demonstrates a transparent decision making process.

**Section 2B – People who are delivering the policy or service that are targeted or could be affected (i.e. staff, commissioned organisations, contractors)**

Council staff, particularly the Gypsy & Traveller Manager in Housing, have been subject to constant questioning about these two sites and when the proposed works were to proceed. The staff in the current Gypsy & Traveller project team give an indication of the level of impact a decision to dispose would have on the Council. The following services are part of team:

- Housing – lead officers
- Strategic Assets
- Legal Services
- Finance
- Strategic Procurement
- Public Health
- Public Protection
- Corporate Services
- Planning
- Communications

Therefore, the implications of any decision are likely to have a call on officers within these teams and at a cost to the Council.

In addition, it is likely that we will have to make use of external consultants to undertake a variety of services, such as stock condition surveys, valuations and marketing of the sites as we do not have the resources available in the timeframes required to make a clear decision

**Note:** Throughout this Project it is vitally important the Council takes care over our communications and that we ensure there is no discrimination towards the Gypsy & Traveller Community

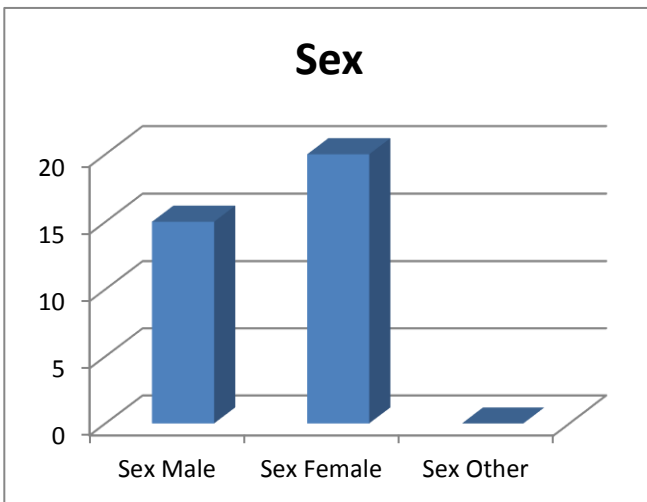
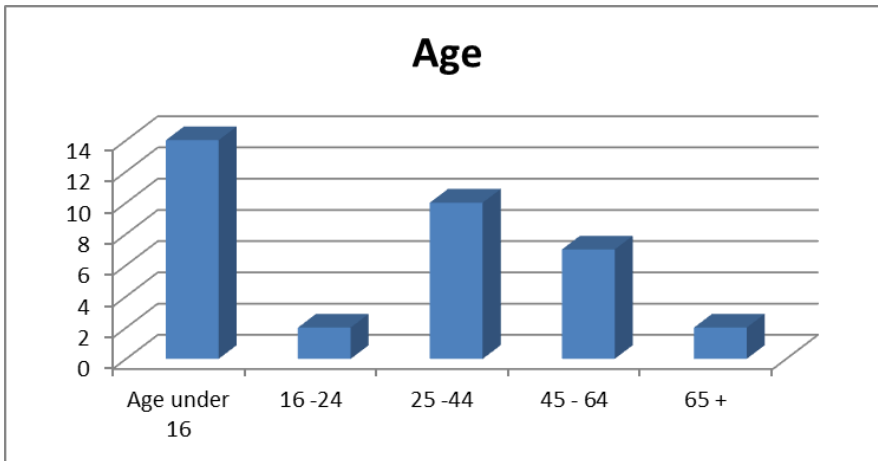


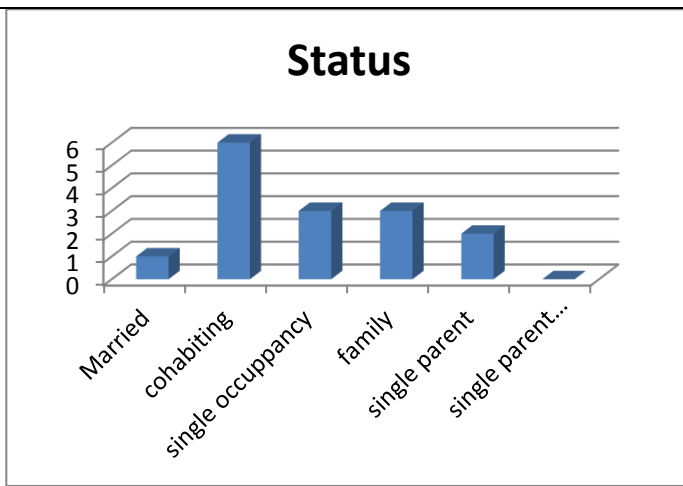
**Section 3** –The underpinning **evidence and data** used for the analysis (Attach documents where appropriate)

Prompts:

- What data do you collect about your customers/staff?
- What local, regional and national research is there that you could use?
- How do your Governance documents (Terms of Reference, operating procedures) reflect the need to consider the Public Sector Equality Duty?
- What are the issues that you or your partners or stakeholders already know about?
- What engagement, involvement and consultation work have you done? How was this carried out, with whom? Whose voices are missing? What does this tell you about potential take-up and satisfaction with existing services?
- Are there any gaps in your knowledge? If so, do you need to identify how you will collect data to fill the gap (feed this into the action table if necessary)

At this present time we are still assembling this information but the following is a summary of the facts that have been put together:





Meetings have been held with Hampshire County Council and Buckinghamshire County Council and we are seeking to meet with Somerset County Council, which have transferred all of their sites to a third party outside of the Council to manage this housing provision.

In support of this project, the following documents have been prepared:

- Risk Register
- Equality Impact Assessment
- Health Impact Assessment
- Consultation Plan
- Communications Plan
- Transfer proposal - outline the approach towards marketing and seeking to maximize value for money
- Legal Proposal – to outline all the legal constraints that might apply to the transfer option

It is acknowledged that until the consultation with residents commences, we cannot fully appraise all the issues that could arise from this proposal. As a result, this document along the others listed above will be kept under review by the Project Team on a regular basis.

**\*Section 4 – Conclusions** drawn about the impact of the proposed change or new service/policy

Prompts:

- What actions do you plan to take as a result of this equality analysis? Please state them and also feed these into the action table
- Be clear and specific about the impacts for each Protected Characteristic group (where relevant)
- Can you also identify positive actions which promote equality of opportunity and foster good relations between groups of people as well as adverse impacts?
- What are the implications for Procurement/Commissioning arrangements that may be happening as a result of your work?
- Do you plan to include equalities aspects into any service agreements and if so, how do you plan to manage these through the life of the service?
- If you have found that the policy or service change might have an adverse impact on a particular group of people and are **not** taking action to mitigate against this, you will need to fully justify your decision and evidence it in this section

As stated previously, this document will be kept under review by the Gypsy & Traveller Project Team and as matter become clearer, a set of conclusions can be drafted and included in this section

**\*Section 5 – How will the outcomes from this equality analysis be monitored, reviewed and communicated?**

Prompts:

- Do you need to design performance measures that identify the impact (outcomes) of your policy/strategy/change of service on different protected characteristic groups?
- What stakeholder groups and arrangements for monitoring do you have in place? Is equality a standing agenda item at meetings?
- Who will be the lead officer responsible for ensuring actions that have been identified are monitored and reviewed?
- How will you publish and communicate the outcomes from this equality analysis?
- How will you integrate the outcomes from this equality analysis in any relevant Strategies/Policies?

The details within the document will be kept under review by the Gypsy & Traveller Project Team assembled to undertake the review of the transfer option. The Project Team meets monthly but this document will be placed on the agenda on a quarterly basis and kept under constant review to ensure that decisions are reached in a transparent manner.

**\*Copy and paste sections 4 & 5 into any Committee, CLT or Briefing papers as a way of summarising the equality impacts where indicated**

Please send a copy of this document to [Equalities@wiltshire.gov.uk](mailto:Equalities@wiltshire.gov.uk)

Completed by:	<ul style="list-style-type: none"> <li>• Tim Bruce – Strategic Asset Manager – Housing</li> <li>• Emily Higson – Corporate Services</li> </ul>	
Date	14th May 2018	
Signed off by:	<ul style="list-style-type: none"> <li>• Janet OBrien – Head of Strategy and Assets – Housing</li> <li>• Alistair Cunningham - Corporate Director Growth, Investment &amp; Place</li> </ul>	
Date	14th May 2018	
To be reviewed by:	<ul style="list-style-type: none"> <li>• Janet OBrien, together with the G&amp;T Project Team</li> </ul>	
Review date:	Quarterly basis as Project Team Meetings	
For Corporate Equality Use only	Compliance sign off date:	tbc

<b>Equality Impact Issues and Action Table</b> (for more information on protected characteristics, see <a href="#">page 7</a> )					
<b>Identified issue drawn from your conclusions</b> (only use those characteristics that are relevant)	<b>Actions needed – can you mitigate the impacts? If you can how will you mitigate the impacts?</b>	<b>Who is responsible for the actions?</b>	<b>When will the action be completed?</b>	<b>How will it be monitored?</b>	<b>What is the expected outcome from the action?</b>
<b>Age</b>					
Based on the demographics of the existing residents, there are a number of young children living on these sites and therefore, keeping them and their families safe must be a priority	The key action is to seek to maintain the sites in sufficient condition that warrants the maintenance of existing homes	Mike Davies/ Nicole Smith	Ongoing	Through the Project Team Meetings	That the impact on residents is minimized and that all existing residents are able to remain in occupation. No acts or statements that could be construed as discrimination towards this group
<b>Disability</b>					
Based on the demographics of the existing residents, there are no particular concerns in this area	None at this present time	Mike Davies/ Nicole Smith	Ongoing	Through the Project Team Meetings	That the impact on residents is minimized and that all existing residents are able to remain in occupation. No acts or statements that could be construed as discrimination towards this group
<b>Gender Reassignment</b>					
Based on the demographics of the existing residents, there are no particular concerns in this area	None at this present time	Mike Davies/ Nicole Smith	Ongoing	Through the Project Team Meetings	That the impact on residents is minimized and that all existing residents are able to remain in occupation. No acts or statements that could be construed as discrimination towards this group
<b>Marriage and Civil Partnership</b>					
Tbc	Tbc	Mike Davies/ Nicole Smith	Ongoing	Through the Project Team Meetings	That the impact on residents is minimized and that all existing residents are able to remain in occupation. No acts or statements that could be construed as discrimination towards this group
<b>Pregnancy and Maternity</b>					
Tbc	Tbc	Mike Davies/ Nicole Smith	Ongoing	Through the Project Team Meetings	That the impact on residents is minimized and that all existing residents are able to remain in occupation. No acts or statements that could be construed as discrimination towards this group

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<b>Race</b> (including ethnicity or national origin, colour, nationality and Gypsies and Travellers)					
This is the area of most concern as we are dealing with a specific cultural and racial group within the Gypsy and Traveller Community	All Officers and Members need to understand how decisions reached may impact on this community, which is why consultation and involvement is so vital	The Whole Project Team and Members	Ongoing	Through the Project Team Meetings	That the impact on residents is minimized and that all existing residents are able to remain in occupation. No acts or statements that could be construed as discrimination towards this group
<b>Religion and Belief</b>					
Based on the demographics of the existing residents, there are no particular concerns in this area	None at this present time	Mike Davies/ Nicole Smith	Ongoing	Through the Project Team Meetings	That the impact on residents is minimized and that all existing residents are able to remain in occupation. No acts or statements that could be construed as discrimination towards this group
<b>Sex</b>					
Based on the demographics of the existing residents, there are no particular concerns in this area	None at this present time	Mike Davies/ Nicole Smith	Ongoing	Through the Project Team Meetings	That the impact on residents is minimized and that all existing residents are able to remain in occupation. No acts or statements that could be construed as discrimination towards this group
<b>Sexual Orientation</b>					
Based on the demographics of the existing residents, there are no particular concerns in this area	None at this present time	Mike Davies/ Nicole Smith	Ongoing	Through the Project Team Meetings	That the impact on residents is minimized and that all existing residents are able to remain in occupation. No acts or statements that could be construed as discrimination towards this group
<b>Other</b> (including caring responsibilities, rurality, low income, Military Status etc)					
Cultural Awareness Low income on most residents	The Corporate Business Plan refers to 'Protecting those who are most vulnerable' and many of the residents living and seeking this housing provision fall within this category. Care and support must be given to our residents to ensure that the impact of decisions is minimized	The Whole Project Team and Members	Ongoing	Through the Project Team Meetings	That the impact on residents is minimized and that all existing residents are able to remain in occupation. No acts or statements that could be construed as discrimination towards this group

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## **Calculating the Equalities Risk Score**

You will need to calculate a risk score twice:

1. On the inherent risk of the proposal itself (without taking into account any mitigating actions you may identify at the end of the Equality Analysis (EA) process)
2. On the risk that remains (the residual risk) after mitigating actions have been identified

This is necessary at both points to:

- Firstly, identify whether an EA needs to be completed for the proposal and;
- Secondly, to understand what risk would be left if the actions identified to mitigate against any adverse impact are implemented

### **Stage 1 - to get the inherent risk rating:**

1. Use the [Equalities Risk Criteria Table](#) below and score each criterion on a scale of 1 - 4 for the impact and 1 – 4 on their likelihood of occurrence. Multiply these 2 scores together (Likelihood x Impact) to get a score for that criterion (this will range from 1 – 16).
2. Record each of these scores in the [table](#) at the beginning of this document
3. Assess whether you need to carry out an EA using the guidance box below (stage 2).

### **Stage 2 - to identify whether an EA needs to be carried out:**

If your inherent risk score (for any criteria) is:

**12 – 16 or Red** = High Risk. **An Equality Analysis must be completed.** Significant risks which have to be actively managed; reduce the likelihood and/or impact through control measures.

**6 – 9 or Amber** = Medium Risk. **An Equality Analysis must be completed.** Manageable risks, controls to be put in place; managers should consider the cost of implementing controls against the benefit in the reduction of risk exposure.

**3 – 4 or Green** = Low Risk. **An Equality Analysis must be completed**

**1 – 2 or Green** = Low Risk. **An Equality Analysis does not have to be completed**

### **Stage 3 - to get the residual risk rating:**

1. Repeat the process above when mitigating actions have been identified and evidenced in the [table](#) on page 3 to calculate the **residual risk**
2. Make a note of the residual risk score in the [table](#) on the first page of the EA template

Equalities Risk Criteria Table

Impact Criteria	Low 1	Moderate 2	Substantial 3	Critical 4
Legal challenge to the Authority under the Public Sector Equality Duty	Complaint/initial challenge may easily be resolved	Internal investigation following a number of complaints or challenges	Ombudsman complaint following unresolved complaints or challenges	Risk of high level challenge resulting in Judicial Review
Financial costs/implications	Little or no additional financial implication as a result of this decision or proposal	Medium level implication with internal legal costs and internal resources	High financial impact - External legal advice and internal resources	Severe financial impact - legal costs and internal resources
People impacts	No or Low or level of impact on isolation, quality of life, achievement, access to services. Unlikely to result in harm or injury. Mitigating actions are sufficient	Significant quality of life issues i.e. Achievement, access to services. Minor to significant levels of harm, injury, mistreatment or abuse OR, low level of impact that is possible or likely to occur with over 500 people potentially affected	Serious Quality of Life issues i.e. Where isolation increases or vulnerability is greatly affected as a result. Injury and/or serious mistreatment or abuse of an individual for whom the Council has a responsibility OR, a medium level of impact that is likely to occur with over 500 people potentially affected	Death of an individual for whom the Council has a responsibility or serious mistreatment or abuse resulting in criminal charges OR High level of impact that is likely to occur, with potentially over 500 people potentially affected
Reputational damage	Little or no impact outside of the Council	Some negative local media reporting	Significant to high levels of negative front page reports/editorial comment in	National attention and media coverage

### Equalities Risk Matrix

		Acceptable		Actively managed	
		Very unlikely (1)	Unlikely (2)	Likely (3)	Very likely (4)
Impact	Critical (4)	4	8	12 Significant risk	16 Significant risk
	Substantial (3)	3	6	9	12 Significant risk
	Moderate (2)	2	4	6	8
	Low (1)	1	2	3	4
		Very unlikely (1)	Unlikely (2)	Likely (3)	Very likely (4)
Likelihood of occurrence					



## **The protected characteristics:**

**Age** - Where this is referred to, it refers to a person belonging to a particular age (e.g. 32 year olds) or range of ages (e.g. 18 - 30 year olds). This includes all ages, including children and young people and older people.

**Disability** - A person has a disability if s/he has a physical or mental impairment which has a substantial and long-term adverse effect on that person's ability to carry out normal day-to-day activities.

**Gender reassignment** - The process of transitioning from one gender to another.

**Race** - Refers to the protected characteristic of Race. It refers to a group of people defined by their race, colour, and nationality (including citizenship) ethnic or national origins.

**Religion and belief** - Religion has the meaning usually given to it but belief includes religious and philosophical beliefs including lack of belief (e.g. Atheism). Generally, a belief should affect your life choices or the way you live for it to be included in the definition.

**Marriage and civil partnership** - Marriage is defined as a 'union between a man and a woman'. Same-sex couples can have their relationships legally recognised as 'civil partnerships' and from 29<sup>th</sup> March 2014, same-sex couples can also get married at certain religious venues. Civil partners must be treated the same as married couples on a wide range of legal matters.

**Pregnancy and maternity** - Pregnancy is the condition of being pregnant. Maternity refers to the period of 26 weeks after the birth, which reflects the period of a woman's ordinary maternity leave entitlement in the employment context.

**Sex (this was previously called 'gender')** - A man or a woman.

**Sexual orientation** - Whether a person's sexual attraction is towards their own sex, the opposite sex or to both sexes

You are also protected if you are discriminated against because you are **perceived** to have, or are **associated** with someone who has, a protected characteristic. For example, the Equality Act will protect people who are caring for a disabled child or relative. They will be protected by virtue of their association to that person (e.g. if the Carer is refused a service because of the person they are caring for, this would amount to discrimination by association and they would be protected under the Equality Act)

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# **Rapid Health Impact Assessment**

**for**

**Possible Disposal of**

**Dairy House Bridge and Oak Tree Field**

**Gypsy and Traveller Sites**

**at**

**Salisbury.**

DRAFT

## **Purpose of report**

1. To determine the health impacts upon the affected population should the Council proceed with the disposal of the Dairy House Bridge and Oak Tree Field gypsy and traveller sites at Salisbury.

## **Background**

2. Travellers (including Gypsies) are usually visibly identified with caravans, but mobility is not their defining characteristic. Travellers comprise of many groups, each with their own lifestyle, culture and traditions. Only Gypsies and Irish Travellers are recognised as distinct ethnic groups under the Race Relations Act 1989. However, the experiences of second or third generation new Travellers, although not a distinct ethnic group, are believed to be like those of Gypsies and Irish Travellers. Other Travellers include show-people and people living on boats (boaters).
3. The precise number of Travellers in England and Wiltshire is unclear. The most recent ONS analysis released in 2014 (using 2011 Census data) recorded 58,000 in England and Wales who identified themselves as a Gypsy or Irish Traveller (this doesn't include those who identify themselves as other forms of Traveller); suggesting Travellers as the smallest ethnic group accounting for 0.1% of the population in England and Wales. According to the 2011 Census, 757 people in Wiltshire identified themselves as being of Gypsy or Irish Traveller ethnicity; 0.2% of the population. Appendix 1 shows the distribution of gypsies in Wiltshire by Output Area. According to the latest Gypsy and Traveller Accommodation Assessment (GTAA) for Wiltshire, in 2014, there were 200 traveller families on permitted traveller sites in the county, totalling 634 people.
4. The Housing Act 2004 and the PPTS6, put in place a framework which means every local authority must identify land for the Gypsy and Traveller sites that are needed in its area. Wiltshire Council has responded to the Government's policy changes by adopting its Core Strategy which is compliant with national policy. Core Policy 47 sets out pitch and plot targets for permanent gypsy and traveller pitches, show people plots and transit pitches. The policy is also applied when assessing the locational effects of traveller sites coming forward via planning applications.
5. In addition, the Council is in the process of preparing a Gypsy and Traveller Development Plan Document (DPD) which will allocate sufficient land to meet the housing needs of gypsies and travellers and travelling show people. The latest housing need figures are set out in the 2014 GTAA which was prepared independently. According to that document, there is a need for 90 Gypsy and Traveller pitches and 7 show-people plots in Wiltshire between 2014 and 2029. The study also recommended the development of a network of emergency stopping places.
6. The Housing Act 2004 requires local housing authorities to include Gypsies and Travellers in their accommodation assessments and to take a strategic approach, including drawing up a strategy demonstrating how the accommodation needs of Gypsies and Travellers will be met, as part of their wider housing strategies.
7. Wiltshire Council currently owns and/or operates 5 residential Gypsy and Traveller sites around the county, providing a total of 100 pitches for their semi-

permanent residents. A further 12 (As stated in Site disposal doc) pitches are available at an established transit site in Salisbury. Gypsies and Travellers can stay on the transit site for up to 28 days whilst they are travelling through the county. There are currently no emergency stopping places where Gypsies and Travellers could stop for very short periods determined by the Local Authority.

This current level of provision is: Area of the county	Number of local authority sites in each area	Numbers of pitches in each area
North Wiltshire (1 site)	Thingley	31
East Wiltshire (0 sites)	0	0
South Wiltshire (3 sites)	Lode Hill Dairy House Bridge Oak Tree Field	12 18 32
West Wiltshire (1 site)	Fairhaven	7
Odstock (Transit Site)	1 site	12
Total	6	112

8. Findings from national research highlights the impact of environmental and social conditions upon Travellers and their families who are more likely to experience poorer general health when compared to the wider population. Poor health is reflective of poor and inappropriate accommodation. Site conditions can lead to poorer mental health and insecurities. Poorer health is seen at a younger age compared to the wider population. Research suggests that privately owned sites tend to be healthier sites.
9. The sites of interest in this Rapid Health Impact Assessment (HIA) are Dairy House Bridge and Oak Tree Field which are in the south of the county in and around Salisbury.

### **Background on Dairy House Bridge and Oak Tree Field Gypsy and Traveller Sites**

10. Dairy House Bridge plot covers 1.16 acres. The site has 18 pitches with 13 licensees, 5 void pitches (vandalised). There are currently 35 people on site including 14 aged under 16 years old, 2 aged between 16-24 years old, 10 aged 25-44 years old, 7 aged 45-64 years old and 2 aged 65 plus. 42% of the population are male. Families are defined as 1 married couple, 6 couples cohabiting, 3 single occupancies and 2 single parent families. There is also a concern about the proximity of the homes as a potential risk to health. See appendix 2 and appendix 4.
11. Oak Tree Field site covers 7.61 acres (9.58 acres including transit site). The site comprises of 32 pitches, 26 licensees, 6 voids (3 of which are vandalised), 29 of the 32 pitches are lettable. There are currently 56 people on site, of which 48% are male; 18 are aged under 16 years old, 7 are aged 16-24 years old, 15 aged 25-44 years old, 13 aged 45-64 years old, and 3 aged over 65. Family status includes 19 cohabiting, 12 in single occupancy and 1 married couple. See appendix 3.

12. It is noted that the lack of investment and repairs on these two sites are leading to conditions which could be detrimental to the health and wellbeing of residents. Conditions on site are extremely poor and the drains are becoming unsustainable, resulting in constant blockages and contributing to rat infestations. See appendix 4
13. The Fire Safety and Layout requirements set out in the Government's Model Standards 2008 for Caravan Sites in England are not being met on Dairy House Bridge. Units are either too close to each other or the boundaries to comply with the Design Standards. Even if repairs/ remedial action is carried out on the sites, the layout and access to the site would still be non-compliant without substantial investment.

### **The Rapid Health Impact Assessment**

14. The International Association for Impact Assessment (2006) defines a Health Impact Assessment (HIA) as “a combination of procedures, methods and tools that systematically judges the potential, and sometimes unintended, effects of a policy, programme or project on both the health of a population and the distribution of those effects within the population. HIA identifies appropriate actions to manage those effects.”
15. WHO suggests that by completing the HIA it allows decision-makers to “make choices about alternatives and improvements to prevent disease/injury and to actively promote health” (WHO, 2011).
16. Although a comprehensive HIA methodology has been selected, due to the information, time and resources available, a ‘rapid’ HIA (RHIA) has been undertaken. A RHIA begin defined as a HIA method has been adapted to a ‘desk-top’ activity based on the time, intelligence and resource available and completed within a short time scale. A full HIA, which would be recommended, requires sufficient planning involves not only data gathering but extensive engagement with partners, stakeholders and the population affected.
17. This RHIA is to use the Department of Health HIA approach to assess the proposed disposal of Dairy House Bridge and Oak Tree Field Gypsy and Traveller Sites and identify the positive and adverse effects on the health of those that might live in these communities.

### **Description of what is being assessed**

18. The Wiltshire’s Cabinet have requested officers to bring forward the implications of an option to consider the disposal of the Gypsy and Traveller Sites at Dairy House Bridge and Oak Tree Field in and near Salisbury. This follows the loss of external funding originally intended for the redevelopment of both sites.
19. Recent discussions with Homes England have highlighted that some new external grant funding might be available for these sites but that the Council would need to find the remaining funding. At a time when the Council needs to find substantial savings and cut back on some service provision, finding the funding required for these sites was always going to be difficult to achieve. However, this new funding would only be available for the redevelopment of the existing sites, which came to a total of some £5m, therefore, it is likely that the Council would need to find something in the realm of £3m to progress this work, subject to successful bids to obtain the balance in grant funding.

20. In a paper taken forward with the options for investment into these sites, officers were asked to examine the option for disposal to be layered in as an additional and potentially favoured solution, given the financial constraints placed on the Council. This HIA is therefore to consider the implications of this one solution of disposal
21. It could be construed that that Council is not acting in a fair manner to the existing residents, who up to this point have been led to believe that the Council would invest in the redevelopment and creation of sustainable housing solutions on these sites. Due of this previous decision, the council has held off some repairs and patched to keep facilities going rather than spend additional funds on areas that would originally have been down for complete replacement.
22. At present, there are now 10 plots on these sites that are no longer fit for letting due to fly-tipping, vandalism and poor site conditions. This means both a loss of rental income to the Council and an under provision of accommodation to the wider traveller community.
23. What is becoming obvious is that the option to dispose will not come without some expense on the part of the Council and so it comes down to a comparison of all the options to reach a sustainable decision. Any decision not to proceed with the redevelopment option could be discriminatory towards the traveller communities affected without a full and proper explanation that clearly demonstrates a transparent decision-making process.
24. A Gypsy and Traveller project team have been established to give an indication of the level of impact a decision to dispose would have on the Council. The team includes officers from Housing (lead officers), Strategic Assets, Legal Services, Finance, Strategic Procurement, Public Health, Public Protection, Corporate Services, Planning and Communications.

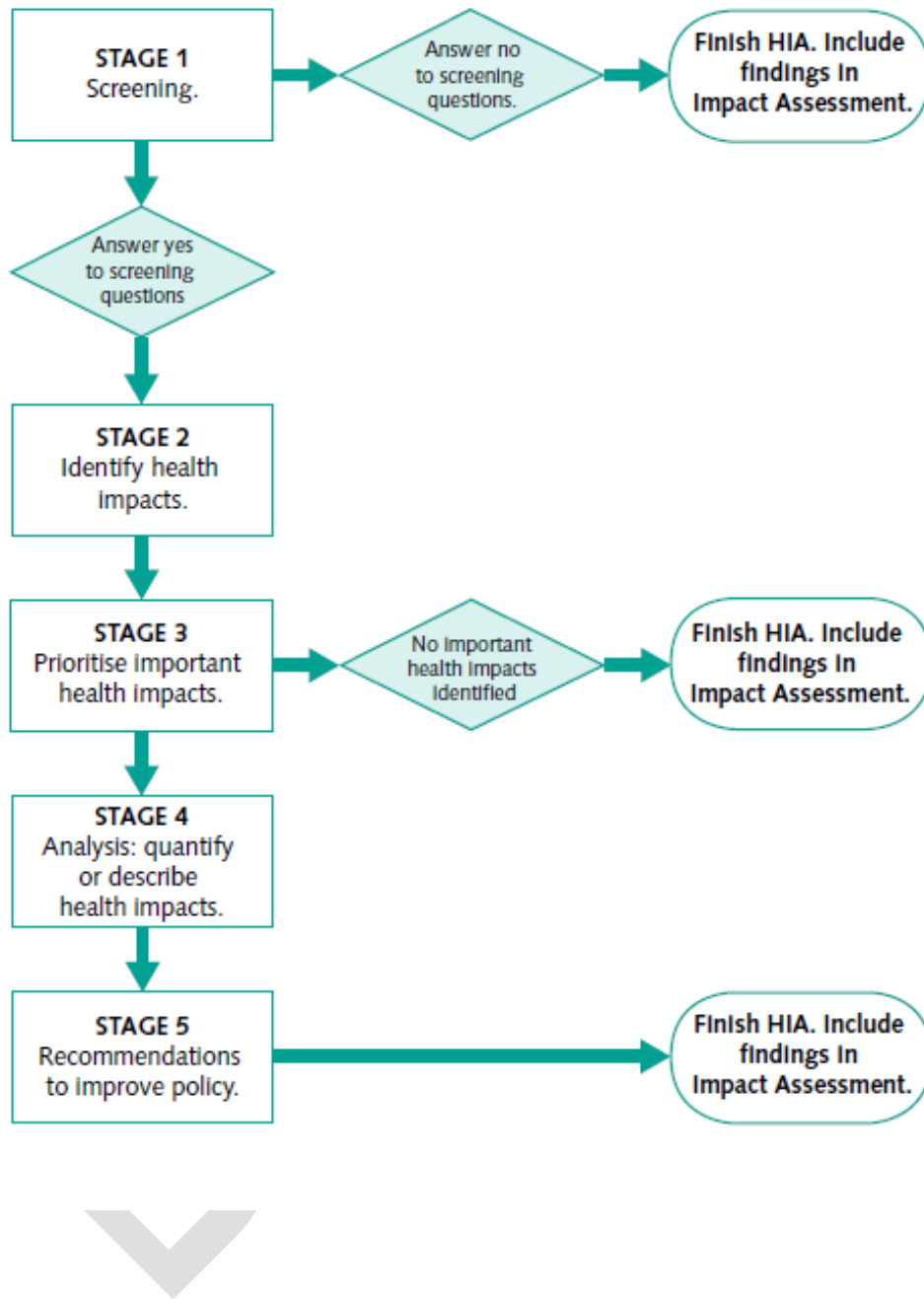
#### **What is not being assessed**

25. Other options include a variety of alternative funding arrangements to improve these sites and maybe subject to the council obtaining external funding for these options to be feasible. Other options Council management of these sites including the repair, refurbishment and/or redesign of these sites. These alternative options have not been considered as part of this RHIA.

#### **Rapid Health Impact Assessment Methodology**

26. Based on the [Department of Health's Health Impact Assessment Tools - Simple tools for recording the results of the Health Impact Assessment](#) process has been followed (see figure 1 overleaf).

**Figure 1 - Health Impact Assessment Tools - Simple tools for recording the results of the Health Impact Assessment (DoH, 2006)**





## Stage 1 – Screening

<b>Screening Question</b>	
<b>Proposal:</b> To Consider the implications of an option to dispose of the Gypsy and Traveller Sites at Dairy House Bridge and Oak Tree Field in and near Salisbury.	
<b>Will the proposal have a direct impact on health, mental health and wellbeing?</b>	<p><b>Yes.</b></p> <ul style="list-style-type: none"> <li>• Uncertainty and stress for residents will impact on mental health and wellbeing.</li> <li>• Disappointment of residents as Council has changed its approach to managing these two sites</li> <li>• Current conditions of sites do not comply with government design standards for caravan sites</li> <li>• Drainage on both sites is cause for concern</li> <li>• Two sites are reflecting lack of responsive repair, if action is not undertaken subsequent non-action will be potentially harmful to human health</li> <li>• Should redesign or refurbishment be undertaken by current or new site owners there is a potential this may require displacement of the population which will have implications for residents, including children (consider schooling options etc).</li> </ul>
<b>Will the proposal have an impact on social, economic and environmental living conditions that would indirectly affect health?</b>	<p><b>Yes.</b></p> <ul style="list-style-type: none"> <li>• As above</li> <li>• However, a solution is being sought as a result of potential disinvestment.</li> <li>• Selling the sites could have positive and / or negative impact on the health of residents. One of the conditions of sale will include that the land of the site will be for traveller use. The new land owner will be obligated to improve site conditions, in line with national and local regulations – we are selling them as non-compliant.</li> </ul>
<b>Will the proposal affect an individual's ability to improve their own health and wellbeing?</b>	<p><b>Yes.</b></p> <ul style="list-style-type: none"> <li>• Whilst work is being undertaken, there will be disruption, which could contribute to a negative impact on health and wellbeing (e.g. noise, access to facilities).</li> </ul>
<b>Will there be a change in demand for or access to health and social care services?</b>	<p><b>Yes - Potential</b></p> <ul style="list-style-type: none"> <li>• Potential impact on social services, education services, health care services (e.g. seeking mental wellbeing support).</li> </ul>

**Stage 2 & 3 – Identify and prioritise the potential health impacts**

<b>Stage 2 – identify the health impacts</b>				<b>Stage 3 – prioritise health impacts</b>
<b>Will the health impacts affect the whole population or will there be differential impacts within the population?</b>	<b>Will the health impacts be difficult to remedy or have an irreversible impact?</b>	<b>Will health be impacted in the medium to long term?</b>	<b>Are the health impacts likely to generate public concern?</b>	<b>Combining the answers, on balance will the health impacts have an important positive or negative impact on health. Provide a brief overview of the reason for your decision on prioritization.</b>
<p>The impact on one site may differ from another site. Residents will be consulted with and supported through the process. The whole population of both sites will be affected.</p> <p>Consider that this proposal can disproportionately affect the young. Out of the 85 travellers located across both sites, nearly 48% of the residents are 24 or under, if you include those aged up to 44 years old this accounts for nearly 78% of the population.</p>	<p>Selling the land may cause initial uncertainty in the existing population.</p> <p>Council will do short term work to mitigate against risks to health and wellbeing. Short-term</p>	<p>Medium to long term, with an emphasis that health and wellbeing will be improved in the long term.</p>	<p>Possibly. Some negative publicity for the council is likely, however wider population may have less concerns.</p> <p>Local impact (G&amp;T families), wider population is likely to support the council approach.</p>	<p>Current living conditions put physical and mental health at risk. The proposed way forward may cause some initial anxiety and impact on mental wellbeing but the long-term outcome should have positive benefits for those living on both sites.</p>

## **Stage 4 Analysis**

27. Consideration needs to be given to the disproportionately effect on young populations across these sites. Out of the 85 travellers located across both sites, nearly 48% of the residents are 24 or under, if you include those aged up to 44 years old this accounts for nearly 78% of the population.
28. Current living conditions put physical and mental health at risk. The proposed way forward may cause some initial anxiety and impact on mental wellbeing but the long-term outcome should have positive benefits for those living on both sites.

## **Stage 5 Recommendations**

29. Given the council current financial status and the requirements of the sites, it is important that we consider all the options available to us. The option to dispose of the site is but one of those solutions. It is accepted that the current state of both sites will have a potential to negatively impact upon health. Therefore, whichever situation is chosen will have to be carefully managed to mitigate against any major health or wellbeing issues within the affected populations.
30. If time and resource allowed then a full HIA would be recommended, noting this requires sufficient planning and implementation that involves not only data gathering but extensive engagement with partners, stakeholders and the population affected.
31. If time and resource allows, it would be worthwhile considering the health impacts of the other options, should they be feasible and viable.

## **Conclusions**

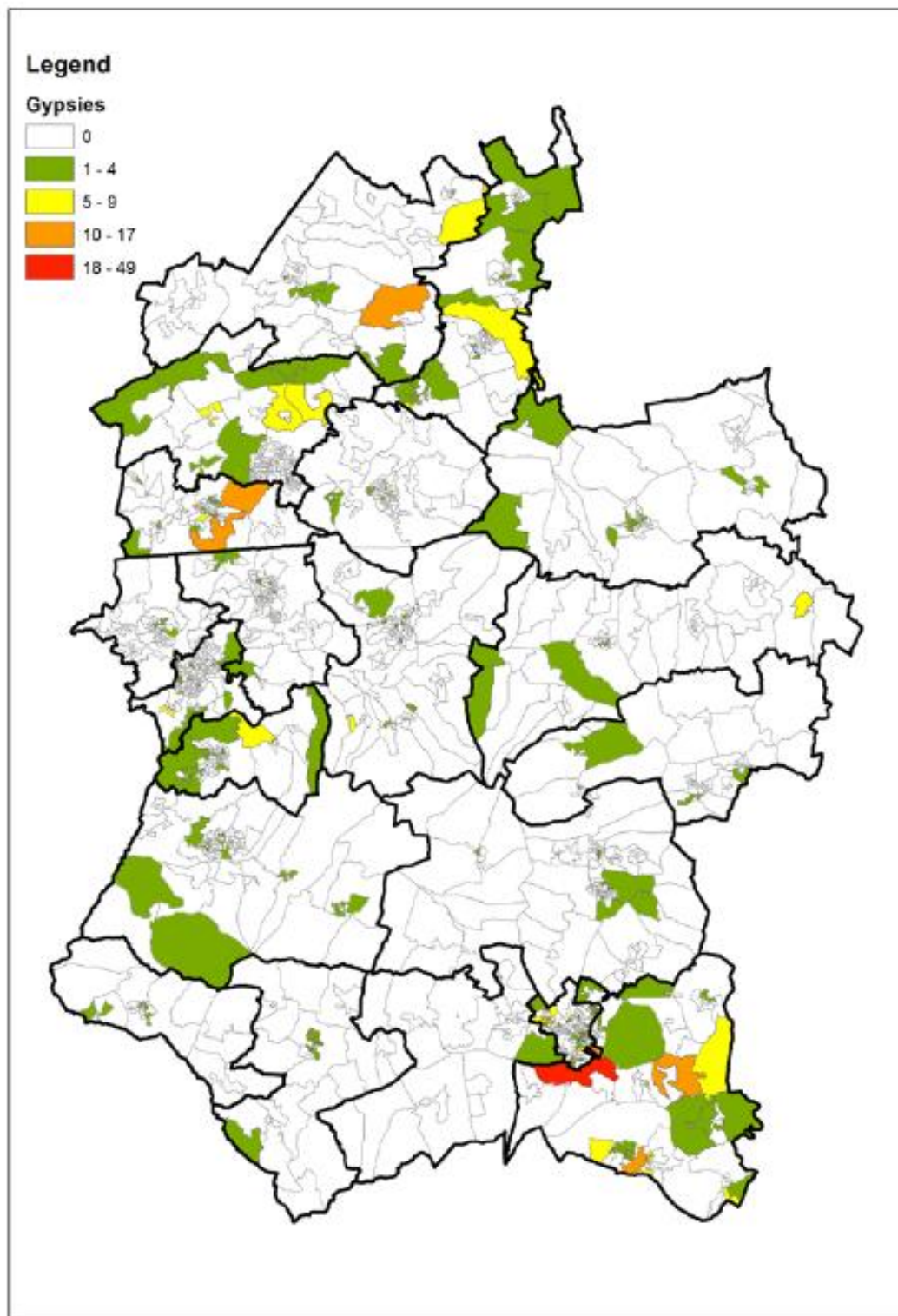
1. Findings from national research highlights the impact of environmental and social conditions upon Travellers and their families who are more likely to experience poorer general health when compared to the wider population. Poor health is reflective of poor and inappropriate accommodation. Site conditions can lead to poorer mental health and insecurities. Poorer health is seen at a younger age compared to the wider population. Research suggests that privately owned sites tend to be healthier sites.
2. It is noted that the lack of investment and repairs on these two sites are leading to conditions which could be detrimental to the health and wellbeing of residents.
3. It is recommended that all options be explored fully within appropriate timescales, including the financial impact of these options, if any, on the council, and in doing so to ensure that the final option chosen is balanced with the health and wellbeing of the residents in the short and long term.

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Author Steve Maddern, Public Health Consultant, Wiltshire Council

February 2018

## Appendix 1 – Traveller locations across Wiltshire



Source: Office for National Statistics, 2011 Census

## Appendix 2 - Dairy House Bridge Site



**Source: To be added**

### Appendix 3 - Oak Tree Field



Source: To be added



#### Appendix 4: Examples of site conditions



Picture 1: Dairy House Bridge Site



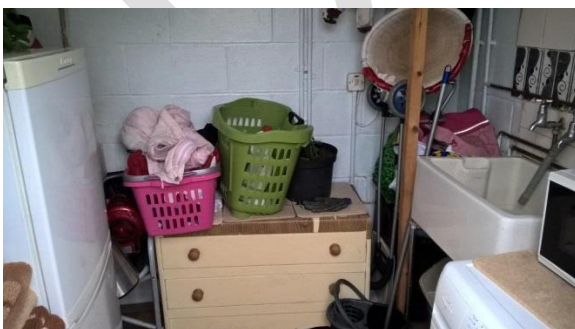
Picture 2: Dairy House Bridge Site, showing close proximity of homes



Picture 3: Oak Tree Field Site, Bathroom



Picture 4: Oak Tree Field Site, Shower room



Picture 5: Oak Tree Field Site, Kitchen

**Source: To be added**

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APPENDIX 7

Options Appraisal Summary – Oak Tree Field and Dairy House Bridge

Option	Description	No. pitches in use	Financial Implications – Capital	Financial Implications - Revenue	Safeguarding & Education Implications	Health & Wellbeing Implications	Health & Safety	Equalities	Place Shaping/Planning	Comments
1.	Do nothing. No capital investment. Ongoing minimum responsive repairs.	30 permanent reducing to 5 by 2035.  0 transit pitches	£0	£1.08m deficit over 25 years	Reduction in pitches will mean reduced opportunity for vulnerable gypsy and traveller families to find affordable accommodation affecting safety, security and educational & employment opportunities	Significantly reduced provision for this minority ethnic group therefore more likelihood of transience of this community with less stable accommodation affecting family health and wellbeing.	Collapsing drainage at DHB would require closure of the site. Poor drainage at OTF creates issues with rats & drain blockages and lack of investment would lead to gradual closure of pitches over time. Also electrical infrastructure outdated and in need of renewal	Gypsies and travellers are a protected minority under equalities legislation. The current sites do not provide equitable standards to those in housing including council housing.	Core strategy requirement for pitches not met.  The 50 permanent and 12 transit pitches are counted in existing provision in the core strategy. Taking these out of use will create a pressure for additional pitches to meet need.  It is difficult to find and develop new pitches both for private and public sector owners.	Not recommended.  Although financially the impact is the lowest, the implications for gypsies and travellers are significant.  In addition the lack of a transit site in Wiltshire leads to limited options for enforcement in relation to unauthorised development or encampment
2.	Refurbishment of existing amenity buildings, renewing drainage and reopening transit site	50 permanent pitches  12 transit pitches	£3.25m	£4.7m deficit over 25 years	Retains the full number of permanent and transit pitches. This ensures there is accommodation available for gypsies and travellers and that standards and conditions are reasonable.	Improved conditions of amenity buildings and drainage infrastructure will improve health and wellbeing for residents.	Fire risk would remain due to poor pitch spacing not addressed. However, improved drainage infrastructure would improve conditions.	Refurbishment of existing facilities would greatly improve conditions for this minority group.	Core strategy requirement for pitch numbers met (ie. Not making the position worse)	Not recommended. Ongoing financial pressures due to outgoings exceeding income. Expensive option in terms of initial capital input. Although conditions would be much improved this option does not address the following issues; (i)Communal utility metering (ii)Poor pitch spacing (iii) Small, single skin amenity blocks. (iv) Unable to increase

										rents as this would just be repairing what exists (planned maintenance) rather than improving so costs will continue to exceed income.
3a.	Demolish and build new amenity buildings providing new infrastructure and individual utility metering and reopening transit site with reduced number of pitches	45 permanent pitches  4 transit pitches	£3.03m (assuming grant funding of £3.15m*)	£1.23m deficit over 25 years	Improved site conditions, modern facilities enabling a good standard of affordable accommodation. Slightly reduced number of both permanent and transit pitches. However, good quality of pitches will enable families to have an affordable home which will help with safety, security and ability to access education and employment	Improved site conditions and modern facilities will ensure better health and wellbeing for residents with heated amenity blocks suitable for bathing and cooking as well as larger pitches to enable space for children to play safely.	Removes health and safety concerns created by poor pitch spacing, poor drainage and electrical infrastructure and poor condition of amenity blocks. In addition, new provision will enhance amenity space and use of that space.	Improved site layouts as well as renewing drainage, utilities, electrical infrastructure and providing new, larger amenity blocks will ensure gypsies and travellers receive a high standard of accommodation and high quality service.	Slight reduction in availability of permanent and transit pitches.  A reduction of permanent and transit pitches available will create a pressure for additional pitches to meet need.  It is difficult to find and develop new pitches both for private and public sector owners.  Reduced transit provision will also lead to difficulties with enforcement.	Recommended for consideration.  Significant capital investment is required. However, the annual revenue deficit is reduced after repayment of the initial investment over 25 years after which time the sites start to generate higher income than outgoings. Also, rents are able to increase significantly to help meet the costs of the investment. By completely renewing the infrastructure, this enables individual water and electricity meters to be installed so that the council is no longer responsible for individual pitch utilities.
3b.	Demolish and build new amenity buildings providing new infrastructure and individual utility metering and reopening the transit site maximising number of pitches	54 permanent pitches  12 transit pitches	£3.68m (assuming grant funding of £3.78m*)	£1.51m deficit over 25 years	Improved site conditions, modern facilities enabling a good standard of affordable accommodation. Slightly reduced number of both permanent and transit pitches. However, good quality of pitches will	Improved site conditions and modern facilities will ensure better health and wellbeing for residents with heated amenity blocks suitable for bathing and cooking as well as larger pitches to	Removes health and safety concerns created by poor pitch spacing, poor drainage and electrical infrastructure and poor condition of amenity blocks. In	Improved site layouts as well as renewing drainage, utilities, electrical infrastructure and providing new, larger amenity blocks will ensure gypsies and travellers receive a high	Increase in availability of permanent pitches and retention of transit pitches therefore contributes additional provision to meet the needs identified through the core strategy.	Recommended for consideration.  Significant capital investment is required. However, the annual revenue deficit is reduced after repayment of the initial investment over 25 years after which time the sites start to generate higher income than

					enable families to have an affordable home which will help with safety, security and ability to access education and employment	enable space for children to play safely.	addition, new provision will enhance amenity space and use of that space	standard of accommodation and high quality service.		outgoings. Also, rents are able to increase significantly to help meet the costs of the investment. By completely renewing the infrastructure, this enables individual water and electricity meters to be installed so that the council is no longer responsible for individual pitch utilities.
4.	Dispose of both sites on the open market as gypsy and traveller sites & close transit site	50 pitches 0 transit pitches	£0 – may achieve capital receipt but unlikely due to current conditions on the sites	£0	New owners may not manage the site in a fair, open and transparent way and may not allow access for all. Therefore vulnerable households may be excluded from accessing these sites by the owners. Also families who are able to stay on the sites may be subject to more stringent site conditions that could create a safeguarding concern.	With little or no control by the Council of the sites there may be additional health and wellbeing concerns for residents as site conditions would be subject to the owner's ability to make improvements. However, a new owner may be prepared to invest to enable improvements and therefore site conditions would improve. The concern would be for those unable to access the sites due to restrictive allocations procedures or if the new owner required a substantial deposit and	There is a risk that health and safety issues would not be adequately addressed. With sites in private ownership responsibility for monitoring this falls to the private sector housing team. There may be enforcement issues if sites are handed over by the council in a poor condition.	There is a risk that the new owners would not operate an equitable allocations policy. As private owners this would be within their control. Gypsies and travellers unable to access the sites or those evicted may be left with limited options for alternative accommodation.  Due to the close location of the transit site to OTF, it would be difficult for the council to continue to retain and operate the transit site as there would be an inevitable shifting of blame with shared	The same number of permanent pitches would be maintained. However, it is likely that an alternative site would need to be found to run the transit site provision.  Lack of a transit site can lead to enforcement issues where there are unauthorised encampments across the county.	Possible consideration.  There will be capital works required by the new owner to get the sites to an acceptable standard which will impact on the site value. Transferring ownership removes the ongoing revenue deficit created by the sites.  However, the Council also loses control over use of the permanent pitches and there are risks around how the sites would be allocated, managed and maintained in the future.  The possible need to close the transit site would also impact on enforcement activity.

						high rents to enable residents to stay on the sites.		responsibility for access and utilities for example.		
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\*Assumed £70K grant per permanent pitch.

Risk Ref	Risk	Risk Category	Link to Corporate Business Plan	Owner
1	Residents go to Media to dispute the Council's approach, increase in complaints, MP letters and petitions	Reputation	An innovative and effective council	Mike Davies/ Nicole Smith
2	Increase in rent arrears and high voids	Financial	An innovative and effective council	Mike Davies/ Nicole Smith/ Leanne Sykes
3	Potential increase in fly tipping / damage	Health & Safety	Protecting those who are most vulnerable	Mike Davies/ Nicole Smith/ Leanne Sykes
4	The lack of investment and repairs on these two sites are leading to conditions which could be prejudicial to health	Health & Safety	Protecting those who are most vulnerable	Tim Bruce/ Janet OBrien/ Leanne Sykes
5	Dairy House Bridge is fast becoming unsustainable with only 13 of the 18 units in occupation and the overall layout is non-compliant. Increased fly tipping, vandalism and loss of rental income and unmet housing need	Reputation	An innovative and effective council	Tim Bruce/ Janet OBrien

6	The current Transit site which is next to Oak Tree Field has been closed for 4+ years and there are no suitable facilities on site to bring it back into use without investment. This is a breach of planning obligations	Legislative	Protecting those who are most vulnerable	Tim Bruce/ Janet OBrien
7	Attracting contractors to carry out the remedial works	Financial	An innovative and effective council	Tim Bruce/ Janet OBrien
8	Contract delivery will require constant supervision which will have resource implications for the Council	All	An innovative and effective council	Tim Bruce/ Janet OBrien
9	Disruption to marketing process	All	Strong communities	Mike Dawson
10	Inability to dispose of the site	Legislative	Protecting those who are most vulnerable	Mike Dawson/ Leanne Sykes

11	No financial value generated	Financial	Growing the economy	Mike Dawson/ Leanne Sykes
12	Resrictions on sale of land.	All	Protecting those who are most vulnerable	Graham Garrett
13	Preferred bidder is unable to secure a site licence.	All	Protecting those who are most vulnerable	Graham Garrett
14	The cost of surveys, remedial works and disposal process to be met from G & T revenue budget. Not yet fully determine but could range from £20k to £120k	Financial	Protecting those who are most vulnerable	Leanne Sykes
19	Residents end up on the road or double up on private sites.	Reputation	Protecting those who are most vulnerable	Highways Enforcement and planning services.
20	Increased difficulty meeting identified need through site allocations in the Local Plan.	Financial	Strong communities	Planning & Property Services

21	Increased need for affordable pitches to be made available through Local Plan allocations.	Financial	Strong communities	Planning & Housing
22	Unable to guage resident's accommodation needs	Reputation	Strong communities	Spatial Planning



Cause	Primary Impact	Secondary Impact	Likelihood (1-4)	Impact (1-4)
Residents consider the Council has failed to deliver promises made, residents are angry and frustrated with the Council	Adverse publicity and Local members placed under pressure	Officer time dealing with media enquiries and members having to make statements	4	2
Residents discontinue paying rent. Residents move to different location and voids increase	Financial - loss of income	Health & Safety due to increase fly tipping and damage to voids	4	3
Loss of respect for site, decide to	Health & Safety to residents,	Financial impact to remove hazardous waste	3	3
For a number of years these sites were intended for redevelopment however, the source of funding for this investment has since been withdrawn. Bids for external funding will not be available to carry out repairs and remedial works.	Conditions on site are extremely poor and the drains in particular are becoming unsustainable and causing rat infestations and constant blockages	The residents on site have been patient but this patience is now running out as the Council have not delivered on redevelopment of both these sites	4	4
The Fire Safety and Layout requirements set out in the Government's Model Standards 2008 for Caravan Sites in England are not being met on Dairy House Bridge	Units are either too close to each other or the boundaries to comply with the Design Standards	Even if we were carry out repairs/ remedial action to the site, the layout and access to the site would still be non-compliant without substantial investment.	3	4

The use of current transit site was always included the original redevelopment proposals but the Council has been unable to identify any alternative sites.	Having a transit site next to a permanent site is unlikely to be successful or sustainable and will lead to disputes and excessive management time to keep all residents satisfied	Resident dissatisfaction whether we invest or not as there will be an impact on them which ever decision is reached	3	3
Contractors are likely to increase their costs on any works that are seen to not fully address the needs of the community. Residents refusing to accept the Council's decisions may refuse access to complete the required works	Any prices are likely to include high risk allowances for undertaking and completing the work unless an effective partnership can be created between the contractor, the Council and the residents.	Time delays as attracting suitable and sufficient contractors may prove difficult unless grounds can be found a more negotiated contract.	4	3
Unless the residents are onboard and there is the understanding that flexibility will be required to deliver the works, the contract may be extremely difficult to effectively deliver within a reasonable timeframe	Tendered or agreed prices do not reflect the actual cost of delivering the works and either the contractor has difficulty in delivering the works or the Council ends up paying considerably more for the works	The works will be inconvenient and may prevent residents having access to bathing or cooking facilities for times of the day on an individual basis whilst works to the drains could affect many residents	3	3
Residents on site refusing access and other forms of disruption	Inability to market site effectively	Lack of site access	2	3
Title issues	Defective title results in legal impediment on sale of site	Delay to sale of site	2	3

Market perceives no value in the sites	Disposal of site would be at a loss to the Council	0	3	4
Restrictions placed on title preventing or limiting the ability to sell	Properties cannot be sold or can only be sold with the consent of a third party.	Delay due to seeking the consent of a third party and additional costs in meeting requirements of a third party.	3	3
The preferred bidder is either incapable or unlikely to be granted a site licence	Properties cannot be sold.	Properties are retained by the council.	3	4
Lack of investment over the last few years with redevelopment having been the proposed route. Withdrawal of government funding	Having to meet from a budget which is unlikely to cover everything required and so overspent in a time where savings are required	Resident dissatisfaction with this course of action	4	3
Residents are forced to leave the site after sell-off or struggle to pay rents.	Increase in unauthorised encampments or overcrowding on private sites. Residents end up homeless.	Additional enforcement cases. More applicants on Council register.	3	1
Residents leaving the site are officially in 'need' as they become homeless.	Insufficient supply to meet need through land allocations. Council to purchase additional land for allocation.	Additional costs to purchase land on the open market to ensure sufficient suitable land is allocated in the Local Plan.	3	2

<p>As a follow on risk from the above. Residents leaving the site cannot afford purchasing/renting a pitch on existing or new sites.</p>	<p>Council to ensure affordable pitches are available on new sites allocated in the Plan given the evidence on increased need/demand following sell-off.</p>	<p>Increased risk to Local Plan robustness as RSL or Council may have to step in to bring forward a proportion of new sites with affordable pitches that remain so in perpetuity.</p>	<p>3</p>	<p>2</p>
<p>Residents being upset about the prospect of change of site ownership.</p>	<p>Residents unwilling to cooperate when approached for interviews as part of the next Gypsy and Traveller Accommodation Assessment (likely to be this year).</p>	<p>Incomplete 'needs' data for Local Plan review and site allocations.</p>	<p>4</p>	<p>2</p>

Inherent Risk	Controls	Likelihood (1-4)	Impact (1-4)	Residual Risk
8	1. Develop a Communications Plan to ensure there is a joined up process for dealing with enquiries	3	2	6
12	1. Clear communication 2. Robust action on arrears process 3. Regular estate visits	3	2	6
9	1. Clear communication 2. Regular estate visits	3	2	6
16	1. Commission up to date condition surveys to determine the level of investment required to maintain the existing tenancies 2. Obtain funding to undertake essential and emergency works to ensure the safety and well being of the existing residents	3	3	9
12	1. Consider closure on Dairy House Bridge 2. Focus investment on to a single site, but this would reduce the Council's overall provision for the G&T Community	3	2	6

9	<p>1. The Council needs to find alternative sites to use as temporary accommodation (Transit) within the County</p> <p>2. Maintain the site at Oak Tree Field as a permanent Transit Site is unlikely to be successful</p>	3	2	6
12	<p>1. Consider issuing a notice of intention to carry out works and interview prospective contractors to determine if a negotiated contract may prove more successful.</p> <p>2. Accept that traditional tendering, which places the majority of the risk with the contractor, will be unlikely to deliver value for money</p>	3	3	9
9	<p>Creation of an effective partnership to complete the works will take a great deal of trust and negotiation, but investing in creating this platform will be resource demanding on the Council</p>	3	2	6
6	<p>1. Communication strategy to be reobust</p> <p>2. Clear time line issued to residents</p> <p>3. Complementary means of issuing site information</p>	1	3	3
6	<p>1. Clear due diligence on site prior to marketing</p>	1	3	3

12	1. Estimate of site value obtained from outset 2. Cabinet decision accepts may not yield a significant value 3. Determine whether any works would enhance the site value	2	3	6
9	1. Undertake title investigation at an early stage to identify any possible issues.	2	3	6
12	1. Bidders should be required to engage with the Licencing Team before submitting bids or such information as will be required for an application for a site licence should form part of all bids.	3	3	9
12	Difficult to avoid the need to keep people safe but decommissioning of one site may reduce the potential overspend but create other difficulties	3	3	9
3	Free pre-application advice to travellers; development plan policies guiding new development if residents wish to develop private	2	2	4
6	Seek approval from members to purchase additional land otherwise failure to get Local Plan through examination.	3	2	6

6	As above. Allocate sites for delivery of affordable pitches. Seek delivery partner but judged to be difficult at this point as repeat of current exercise basically.	3	2	6
8	Communications Strategy underpinning GTAA project.	3	2	6



**Wiltshire Council**

**Cabinet**

**15 May 2018**

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**Subject: Wiltshire Housing Site Allocations Development Plan Document - Proposed Submission**

**Cabinet Member: Councillor Toby Sturgis - Planning and Strategic Asset Management**

**Key Decision: Yes**

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## **Executive Summary**

The Wiltshire Core Strategy (adopted January 2015) plans for housing to come forward through several sources including: strategic site allocations, neighbourhood planning, planning applications and site allocations plans. The Council's Local Development Scheme presents a commitment to prepare two site allocations plans, as anticipated by the Wiltshire Core Strategy. The Chippenham Site Allocations Plan was adopted by Council on 16 May 2017 and plans for the delivery of homes and employment opportunities at Chippenham. The Wiltshire Housing Site Allocations Plan is being prepared for the rest of Wiltshire.

Consultation has now been undertaken on the 'Wiltshire Housing Site Allocations Plan - Pre-submission draft plan (June 2017)' (the draft Plan), following approval by Cabinet on 20 June 2017. This draft Plan has been prepared to:

- (i) Allocate new sites for housing to ensure the delivery of the Wiltshire Core Strategy housing requirement of at least 42,000 dwellings (2006-2026) and maintain a five-year housing land supply in each of Wiltshire's three Housing Market Areas over the period to 2026; and
- (ii) Review, where necessary, settlement boundaries (or 'limits of development') in relation to the Principal Settlements of Salisbury and Trowbridge, Market Towns, Local Service Centres and Large Villages.

The formal consultation stage, where representations are invited on the soundness of the Plan, ended on 22 September 2017. At the close of consultation approximately 3,370 comments had been received approximately 970 consultees. In broad terms, most of the comments were concerned with the purpose of the plan and its methodology for selecting sites. A considerable proportion of the representations focussed on the proposed site allocations in Trowbridge and Salisbury. A more limited response related to the settlement boundary review proposals.

Having reviewed the comments received, Officers consider there are none which raise fundamental issues of soundness that would preclude the submission of the Plan to the Secretary of State for Examination. As explained in the report they generally present different interpretations of the evidence base or raise concerns regarding individual sites which is to be expected at this stage of the process.

The National Planning Policy Framework (paragraph 216) anticipates that 'unresolved objections' will need to be addressed through the Examination process. To inform and assist the Examination process a number of 'changes' are proposed to the draft Plan that respond to representations received for consideration by the appointed Inspector. These 'Proposed Changes' are categorised as either being 'minor' - i.e. not affecting the substance of the draft Plan, or 'main' - i.e. they affect the content of the draft Plan and hence will be considered through the Examination.

The next stage involves the submission of the draft Plan and other documents prescribed by legislation to the Secretary of State, who will appoint an Inspector. The Plan and all submitted evidence, including the representations received through the formal consultation undertaken in 2017, will then be independently and robustly examined in terms of legal compliance and soundness.

Subject to Cabinet endorsement and Council approval, submission of the draft Plan, together with the Proposed Changes, will be possible by end June 2018. This accords with the latest Local Development Scheme (September 2017) and will ensure that the Council continues to make timely progress with its Local Plan and improve the supply of housing land.

Endorsement of the Proposed Changes is therefore sought along with delegated authority to proceed with the next stages to enable the Plan to move through the submission and Examination stages as efficiently as possible.

## **Proposals**

That having considered the outcome of the formal consultation, Cabinet:

- (i) Endorses the draft Plan as sound and legally compliant, as set out **Appendix 1**;
- (ii) Endorses the schedule of Proposed Changes to the draft Plan in Appendix 1, as set out in **Appendix 2**, for submission to the Secretary of State for Housing, Communities and Local Government to inform and assist the Examination process;
- (iii) Recommends that Council approves the draft Plan together with the Proposed Changes and supporting information for submission to the Secretary of State to commence the independent Examination process subject to amendment in (iv);

- (iv) Authorises the Director of Economic Development and Planning in consultation with the Director of Legal and Democratic Services and the Cabinet Member for Planning and Strategic Asset Management to:
- (a) make any necessary changes to the Plan and supporting documents in the interests of clarity and accuracy before it is submitted to the Secretary of State;
  - (b) make appropriate arrangements for submission of all documents relating to the Plan, including the supporting evidence (including the Equalities Impact Assessment required by Section 149 of the Equalities Act 2010 at **Appendix 6**), to the Secretary of State;
  - (c) make all the necessary arrangements for Examination including - the appointment of a Programme Officer, the undertaking and/or commissioning of other work necessary to prepare for and participate at the Examination; and the delegation to officers and other commissioned experts to prepare and submit evidence to the Examination and where necessary, appear at any hearing sessions and represent the Council;
  - (d) authorise that officers request that the Secretary of State recommends modifications to make the Plan sound in accordance with Section 20 (7C) of the Planning and Compulsory Purchase Act 2004 (as amended); and
  - (e) implement any consequential actions as directed by the Inspector relating to the Examination, including undertaking any consultation where necessary, in order to respond to matters raised through the Examination.

**Reason for Proposal(s)**

To ensure that progress continues to be made on maintaining an up-to-date development plan for Wiltshire, in line with the timetable set out in the Council's Local Development Scheme and statutory requirements.

In accordance with legislative requirements, the proposed resolution enables the submission of a sound Plan. The Council will need to approve the submission of the Plan to the Secretary of State for Examination.

Alistair Cunningham - **Corporate Director, Growth Investment and Place**

## Wiltshire Council

### Cabinet

15 May 2018

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**Subject:** Wiltshire Housing Site Allocations Development Plan Document - Proposed Submission

**Cabinet Member:** Councillor Sturgis - Planning and Strategic Asset Management

**Key Decision:** Yes

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### Purpose of Report

1. To:
  - (i) Update Cabinet on the outcome of the formal consultation on the 'Wiltshire Housing Site Allocations Plan - Pre-submission draft plan (June 2017)'.
  - (ii) Seek Cabinet's recommendation to Council that the Plan, together with the schedule of Proposed Changes, should be approved for the purposes of submission to the Secretary of State and commencement of the independent Examination process.
  - (iii) Seek delegated authority to make appropriate arrangements for submitting the prescribed documents and supporting materials to the Secretary of State; and respond to any consequential actions as directed by the Inspector relating to the Examination.

### Relevance to the Council's Business Plan

2. Progression of the Plan through the Examination process and on towards adoption will enable the sustainable delivery of new homes in line with the Wiltshire Core Strategy and overarching aims of the Business Plan 2017-2027 'Forward Thinking'. One of the four priorities, 'Growing the Economy', recognises the importance of improving housing supply. Progression of the Plan will help deliver the Council's aim to ensure "*Development where it is needed*" under the "*Housing and Environment (sustainable development)*" goal in the Business Plan.

### Background

3. The Wiltshire Core Strategy (adopted January 2015) sets out a strategic approach to the delivery of sustainable development over the period 2006-2026. It anticipates that housing will come forward through a variety of sources, including: strategically important sites (e.g. Ashton Park, Trowbridge); neighbourhood plans; planning applications (e.g. windfall development); and site allocations development plan documents. In

addition, the Wiltshire Core Strategy recognised that ‘settlement boundaries’ (or ‘limits of development’) would need to be reviewed to ensure that they are up-to-date.

4. The need to bring forward new homes through site allocations plans was identified to provide a surety of housing land supply across Wiltshire’s three Housing Market Areas over the period to 2026. The ‘Wiltshire Housing Site Allocations - Pre-submission draft Plan (June 2017)’ (the draft Plan) has been prepared in conformity with the Wiltshire Core Strategy and seeks to:
  - (i) Allocate new sites for housing to ensure the delivery of the Wiltshire Core Strategy housing requirement of at least 42,000 dwellings (2006-2026) and maintain a five-year housing land supply in each of Wiltshire’s three Housing Market Areas over the period to 2026; and
  - (ii) Review, where necessary, settlement boundaries (or ‘limits of development’) in relation to the Principal Settlements of Salisbury and Trowbridge, Market Towns, Local Service Centres and Large Villages.
5. The Settlement Strategy (Core Policy 1) and the Delivery Strategy (Core Policy 2) together with the relevant Area Strategy Core Policies (Section 5) of the Core Strategy guide where and how much development should take place to provide a sustainable pattern of growth over the period 2006-2026.
6. Core Policy 2 sets out housing requirements on the basis of Housing Market Areas (HMAs) and indicative requirements are provided in the Area Strategy Policies for: Wiltshire’s Community Areas; the Principal Settlements and Market Towns; and, in the South Wiltshire HMA, the Local Service Centres. These figures are not intended to be prescriptive minima or maxima and instead are meant to be viewed as an indication of the general scale of growth appropriate for each area and settlement during the period up to 2026. The figures are therefore expressed as ‘approximate’ or ‘about’. In accordance with Core Policy 2, sites for housing development may come forward through new allocations on the edge of settlement boundaries where they are identified in neighbourhood plans or site allocations plans.
7. On 16 May 2017, Council adopted the Chippenham Site Allocations Plan, which reviewed the settlement boundary of Chippenham and allocates land for 2,050 homes at the town. The draft Plan complements the Chippenham Site Allocations Plan in reviewing settlement boundaries and providing land for additional homes, where needed, elsewhere in the County consistent with the Core Strategy and its spatial strategy.

#### **Main Considerations for the Council**

8. As a subsidiary document to the Core Strategy, the draft Plan has a specific purpose, namely, to support the delivery of the housing

requirements and furtherance of the Area Strategies, including the review of settlement boundaries. Therefore, the draft Plan does not provide an opportunity to revisit the strategic policies within the Core Strategy, for example the status of settlements, or the broad disaggregation of housing requirements.

9. Work on the draft Plan commenced in March 2014 when the Regulation 18<sup>1</sup> consultation on the proposed scope of the draft Plan was carried out. At the same time, there was an open 'call for sites' to enable interested parties to put forward land for consideration through the draft Plan. Informal, targeted consultation was undertaken on: draft proposals for amending settlement boundaries (July to September 2014); a draft site selection methodology and initial site options (February to March 2015); and further consultation on the approach to Large Villages (June to August 2015). Details of these consultations together with the representations received and Council's response is set out in the report on the Council's website via [this link](#).
10. Cabinet on 20 June 2017 considered and approved the 'Wiltshire Housing Site Allocations Plan - Pre-submission draft plan (June 2017)' (draft Plan) for the purpose of undertaking a formal stage of consultation.
11. The overall level of growth proposed for allocation in the draft Plan is 2,465 homes; with 1,205 homes in the North and West HMA (14 sites), 350 homes in the East HMA (4 sites) and 910 homes in the South HMA (6 sites). Where appropriate, it also proposed revisions to settlement boundaries to ensure they properly reflect development that has occurred since they were first established and a consistent approach is taken across Wiltshire. This was except for those boundaries that had recently been reviewed through sufficiently advanced neighbourhood plans and did not require further updates to take into consideration implemented development. Methodologies underpinned both the site assessment process and settlement boundary review, which have been published alongside the Agenda (see Topic Papers 1 and 2 provided as supporting documents to this report).
12. Consultation took place on the draft Plan, as set out in **Appendix 1**, for a period of 10 weeks, commencing 4 July 2017 and ending 22 September 2017. During the first two weeks of the consultation four public exhibitions were held at Chippenham, Salisbury, Devizes and Trowbridge.
13. Full details of this consultation, together with a summary of the representations received and the Council's response is set out in the consultation statement, which has been published alongside the Agenda. This is known as the Regulation 22 (1) (c) Statement<sup>2</sup>.
14. At this stage in the process, if the Council wishes to make any changes to the draft Plan to address matters arising from the Regulation 19 consultation, the (Procedural Practice in the Examination of Local Plans,

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<sup>1</sup> Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended)

<sup>2</sup> Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended)

The Planning Inspectorate, June 2016) gives the Council a choice as to how to proceed:

- (i) The changes could be prepared as an addendum to the draft Plan. Any such modifications would be subject to further consultation and Sustainability Appraisal before submission to the Secretary of State for Examination in order that the Inspector appointed to Examine the draft Plan can consider these as part of the submitted plan. This further consultation would lead to a delay to the submission of the draft Plan at a time when the Government are urging Local Planning Authorities to make timely progress on their Local Plans and to boost the supply of housing. The Local Development Scheme anticipates submission of the draft Plan in June 2018; or
- (ii) The Council can submit to the Secretary of State a schedule of Proposed Changes to inform and assist the Examination process. By virtue of Section 20(7C) Planning and Compulsory Purchase Act 2004 (as amended) the Inspector appointed by the Secretary of State to Examine the draft Plan can recommend that these modifications and any other modifications that arise through the Examination process are made in order to resolve matters of legal compliance and soundness. However, the Council must make a formal request under Section 20(7C) of the Planning and Compulsory Purchase Act 2004 (as amended) for this to happen. In these circumstances, any modifications that arise through the Examination process and recommended by the Inspector would then be the subject to consultation and Sustainability Appraisal before the Inspector can make his or her final recommendations through a report to the Council and close the Examination. Following this process and submitting the draft Plan in June 2018 for Examination would be in accordance with the Council's current Local Development Scheme.

It is considered that the second option would provide the most pragmatic option to ensure timely progress can be made.

#### Representations on the draft Plan

15. At the close of the consultation on the draft Plan, approximately 3,370 comments had been received from approximately 970 people or separate organisations. One petition consisting of 5 'e-signatures' relating to the proposed housing allocations at Netherhampton Road, Salisbury was received during the consultation period. A further 237 paper-copy signatures were added to this petition after the consultation period closed. In the weeks following the close of the consultation period, approximately 30 additional comments were also received. These comments were logged separately and marked as 'unduly made' representations as they were not submitted within the consultation period. Whilst these representations were submitted late, they will nonetheless be sent to the Secretary of State along with all other submission documents to ensure that the appointed Inspector has a record of all representations.

16. In broad terms, most of the comments were concerned with the purpose of the draft Plan and its methodology for allocating land for housing. Moreover, a considerable proportion of the representations from local communities focussed on the proposed site allocations in Trowbridge and Salisbury. These tended to focus on detailed technical matters such as flood risk, surface water drainage, landscape, ecology and highways; which have been addressed through the Council's evidence base. Highway's England were particularly concerned about the impact of further development on A36. The Council has now prepared draft transport strategies for Trowbridge and Salisbury, which outline the approach to mitigation to support the site allocations. These are provided as supporting documents to this report.
17. In terms of other matters raised, a more limited, but nonetheless important, number of responses concentrated on the settlement boundary review proposals. The settlement boundary review is discussed in more detail at Paragraph 45 below.
18. As provided by legislation<sup>3</sup> the Council is required to submit a statement setting out, amongst other matters, the 'main issues' raised in this formal stage of consultation<sup>4</sup>. As the Council is not required to respond to every individual comment or objection raised through the consultation, the main issues are in effect a summary of comments submitted.
19. The main issues raised through the consultation, including the public exhibitions, ranged from: wholesale objections to the methodology employed to identify sites and address the review of settlement boundaries; through to detailed site-specific concerns with individual site proposals. These are set out in Section 7 and Appendix M of the consultation statement, which is published as a supporting document to this report. Some of the more substantive main issues outlined in the representations that challenge the soundness of the draft Plan relate to the following issues and are discussed further below:
- (i) Proposed level and distribution of housing within the draft Plan
  - (ii) Omission sites
  - (iii) Ecological matters
  - (iv) Heritage matters
20. Paragraphs 44 and 45 then go on to set out the updated position with regard to the Council's housing land supply position and the effect of the draft Plan.
- The proposed level and distribution of housing within the Plan*
21. A considerable number of responses queried the level and distribution of housing proposed in the draft Plan. In general, these came from the development industry. They call for greater consistency, flexibility and

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<sup>3</sup> Regulation 22 (1) (c), Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended),

<sup>4</sup> Regulation 19, Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended)



choice in terms of the identification of broad 'areas of search'; and allocation of sites. At the heart of this issue is the concern that the draft Plan is not identifying enough land for housing through allocations and therein failing to deliver the surety of supply it is intended to deliver. These comments therefore challenge the methodology employed to identify 'areas of search' and individual sites.

22. Allied to these concerns, comments received from housebuilders and promoters of the sites proposed for allocation called for the Council to make best and most efficient use of the land. The concern here revolves around the fact that the evidence used to support the proposals in the draft Plan was based on the delivery of 30 dwellings per hectare and then applying mitigation measures to address environmental concerns. The National Planning Policy Framework (e.g. paragraph 17 - Core planning principles) advocates the effective use of land. Indeed section 11 of the latest consultation draft of the National Planning Policy Framework reinforces the need to continue to do so. It is therefore clear that in line with national policy, increased densities on sites should be encouraged, provided the character and infrastructure capacity of local areas can accommodate such proposals.
23. Having reviewed the densities in the light of the consultation responses, it is considered that there is the potential to increase the overall housing numbers on certain sites whilst ensuring the provision of necessary mitigation measures. Therefore, it is considered that Proposed Changes relating to the deliverable quantum are recommended in respect of the following site allocations:
  - H2.1, Elm Grove Farm, Trowbridge (potential increase of 50 dwellings);
  - H2.2, Land off A363 at White Horse Business Park, Trowbridge (potential increase of 75 dwellings);
  - H2.3, Elizabeth Way, Trowbridge (potential increase of 150 dwellings); and
  - H2.5, Upper Studley, Trowbridge (potential increase of 25 dwellings).
24. Additional information will be prepared in support of the increased densities to illustrate to the Inspector how they can be achieved. The potential increase in units at site allocation H2.1 is proposed to reflect an opportunity that has arisen in relation to the inclusion of land owned by Wiltshire Council (Elm Grove Field) in the site area. It is considered that the inclusion of this land would facilitate the timely delivery of a new primary school and improved recreation land in the local area. This is discussed further in **Appendix 3** and reflected in the Proposed Changes.
25. The approach taken to identifying sites in the rural areas also raised concerns. Comments were made that Large Villages and Local Service Centres across Wiltshire's three HMAs should have been identified as potential 'areas of search' to help address housing supply, irrespective of whether (or not) the indicative housing requirements for the Community Area Remainders had been met. As an adjunct to this point, concerns

were raised that Large Villages need additional homes to ensure people have access to affordable homes in rural areas; and communities continue to benefit from viable local services and facilities.

26. The relationship between the draft Plan and neighbourhood plans was also questioned particularly by the development industry. The concern being that too much reliance is being placed on neighbourhood plans to deliver housing when the availability and achievability of such sites is not rigorously tested through the basic conditions test. Conversely, responses from Market Lavington Town Council and Crudwell Parish Council considered that sites should be removed from the draft Plan and instead identified through the neighbourhood plan process.
27. In response to the above points, the key consideration relates to the relationship between the draft Plan and the Core Strategy. As explained in paragraphs 5 and 6, the overall housing requirement and its distribution is set by the Core Strategy. The draft Plan has been prepared in general conformity with it and seeks to deliver housing allocations in areas where the Core Strategy indicative requirements are yet to be met. This is to ensure a sustainable distribution of development consistent with strategic policies and the spatial strategy.
28. With regard to Large Villages, the draft Plan respects the Delivery Strategy (Core Policy 1) and Settlement Strategy (Core Policy 2) of the Core Strategy. The draft Plan only identifies sites where there is the strategic imperative to do so and supply should be supplemented. Whilst sites have been identified with the Local Service Centre of Market Lavington, there is no need to follow a similar approach in Cricklade, or other Local Service Centres due to either there being no indicative requirement to meet, or a sufficiently advanced<sup>5</sup> neighbourhood plan in the area which identifies sites for housing.
29. The relationship between the draft Plan and neighbourhood plans is underpinned by a cogent and consistent methodology. Moreover, neighbourhood plans are independently examined to a standard consistent with legislative requirements. In this regard, they are a legitimate and reliable component of the overall housing land supply position. However, as set out in the site selection methodology, it is considered that only plans that are reasonably advanced<sup>4</sup> can provide sufficient confidence that housing sites will be delivered. Therefore, while the neighbourhood planning process across Wiltshire is fully supported, the proposed allocation of sites for housing in Market Lavington and Crudwell is considered appropriate to provide certainty of housing supply and facilitate delivery of the relevant Area Strategies.

#### *Omission sites*

30. A considerable number of responses proposed alternative land for allocation in the draft Plan and challenged the assessment of sites. These

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<sup>5</sup> Where a neighbourhood plan has at least reached the Regulation 16 stage (Neighbourhood Planning (General) Regulations 2012 (as amended)) i.e. publicised by Wiltshire Council for consultation

sites are classified as 'omission sites' (i.e. they are not included as allocations within the draft Plan) and having assessed each site, they broadly fall into three categories:

- (i) they are situated within areas of search that were ultimately dismissed because it was considered there was no need to allocate land to help deliver the policy requirements set out within the Core Strategy; or
  - (ii) they fell within areas of search where the Council is seeking to deliver housing but had not been previously assessed through the site selection process; or
  - (iii) they are sites that have been assessed and rejected through the site selection process where further evidence has been provided to support some of the sites and challenge the Council's assessment.
31. With regard to sites falling under (ii) or (iii), new sites were taken through the assessment process or the information submitted challenging the Council's assessment of sites (e.g. in relation to Sustainability Appraisal scoring or technical information on matters such as drainage or archaeology) reviewed to see whether any changes would be justified. Having completed the further assessment work, it is considered that there is only one site that would score favourably against the site selection methodology meriting allocation. This is a small site for 14 homes at The Yard, Hampton Park, Salisbury. It is therefore proposed that this site forms a Proposed Change. The further assessment work undertaken is reflected in the updates of the Sustainability Appraisal and relevant Community Area Topic Papers by way of tracked changes, which have been published as papers supporting this report.

#### *Ecological matters*

32. In response to the consultation, Natural England and the Environment Agency raised concerns about the soundness of the draft Plan and the potential impact of proposed growth on the River Avon Special Area of Conservation (SAC), an internationally important wildlife site. They considered there to be insufficient evidence and certainty that development is unlikely to have an adverse effect on concentrations of phosphates within the River Avon SAC. In this regard, concerns were raised with the Habitats Regulations Assessment accompanying the draft Plan, which is published as a supporting paper to this report. This identified issues with the implementation of the Nutrient Management Plan (NMP)<sup>6</sup> but concluded that with mitigation there are unlikely to be any adverse effects.
33. Phosphates in relation to the River Avon SAC is a complex and technical issue, as recognised by Core Policy 69 of the Wiltshire Core Strategy that relates to the Protection of the River Avon SAC and refers to the role of

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<sup>6</sup> River Avon Special Area of Conservation Nutrient Management Plan for Phosphorus (April 2015) - developed in partnership by Environment Agency, Natural England and Wiltshire Council

the Nutrient Management Plan (NMP) in managing phosphate levels. In simple terms, the reduction in phosphates anticipated through catchment sensitive farming practices has not been achieved. Since making their response to the draft Plan, Natural England and Environment Agency have confirmed that they will be reviewing some of the underlying assumptions in the NMP. As such, they have simplified their advice and require that development should be designed to be phosphate neutral.

34. Since the close of the consultation the Council has been working constructively with all relevant parties: Natural England, Wessex Water, the Environment Agency and neighbouring authorities (e.g. New Forest District Council) on the phosphates issue. Progress is being made on a 'Memorandum of Understanding' ('the MoU'), which has been drafted to set out the approach to identifying effective and proportionate measures to remove or off-set the phosphate load from qualifying developments and how the Council and all parties will work together. This will give greater certainty with respect to nutrient management, sufficient for the Council to conclude that the draft Plan will support phosphate neutral development that is unlikely to have adverse effects upon the integrity of the SAC. Significant and constructive progress has been made towards finalising the MoU. This will include a commitment to preparing additional work to identify in more detail the measures that will be required to offset phosphate inputs, in Wiltshire to be paid for by the Community Infrastructure Levy. A proposed change is recommended to the draft Plan to reflect the requirements of the MoU and ensure development proceeds in a compliant way. This is reflected in the Addendum to the HRA provided at **Appendix 4**.
35. Natural England also objected to the draft Plan through the consultation in respect of the proposals at Trowbridge on the grounds that a mitigation strategy to protect the integrity of the Bath and Bradford on Avon Bats SAC was not in place. Again, work has been progressed in respect of this matter and constructive dialogue with Natural England has taken place.
36. The issues at the heart of Natural England's objection relate to Core Policy 29 of the Core Strategy in terms of ensuring the impacts associated with further development at Trowbridge (loss of habitat and increased recreational pressure) are addressed. To this end, the Council commissioned work in July 2017 to investigate the nature of recreational pressure on large, publicly accessible open spaces including important bat habitats around the town. The findings led to a series of recommendations that are now being considered along with measures for offsetting loss of habitat, to provide a coherent, strategic approach to safeguarding the bats associated with the SAC.
37. Work is progressing on developing the Trowbridge Bat Mitigation Strategy in consultation with Natural England. It is anticipated that this will form part of the submission documents to support the draft Plan. It has been agreed that the Strategy will be delivered in two phases. Phase 1<sup>7</sup> will focus on development coming forward within the timescale of the draft

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<sup>7</sup> A second phase will follow to provide a longer term strategy to support the Local Plan Review, which Plans for the period 2016 to 2036.

Plan, including both allocated land and windfall sites, identifying the nature of mitigation required mostly within the allocations themselves. It will collate all relevant ecological evidence available on bats at the town and provide recommendations to satisfy the Competent Authority (the Council), in consultation with Natural England, that the proposals in the draft Plan would not put at risk the integrity of the Bath and Bradford on Avon Bats SAC. To this extent, there are proposals already set out within the draft Plan for how development intends to mitigate its effects on bats including details on how it will bolster green infrastructure and maintain 'dark corridors' to provide continued permeability for bats in the urban/rural landscape; and requirements to contribute to the Trowbridge Bat Mitigation Strategy.

38. The Addendum to the HRA considers that together with the proposals included in the draft Plan to protect and buffer existing bat habitat, Phase 1 of the Trowbridge Bat Mitigation Strategy will be sufficient to ensure that adverse impacts to the SAC features will be avoided and the integrity of the SAC maintained.

#### *Heritage Matters*

39. Whilst the draft Plan has been prepared in the light of relevant legislation<sup>8</sup> and national policy, Historic England submitted representations through the consultation that identified concerns with the Council's evidence on how development affecting designated and non-designated heritage assets had been justified. Whilst no 'show-stopper' concerns were raised in heritage terms Historic England was concerned about the potential scale of effects attributable to development and therefore the risk of harm to heritage assets. They considered that an impact assessment could not be deferred to a future planning application stage.
40. It was agreed with Historic England that a full, but nonetheless proportionate assessment of six of the proposed allocations would be undertaken to provide greater certainty to the evidence base. Consultants were commissioned to undertake a Heritage Impact Assessment, which is provided as a supporting paper to this report. The report adds to the Council's understanding of the various heritage assets associated with the six sites that were appraised.
41. The Heritage Impact Assessment produced for the Council naturally reflects statutory<sup>9</sup> and national planning policy advice and takes a precautionary approach to the assessment of heritage assets and the degree to which their significance would be harmed by development proceeding. However, the assessment nonetheless concludes for all sites that the scale of harm would be less than substantial and for two site allocations (H2.3 Elizabeth Way, Trowbridge; H2.4 Church Lane, Trowbridge) there were low risks associated with development and can proceed as allocations. The report identifies more significant risks with proceeding with the H2.6 Southwick Court (Trowbridge), H2.2 Land off A363 at White Horse Business Park (Trowbridge), H2.7 East of Dene

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<sup>8</sup> Planning (Listed Buildings and Conservation Areas) Act 1990, Sections 66(1) and Section 72(1)

<sup>9</sup> Planning (Listed Buildings and Conservation Areas) Act 1990, Sections 66 and 72

(Warminster) and H3.3 Land North of Netherhampton Road (Salisbury) site allocations that merit further consideration.

42. As defined by paragraph 134 of the National Planning Policy Framework, where a proposed development would lead to 'less than substantial harm' to the significance of a designated heritage asset (which can be of varying degrees of severity), should be weighed against the public benefits of development proceeding. This, together with an explanation of less than substantial harm, is discussed in more detail in the 'Heritage Note' at **Appendix 5**.
43. Having carefully considered the evidence and options it is considered that there is no justification for recommending deletion of the proposed sites on heritage grounds. However, in the light of the HIA and comments by Historic England, it is considered that Proposed Changes should be made that emphasise the special regard that needs to be applied to conserving heritage assets in a manner appropriate to their significance. These are set out in **Appendix 2**.

#### Updated Housing Land Supply Figures

44. The draft Plan refers to housing supply figures that, although with a base date of 1 April 2017, were estimated. Since then the 'Housing Land Supply Statement, Base date: April 2017 (March 2018)' has been published. It is therefore proposed that changes are made to show the most up to date figures alongside those that informed the draft Plan (See Annex to **Appendix 2** and the Addendums to Topic Papers 3 and 4). These updated figures show that the five year land supply position has changed and that, for the South Wiltshire HMA only a five year land supply with appropriate buffer (5%) can be demonstrated up to 2022. This change is mainly attributed to the mixed use strategic site at Churchfields for 1,100 dwellings (Core Policy 20, Wiltshire Core Strategy) no longer being considered deliverable in the period to 2026 and a lower density delivered on the Kings Gate site at Amesbury. The proposed increased densities at the allocation sites, as set out in the Proposed Changes (see paragraph 23 above), would contribute an additional 300 homes to the housing land supply in the North and West Housing Market Area, helping improve supply at Trowbridge consistent with the Core Strategy.
45. As is recognised in paragraph 4.32 of the draft Plan, additional allocations can be identified to supplement supply through the Wiltshire Local Plan Review, which is underway and plans for the period 2016 to 2036. This is programmed for adoption early 2021. Whilst it is considered that the Plan as submitted is sound, the examination process enables the Inspector to make such recommendations to the Council as he or she considers necessary under Section 20 (7C) of the Planning and Compulsory Purchase Act 2004 (as amended), which may include adding sites to the supply.

#### Settlement Boundary Review

46. The comments received in respect of the draft proposals for reviewing settlement boundaries focussed largely on the rationale for including, or excluding land. Having considered the representations, the overall method remains sound. However, it is considered that some changes should be made to the proposed settlement boundaries to address inconsistencies with the application of the methodology, as set out in Topic Paper 1: Settlement Boundary Review Methodology (June 2017), where appropriate to do so in the light of the representations received. Appendix A of Topic Paper 1 has been updated to reflect where settlement boundaries have now been reviewed through a sufficiently advanced neighbourhood planning process (Christian Malford, Cricklade and West Lavington). In line with the latest published housing land supply data, the Proposed Changes also include the most up-to-date position in respect of housing completions and commenced development at settlements as at April 2017. The Proposed Changes to the boundaries arising from the consultation are explained as tracked changes to the Community Area Topic Papers, which are published as supporting documents to this report.

### Summary

47. Having considered the representations received through the formal consultation, a number of 'main issues' have been identified that are considered likely to form the basis of the Examination process. It is considered that a schedule of Proposed Changes should be submitted alongside the draft Plan to inform and assist the Examination process. This schedule of Proposed Changes can be considered by the Inspector through the Examination process as changes to the draft Plan under section 20(7C) Planning and Compulsory Purchase Act 2004 (as amended)
48. In addition to the Proposed Changes outlined above, other changes are proposed in **Appendix 2** that are generally in response to representations received and include the following:
- Amendments to plan text to address factual updates submitted through representations;
  - Amendments to site boundaries to reflect comments received through consultation; and
  - Amendments to policies and text to reflect representations from statutory consultees (e.g. Environment Agency in relation to providing greater clarity on how flood risk will be addressed).

### **Overview and Scrutiny Engagement**

49. The draft Plan has not been subjected to the Council's Overview and Scrutiny function. It has been agreed that as the Environment Select Committee has not prioritised this item highly as a topic of interest, no Overview and Scrutiny engagement is to be undertaken at present.

### **Safeguarding Implications**

50. Whilst there are no safeguarding implications as a direct result of this proposal, as anticipated by the Council's Business Plan, the delivery of new homes will likely lead to wider social benefits as a function of building strong and resilient communities.

### **Public Health Implications**

51. In accordance with the provisions of Section 39(2) of the Planning and Compulsory Purchase Act 2004 (as amended), planning for sustainable development seeks to address the housing, infrastructure and employment needs of communities, thereby helping to foster social well-being, encourage healthier lifestyles and tackle inequalities. Well planned, accessible developments contribute to improving public health, for example through the provision of green infrastructure, as well as encouraging cycling and walking via sustainable transport initiatives.

### **Procurement Implications**

52. The Examination of the draft Plan will entail the need to procure the services of a suitably experienced Programme Officer to help support the appointed Inspector. The role of the Programme Officer is to act as a conduit for information sharing between the Council, Third Party representatives and the Inspector. The appointment of a Programme Officer is mandatory. The financial implications include provision for this appointment.

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

53. The draft Plan aims to positively manage growth in accordance with the Wiltshire Core Strategy and thereby ensure sufficient homes are available to meet housing needs.
54. Statutory requirements<sup>10</sup> governing the submission stage of plan preparation determine that the draft Plan be supported by an Equalities Impact Assessment. A copy of this Assessment is attached at **Appendix 6** for Members' consideration.
55. The Council has a duty under Section 149 of the Equalities Act to have due regard to the need to:
- eliminate discrimination;
  - advance equality of opportunity between persons who share a "*relevant protected characteristic*" and persons who do not share it;
  - foster good relations between persons who share a "*relevant protected characteristic*" and persons who do not share it.

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

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<sup>10</sup> Section 149, Equality Act 2010; Section 20, Planning and Compulsory Purchase Act 2004; Regulation 22, Town and Country (Local Planning) (England) Regulations 2012



56. Spatial planning has implications for the natural, economic and social environment. A Sustainability Appraisal, incorporating Strategic Environmental Assessment, has been undertaken as an integral element of the plan making process and thereby seeks to ensure that the potentially negative environmental impacts associated with the development of the proposals on the face of the draft Plan are avoided, or appropriately mitigated. The updated Sustainability Appraisal Report (see paragraph 31 above) is published as a supporting document to this report and the Non-Technical Summary attached at **Appendix 7**. These incorporate an assessment of the implications for the Sustainability Appraisal of the schedule of Proposed Changes. A Habitats Regulations Assessment and Addendum have also been undertaken to support the draft Plan.
57. Managing climate change is one of the cross-cutting themes of the Wiltshire Core Strategy and therefore a principle that has been woven into the methodology for this draft Plan. The evidence relied upon to support this draft Plan has sought to identify the most sustainable options by addressing issues such as: flood risk from all sources; accessibility to services and facilities; bolstering green infrastructure; managing direct phosphate generation; and minimising, where practicable at the plan making stage, potential amenity issues relating to the generation of noise, dust and light pollution.
58. Once adopted, the draft Plan will become part of the development plan for Wiltshire. Therefore, specific policies of the Wiltshire Core Strategy that seek to protect and enhance the environment; as well as those that protect against the risks associated with climate change will be relevant in the consideration of planning applications relating to the development of the proposed site allocations.

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

59. If the proposed decision is not taken the Council would fail to meet the obligations it set itself through the Local Development Scheme. In addition, any delay in submitting the draft Plan could leave the Council open to speculative planning applications for housing schemes.
60. Progression of the draft Plan will therefore help reduce this risk by ensuring that the Council is able to boost housing supply across each of its Housing Market Areas.

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

61. The draft Plan is a sound plan but nonetheless to manage any risk that the submitted draft Plan could be found to be unsound through the Examination process and hence recommended for withdrawal by the Inspector the Council can manage this risk by:
  - Ensuring that it provides all the documents prescribed by statute (see Legal Implications);

- Submitting a schedule of Proposed Changes to inform and assist the Examination process in response to representations made to the draft Plan (see paragraph 14 above);
- Requesting that the Inspector recommend modifications to the submitted draft Plan that would effectively make it sound. This can be achieved through a direct request to the appointed Inspector in accordance with the provisions set out in Section 20 (7C) of the Planning and Compulsory Purchase Act 2004 (as amended); and
- Ensuring any detailed matters that need to be subject to refinement are finalised prior to adoption as part of an iterative process. The management of phosphates, which is considered within the Habitats Regulations Assessment (HRA), is one such example. An Addendum to the HRA has been prepared to reflect the current position and the Memorandum of Understanding under development between various parties, which will set out the approach to identifying effective and proportionate measures to remove or off-set the phosphate load from qualifying developments. There is a risk that it will not be possible to devise sufficient mitigation measures to off-set development. However, Natural England and Environment Agency consider this is possible. Constructive progress is being made, as set out in paragraph 34, and there is every reason to be confident that satisfactory mitigation can be achieved which will enable a sound plan to proceed to adoption.

62. There remains a reputational risk to the Council if it proceeds with the draft Plan. This would likely arise from local people who do not want to see development occurring close to where they live, or areas they value. Whilst this risk is real, the Council is nonetheless charged with making difficult, often controversial decisions in the interests of ensuring it maintains an up to date Local Plan and a planned approach to development.

### **Financial Implications**

63. Provision will be made from the Economic Development and Planning 2018/19 budget for costs associated with the Submission and Examination of the draft Plan. This is forecast to be circa £130,000 and includes the cost of the Inspector and Programme Officer.

### **Legal Implications**

64. In accordance with Section 20 of the Planning and Compulsory Purchase Act 2004 (as amended) ('the 2004 Act'), the Council has a statutory duty to prepare planning policies and maintain an up-to-date development plan. This is further reinforced through the National Planning Policy Framework. The draft Plan has therefore been prepared in compliance with primary legislation.

65. Secondary legislation relating to the preparation of development plan documents is set out in the Town and Country Planning (Local Planning) (England) Regulations 2012 ('the Regulations'). In preparing the Plan, the Council has complied with the statutory duty to co-operate and engaged with a list of prescribed bodies<sup>11</sup>, local communities and other stakeholders throughout the plan making process in accordance with its Statement of Community Involvement.
66. With particular regard to the legal duty to co-operate, the draft Plan is essentially a product of the Core Strategy and hence the scope of the matters considered to be relevant to the prescribed bodies is more limited than would be the case if the Council were embarking on a new plan. That said, the Council has engaged constructively, actively and on an on-going basis with the prescribed bodies as relevant during the preparation of the draft Plan. A draft statement highlighting how the Council had fulfilled the duty to cooperate up to the publication of the draft Plan was made available to support the consultation documents at the Regulation 19 stage of the plan making process (see **Appendix 8**). This statement has been updated to reflect dialogue since the publication stage and thereby support the submission materials (see **Appendix 9**).
67. Reflecting on the entire process to date, it is considered that the Council has discharged its functions in respect of Regulation 18 (Preparation of a local plan) and Regulation 19 (Publication of a local plan). Representations relating to the draft Plan submitted at the Regulation 19 consultation stage have been duly recorded in accordance with Regulation 20.
68. According to Section 20(3) of the 2004 Act and Regulation 22 (1), the next stage of the process involves the Council submitting a prescribed list of documents to the Secretary of State, alongside the draft Plan. These documents are:
- the sustainability appraisal report;
  - a submission policies map (i.e. changes to the policies map);
  - a statement setting out how the draft Plan has been prepared<sup>12</sup>;
  - copies of the representations received through the Regulation 19 consultation; and
  - such supporting documents considered relevant to the preparation of the draft Plan (e.g. the Habitats Regulations Assessment)
69. The 'supporting documents' include those published as supporting documents to this report together with the appropriate Appendices.
70. The next stage of the process following the consultation on the draft Plan is submission to the Secretary of State. Once submitted to the Secretary of State the draft Plan will be Examined by an independent Inspector

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<sup>11</sup> The Town and Country Planning (Local Planning) (England) Regulations 2012, Regulation 4; and Section 33A of the 2004 Act

<sup>12</sup> The Town and Country Planning (Local Planning) (England) Regulations 2012, Regulation 22(1) (c)

whose role is to consider compliance with section 20(5) of the 2004 Act. The Council has complied with requirements of section 19 of the 2004 Act (as amended), and the Town and Country Planning (Local Planning) (England) Regulations 2012 pursuant to section 20(5)(a) 2004 Act. Further in respect of section 20 (5)(c) the Council considers that it has complied with its duty to cooperate under section 33A 2004 Act.

71. In respect of section 20(5)(b) of the 2004 Act and soundness of the draft Plan, the National Planning Policy Framework (paragraph 182) also requires the Council submits a plan for examination which it considers is “sound”, namely that it is:
- **Positively prepared** - the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development;
  - **Justified** - the plan should be the most appropriate strategy, when considered against all reasonable alternatives, based on proportionate evidence;
  - **Effective** - the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and
  - **Consistent with national policy** - the plan should enable the delivery of sustainable development in accordance with the policies in the NPPF.
72. Although there are outstanding issues to resolve in respect of the Habitats Regulations Assessment. The parties who are relevant to the resolution of these matters are confident that all outstanding technical issues can be satisfactorily resolved during the Examination process. As such there is no impediment to submitting the draft Plan and all supporting documents. Therefore, having considered all matters carefully, the Council considers the draft Plan to be sound in accordance with Section 20(5) (b) of the 2004 Act
73. Once adopted, the draft Plan will form part of the statutory development plan for the area and be used as such for the purpose of determining relevant planning applications

### **Options Considered**

74. The draft Plan has been through an iterative and inclusive process. Each stage of that process has followed legislative requirements. The proposals within the draft Plan have been rigorously tested through various appraisals, including the Sustainability Appraisal, and an extensive formal consultation process at the Regulation 19 Publication stage.

75. Progression of the draft Plan to the formal submission and Examination stage will ensure that the Council maintains the commitment it gave through the published Local Development Scheme. Moreover, progressing the draft Plan will help ensure the Council maintains a planned approach to housing development in areas that support the delivery of the Core Strategy.
76. In considering the comments submitted during the consultation period, the option of not proposing changes to the draft Plan was considered. Indeed, there is no requirement in the Regulations to propose such changes prior to submission. Such matters are ordinarily addressed through the Examination process with the appointed Inspector ultimately determining the scope and scale of any changes to the draft Plan before recommending such changes be made. However, a schedule of Proposed Changes has been produced to inform and assist the Examination process.

## Conclusions

77. Having completed all statutory steps in the plan making process, it is considered that there are no fundamental issues of soundness that would preclude the Council from submitting the draft Plan. The appointed Inspector will review all the representations received through the Regulation 19 consultation and the evidence relied upon by the Council in preparing the draft Plan. The Examination will then focus on soundness matters that the Inspector considers need to be tested thoroughly through open hearing sessions before determining whether the draft Plan should be:
- Withdrawn (i.e. it would fail the tests of soundness and is incapable of addressing such matters); or
  - Adopted without modification; or
  - Adopted subject applying a schedule of main modifications.
78. In the spirit of the letter dated 21 July 2015 from the former Department of Communities and Local Government to the Chief Executive at the Planning Inspectorate (attached at **Appendix 10**), which is now common practice, it will be within the Inspector's remit to work pragmatically and positively with the Council to deliver the draft Plan. This will involve an iterative process with the Inspector. At this stage, it is considered that the draft Plan remains a sound document that is based on a credible evidence base and benefits from an inclusive process of consultation and engagement at the Regulation 18 and Regulation 19 stages.
79. The Council has engaged constructively, actively and on an ongoing basis with the bodies prescribed in the 2004 Act (as amended) and Regulations during the process of preparing the draft Plan. Indeed, much of this engagement built upon the work undertaken through the preparation of the Core Strategy. As such, the challenges faced by the Council in terms of delivering a steady and reliable supply of homes across the County have

been well rehearsed through evidence gathering over a considerable period.

80. Whilst the comments received through the Regulation 19 consultation challenge the soundness of the draft Plan, the matters raised are considered to be capable of resolution through the Examination process. A schedule of Proposed Changes has been prepared to assist the appointed Inspector.
81. Cabinet is asked to endorse the draft Plan and schedule of Proposed Changes and recommend to Council that these, together with the wider prescribed submission documents<sup>13</sup> be submitted to the Secretary of State as set out in paragraph 1 above.
82. In conclusion, it is considered that the draft Plan remains a sound plan and therefore appropriate to submit to the Secretary of State to commence the Examination process. Subject to Council approval submission of the draft Plan together with the schedule of Proposed Changes in June 2018 will accord with the timescale within the approved Local Development Scheme.

**Tim Martiensen**

Director, Economic Development and Planning

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Date of report: 4 May 2018

**Appendices**

Appendix 1: Wiltshire Housing Site Allocations Plan - Pre-submission Draft Plan (June 2017)

Appendix 2: Schedule of Proposed Changes to the Pre-submission Draft Plan (May 2018)

Appendix 3: Note on Elm Grove Field and implications for asset transfer

Appendix 4: Addendum to the 'Assessment under the Habitat Regulations, June 2017' (May 2018)

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<sup>13</sup> As defined by Regulation 22(1) of the Town and Country Planning (Local Planning) (England) Regulations 2012

Appendix 5: Note on Heritage  
Appendix 6: Equalities Impact Assessment  
Appendix 7: Non-Technical Summary, Wiltshire Housing Site Allocations Plan Sustainability Appraisal Report (Updated May 2018)  
Appendix 8: Duty to Co-operate Statement, June 2017  
Appendix 9: Addendum to 'Duty to Cooperate Statement June 2017' (May 2018)  
Appendix 10: Letter from Secretary of State to Chief Executive of Planning Inspectorate (July 2015)

## **Supporting Documents**

The following documents have been published in support of this report:

Regulation 22 (1) (c) Report (May 2018) - Consultation Statement  
Regulation 22 - Appendices 1 (May 2018)  
Regulation 22 - Appendices 2 (May 2018)  
Regulation 22 - Appendices 3 (May 2018)  
Sustainability Appraisal Report, Atkins, Updated May 2018  
Assessment under the Habitat Regulations, June 2017  
Landscape Assessment - Part 3 (May 2018)  
Heritage Impact Assessment, LUC, March 2018  
Draft Trowbridge Transport Strategy Refresh, Atkins, May 2018  
Draft Salisbury Transport Strategy Refresh, Atkins, May 2018  
Topic Paper 1 - Settlement Boundary Review Methodology (May 2018)  
Topic Paper 2 - Site Selection Methodology Minor Factual Update (May 2018)  
Topic Paper 3 - Housing Land Supply (June 2017)  
Addendum to 'Topic Paper 3 - Housing Land Supply, June 2017' (May 2018)  
Addendum to 'Topic Paper 4 - Developing Plan Proposals, June 2017' (May 2018)  
Assessment of Viability, BNP Paribas, June 2017

### Community Area Topic Papers (Updated May 2018)

- Amesbury Community Area Topic Paper
- Bradford on Avon Community Area Topic Paper
- Calne Community Area Topic Paper
- Chippenham Community Area Topic Paper
- Corsham Community Area Topic Paper
- Devizes Community Area Topic Paper
- Malmesbury Community Area Topic Paper
- Marlborough Community Area Topic Paper
- Melksham Community Area Topic Paper
- Mere Community Areas Topic Paper
- Pewsey Community Area Topic Paper
- Royal Wootton Bassett Community Area Topic Paper
- Salisbury Community Area Topic Paper
- Southern Wiltshire Community Areas Topic Paper
- Tidworth Community Area Topic Paper
- Tisbury Community Area Topic Paper
- Trowbridge Community Area Topic Paper
- Warminster Community Area Topic Paper
- Westbury Community Area Topic Paper
- Wilton Community Area Topic Paper

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# Wiltshire Housing Site Allocations Plan

Submission draft plan

Equalities Impact Assessment

May 2018

## Wiltshire Council

Information about Wiltshire Council services can be made available on request in other languages including BSL and formats such as **large print** and audio. Please contact the council on **0300 456 0100**, by textphone on 01225 712500 or by email on [customerservices@wiltshire.gov.uk](mailto:customerservices@wiltshire.gov.uk).

如果有需要我們可以使用其他形式（例如：大字體版本或者錄音帶）或其他語言版本向您提供有關威爾特郡政務會各項服務的資訊，敬請與政務會聯繫，電話：0300 456 0100，文本電話：(01225) 712500，或者發電子郵件至：[customerservices@wiltshire.gov.uk](mailto:customerservices@wiltshire.gov.uk)

يمكن، عند الطلب، الحصول على معلومات حول خدمات مجلس بلدية ويلتشرير وذلك بأشكال (معلومات بخط عريض أو سماعية) ولغات مختلفة. الرجاء الاتصال بمجلس البلدية على الرقم ٠٣٠٠٤٥٦٠١٠٠ أو من خلال الاتصال النصي (تيكست فون) على الرقم ٧١٢٥٠٠ (٠١٢٢٥) أو بالبريد الإلكتروني على العنوان التالي: [customerservices@wiltshire.gov.uk](mailto:customerservices@wiltshire.gov.uk)

ولتشار کونسل (Wiltshire Council) کی سروسز کے بارے میں معلومات دوسری طرزوں میں فراہم کی جاسکتی ہیں (جیسے کہ بڑی چھپائی یا آڈیو) اور درخواست کرنے پر دوسری زبانوں میں فراہم کی جاسکتی ہیں۔ براہ کرم کونسل سے 0300 456 0100 پر رابطہ کریں، ٹیکسٹ فون سے (01225) 712500 پر رابطہ کریں یا [customerservices@wiltshire.gov.uk](mailto:customerservices@wiltshire.gov.uk) پر ای میل بھیجیں۔

Na życzenie udostępniamy informacje na temat usług oferowanych przez władze samorządowe hrabstwa Wiltshire (Wiltshire Council) w innych formatach (takich jak dużym drukiem lub w wersji audio) i w innych językach. Prosimy skontaktować się z władzami samorządowymi pod numerem telefonu 0300 456 0100 lub telefonu tekstowego (01225) 712500 bądź za pośrednictwem poczty elektronicznej na adres: [customerservices@wiltshire.gov.uk](mailto:customerservices@wiltshire.gov.uk)

Equality Analysis Evidence Document					
<b>Title: What are you completing an Equality Analysis on?</b>					
Submission Draft Wiltshire Housing Site Allocations Plan (the draft Plan)					
<b>Why are you completing the Equality Analysis?</b> (please tick any that apply)					
Proposed New Policy or Service Yes – new planning policies.		Change to Policy or Service		Service Review	
<b>Version Control</b>					
Version control number	3	Date	27 6 17	Reason for review (if appropriate)	
Version control number	4	Date	30-4-18	Reason for review (if appropriate)	Further work has been carried out to produce a submission version draft Plan which will be submitted to the Secretary of State for Examination.
<b>Risk Rating Score</b> (use <a href="#">Equalities Risk Matrix</a> and guidance)  **If any of these are 3 or above, an Impact Assessment <b>must</b> be completed. Please check with <a href="mailto:equalities@wiltshire.gov.uk">equalities@wiltshire.gov.uk</a> for advice					
<b>Criteria</b>		<b>Inherent risk score on proposal</b>		<b>Residual risk score after mitigating actions have been identified</b>	
Legal challenge		4		1	
Financial costs/implications		3		1	
People impacts		2		1	
Reputational damage		3		1	

**Section 1 – Description of what is being analysed**

A planning policy document, the Wiltshire Housing Site Allocations Plan (hereafter referred to as the draft Plan), is being prepared for the purposes of maintaining and ensuring both surety and continuity of housing land supply across Wiltshire, and thereby is supporting the implementation of the Wiltshire Core Strategy (WCS). A separate and complimentary document, the Chippenham Site Allocations Plan, addresses the identification of land for strategically important housing and employment sites at Chippenham. The draft Plan sits directly under the Wiltshire Core Strategy. The draft Plan has now reached submission stage and subject to endorsement by Cabinet and approval by Council will be submitted to the Secretary of State for Examination. The duty to carry out an Equalities Impact Assessment is set out in the Equality Act 2010<sup>1</sup>. The Equalities Impact Assessment is classified under Regulation 22 (1) (e) as a supporting document which in the Council's opinion is relevant to the preparation of the local plan.

The National Planning Policy Framework<sup>2</sup> sets out the following requirements which have been met by the draft Plan:

- Paragraph 50. To deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, local planning authorities should plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes).
- Paragraph 69. The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Local planning authorities should create a shared vision with communities of the residential environment and facilities they wish to see. To support this, local planning authorities should aim to involve all sections of the community in the development of Local Plans.
- Paragraph 155. Early and meaningful engagement and collaboration with neighbourhoods, local organisations and businesses is essential. A wide section of the community should be proactively.

It is the purpose of this draft Plan to implement the framework set by the WCS by allocating additional housing sites across Wiltshire in accordance with the settlement strategy as outlined in Core Policy 1. In this respect it should be noted that the draft Plan is only seeking to address the indicative housing requirement of 36,950 dwellings (excluding Chippenham Town and West Swindon) as expressed in Table 1 of Core Policy 2 of the WCS through allocating housing sites across the Wiltshire in accordance with the spatial strategy for the period up to 2026. In addition, the draft Plan assesses the existing "settlement boundaries" or "Limits of Development" as they are referred to in Core Policy 2.

In planning for future housing numbers the proposals of this draft plan will be in line with the Wiltshire Core Strategy suite of policies and will seek to:

- Provide for the most sustainable pattern of development that minimises the need to travel and maximises the use of sustainable transport.
- Align residential development to the employment growth planned for in the WCS, in order to achieve a greater self-containment of communities and not intensify out commuting.

<sup>1</sup> Section 149 of the Equalities Act 2010.

<sup>2</sup> <https://www.gov.uk/government/publications/national-planning-policy-framework--2>

- Manage development to ensure the timely delivery of supporting infrastructure to mitigate the impact of growth on local services and facilities.
- Protect, and where possible enhance, the natural, historic and built environment within and surrounding settlements whilst recognising development on the periphery of settlements is inevitable.
- Respect the individual identities of villages, towns and cities within the landscape setting and their relationship to one another through careful site selection and requiring high quality design and landscaping.
- Deliver affordable housing as a proportion of the housing development in line with Core Policy 42 of the Wiltshire Core Strategy which requires 30-40% of housing to be affordable.

**Section 2A** – People or communities that are currently **targeted or could be affected** by any change (please take note of the Protected Characteristics listed in the action table).

The overarching strategy of the WCS is to deliver homes, infrastructure, services and employment opportunities to meet the needs of all who live, work and visit Wiltshire and the draft Plan will help to deliver that strategy.

The draft Plan has been developed in an open and collaborative manner in line with the Council's Statement of Community Involvement<sup>3</sup>:

A record of the consultation that has taken place can be found in the Statement of Early Community Engagement June 2017, and associated reports and the Regulation 22 (1) (c)<sup>4</sup> Report<sup>5</sup>. To date it has included the following consultations:

Consultation	Date	Who was consulted
Formal Regulation 18 consultation on the scope.	24 <sup>th</sup> March – 5 <sup>th</sup> May 2014	All listed below
Informal consultation draft proposals for amending settlement boundaries.	28 <sup>th</sup> July – 22 <sup>nd</sup> September 2014	Town and parish councils
Informal consultation on the site assessment methodology and initial site options.	23 <sup>rd</sup> February – 31 <sup>st</sup> March 2015	Town and parish councils Developers Specialist bodies
Informal consultation on the approach to large villages.	30 <sup>th</sup> June – 12 <sup>th</sup> August 2015	Town and parish councils Developers Specialist bodies
Landowner Deliverability Consultation.	21 <sup>st</sup> August – 2 <sup>nd</sup> October 2015	Landowners
Formal consultation on the draft Wiltshire Housing Site Allocations DPD.	14 July – 22 September 2017	All listed below
Examination.	TBC	TBC

<sup>3</sup> <http://www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/statementofcommunityinvolvement.htm>.

<sup>4</sup> Town and Country Planning (Local Planning) (England) Regulations 2012

<sup>5</sup> The consultation statements can be found on the following link:

<http://www.wiltshire.gov.uk/planningpolicydocuments.htm?directory=Wiltshire%20Housing%20Site%20Allocations%20DPD>

The consultations are based on the Wiltshire Council spatial planning database, national legislation and national policy advice, and specialist knowledge within the organisation. This includes:

- All citizens who have requested contact
- Local town and parish councils
- All elected representatives
- The Environment Agency
- English Heritage
- Natural England
- Network Rail
- Highways England
- Relevant health providers
- Relevant water and sewerage providers
- Homes and Communities Agency
- Voluntary bodies some or all of whose activities benefit any part of the local planning authority's area
- Bodies which represent the interests of different racial, ethnic or national groups in the local planning authority's area
- Bodies which represent the interests of different religious groups in the local planning authority's area
- Bodies which represent the interests of disabled persons in the local authority's area
- Bodies which represent the interests of persons carrying on business in the local planning authority's area

As well as the standard local, regional and national consultees, for the draft Plan the following hard to reach groups were consulted:

- Young Persons Council
- Friends Families and Travellers
- The Showman's Guild of Great Britain
- Selwood Housing Society
- SCOPE - Partnership & Community Development Division
- Kennet and Avon Boating Community
- Diabetes UK Wiltshire

All the above groups can be directly affected by the volume, location and design of new homes in Wiltshire. The techniques used to ensure effective engagement are covered in Section 3 below.

**Section 2B** – People who are **delivering** the policy or service that are targeted or could be affected (i.e. staff, commissioned organisations, contractors)

The draft Plan contents were discussed at various meetings with the Council's development management officers and specialist areas such as conservation, highways and archaeology. Those elsewhere in the Council affected by or involved in the delivery of the draft Plan were primarily involved in the preparation of relevant evidence papers on site selection by providing information and by establishing requirements for policies and proposals.

**Section 3** –The underpinning **evidence and data** used for the analysis (Attach documents where appropriate)

Prompts:

- What data do you collect about your customers/staff?



- What local, regional and national research is there that you could use?
- How do your Governance documents (Terms of Reference, operating procedures) reflect the need to consider the Public Sector Equality Duty?
- What are the issues that you or your partners or stakeholders already know about?
- What engagement, involvement and consultation work have you done? How was this carried out, with whom? Whose voices are missing? What does this tell you about potential take-up and satisfaction with existing services?

Are there any gaps in your knowledge? If so, do you need to identify how you will collect data to fill the gap (feed this into the action table if necessary)

The context for the evidence and data used to inform this process is set within the National Planning Policy Framework at paragraph 158:

*Each local planning authority should ensure that the Local Plan is based on adequate, up-to-date and relevant evidence about the economic, social and environmental characteristics and prospects of the area. Local planning authorities should ensure that their assessment of and strategies for housing, employment and other uses are integrated, and that they take full account of relevant market and economic signals.*

All parts of the draft Plan are based on the collation and analysis of evidence, including the evidence base studies that underpin the WCS and an evidence base dealing specifically with the delivery of housing.

The draft Plan is based on sound research and analysis to identify the challenges faced in site allocation. All conclusions reached in the draft Plan are founded on analysis of the evidence, which is available for scrutiny.

The evidence behind the site allocation process is published for each Community Area in the form of Community Area Topic Papers. A number of other evidence based topic papers are published alongside the community area topic papers and include:

- Topic Paper 1 - Settlement Boundary Review Methodology (Updated May 2018)
- Topic Paper 2 – Site Selection Process Methodology June 2017
- Topic Paper 3 – Housing Land Supply June 2017
- Addendum to Topic Paper 3 - Housing Land Supply May 2018
- Topic Paper 4 – Developing Plan Proposals June 2017
- Addendum to Topic Paper 4 - Developing Plan Proposals May 2018
- Assessment of Viability, BNP Paribas, June 2017
- Sustainability Appraisal Report, Atkins, updated May 2018
- Assessment under the Habitat Regulations June 2017
- Duty to Cooperate Report June 2017
- Addendum to the Duty to Cooperate Report May 2018
- Statement of Early Community Engagement June 2017, and associated reports
- Regulation 22 (1) (c) Report of Pre-Submission Consultation Summer 2017
- Heritage Impact Assessment, LUC, March 2018
- Draft Trowbridge Transport Strategy Refresh 2018
- Draft Salisbury Transport Strategy Refresh 2018
- Addendum Assessment under Habitats Regulations

The draft Plan is supported by a Sustainability Appraisal (as referred to above) prepared by Atkins which is an evidence tool to assess and inform the development of the draft Plan. The Sustainability Appraisal promotes sustainable development by assessing the extent to which the emerging Plan, when judged against reasonable alternatives, will help to achieve relevant environmental, economic and social objectives.

**\*Section 4 – Conclusions** drawn about the impact of the proposed change or new service/policy

Prompts:

- What actions do you plan to take as a result of this equality analysis? Please state them and also feed these into the action table
- Be clear and specific about the impacts for each Protected Characteristic group (where relevant)
- Can you also identify positive actions which promote equality of opportunity and foster good relations between groups of people as well as adverse impacts?
- What are the implications for Procurement/Commissioning arrangements that may be happening as a result of your work?
- Do you plan to include equalities aspects into any service agreements and if so, how do you plan to manage these through the life of the service?
- If you have found that the policy or service change might have an adverse impact on a particular group of people and are **not** taking action to mitigate against this, you will need to fully justify your decision and evidence it in this section

The actions necessary to be delivered as part of this equality assessment are those enshrined within the strategy. The strategy will have a significant positive impact on the large majority of the communities in Wiltshire. The draft Plan attempts to tackle existing inequalities highlighted in the evidence base, including in the Strategic Housing Market Assessment, through the delivery of the following outcomes:

- Enabling the delivery of a significant amount of affordable housing and increased access for all to a decent affordable home. The housing sites delivered will include a proportion of affordable housing in line with Core Policy 42 of the Core Strategy which requires 30-40% of housing to be affordable.
- Enabling the delivery of improved and accessible services and infrastructure for the benefit of all members of the community. This includes the provision of new primary school provision to support new housing where necessary.
- Undertaking consultation exercises which engages minority and hard to reach groups.
- Protection and enhancement of the built heritage and natural environment, in line with the WCS.
- Protection of open space, public rights of way and recreation facilities through the site selection process and within policy. There are requirements for further open space provision within the draft Plan.
- Buildings that provide access for all.
- Viable communities that are robust and resilient, and able to retain important local services.
- Provision of meaningful transport choices for those who are marginalized due to not having a private motor car.
- To ensure that the elderly have good access to vital services.
- To ensure rural communities are able to retain locally valued services and facilities.



- To ensure that larger scale development in Wiltshire is complemented by smaller scale and appropriately managed development in rural areas to ensure that benefits are felt across Wiltshire as a whole.
- Ensuring development is of high quality design that creates a strong sense of place.

The draft Plan involves allocating new development sites in Wiltshire, and there will be people who feel disadvantaged by the development that will take place. This is expressed through representations in response to public consultations which object to new development. The strategy has been devised to address such concerns where possible, and represents a proportionate response to the need to deliver the housing requirement for Wiltshire while protecting the quality of life of existing residents. Furthermore, potential environmental impacts will be mitigated through careful master planning.

Development could lead to pressure on existing services in smaller rural settlements, and could have an impact on access to services in more rural locations. One of the challenges will be retaining existing and valued services in the smaller settlements, and the WCS, which the draft Plan sits with, includes protective policies which seek to aid the retention of local services in Core Policies 48 and 49.

The ongoing continuous improvement of the service in producing all planning policies and future documents will be supported by the following measures:

- Ensure an in depth understanding of the diversity of the community and discuss with experts from a national and local level on how best to engage hard to reach groups.
- Target easy to understand and participatory activity sessions, such as 'planning for real' more widely and at specific groups.
- Ensure lead-in and frontloading is designed into the process, to give the time to identify and set up positive dialogue and partnerships with under-represented groups.
- Training of communication skills best suited to each audience.
- Ensuring that time, costs and resources are properly planned for and that consultation is not reduced to a 'tick-box' exercise.

It is important to seek balanced views and where there is conflict a forum which promotes debate between parties with differing views is extremely beneficial in seeking compromise.

**\*Section 5 – How will the outcomes from this equality analysis be monitored, reviewed and communicated?**

Prompts:

- Do you need to design performance measures that identify the impact (outcomes) of your policy/strategy/change of service on different protected characteristic groups?
- What stakeholder groups and arrangements for monitoring do you have in place? Is equality a standing agenda item at meetings?
- Who will be the lead officer responsible for ensuring actions that have been identified are monitored and reviewed?
- How will you publish and communicate the outcomes from this equality analysis?

How will you integrate the outcomes from this equality analysis in any relevant Strategies/Policies?

This assessment will sit alongside other key documents such as the Sustainability Appraisal and Assessment under the Habitats Regulations and form part of a toolbox that has informed the development of the draft Plan. The outcomes of the draft Plan will be reviewed and monitored through the Authority's Monitoring Report (formerly the Annual Monitoring Report).

It will be ensured that changes in law, guidance and best practice are identified and incorporated wherever relevant.

This Equality Impact Assessment forms an important supporting document to the draft Plan. It will be published and be available as part of a suite of documents supporting the submission draft Plan.

The draft Plan aims to positively manage growth in accordance with the Wiltshire Core Strategy and seeks to ensure sufficient homes are available to meet housing needs. The public consultations have been designed to help ensure that everyone has the opportunity to comment on the draft Plan.

When the draft Plan is submitted to the Secretary of State for examination, it will be accompanied by this Equalities Impact Assessment undertaken as part of a process to help the Council ensure that it discharges its duties under section 149 under the Equality Act 2010 to have due regard to the need to: eliminate discrimination; advance equality of opportunity between persons who share a "relevant protected characteristic" and persons who do not share it; foster good relations between persons who share a "relevant protected characteristic" and persons who do not share it.

Completed by:	Dave Milton	
Date	20.9.16	
Signed off by	Georgina Clampitt-Dix	
Reviewed by: (to support the pre-submission draft Plan)	Jane Wilkie	
Date	27.6.17	
Reviewed by: (to support the submission draft Plan)	Jane Wilkie	
Date	30.4.18	
For Corporate Equality Use only	Compliance sign off date	02.05.18
	Published on internet date	

Equality Impact Issues and Action Table (for more information on protected characteristics, see <a href="#">definitions at the end of this document</a> )					
Identified issue drawn from your conclusions (only use those characteristics that are relevant)	Actions needed – can you mitigate the impacts? If you can how will you mitigate the impacts?	Who is responsible for the actions?	When will the action be completed?	How will it be monitored?	What is the expected outcome from the action?
<b>Age</b>					
<p>Sites identified in the draft Plan will deliver sustainable communities that will be delivered in line with the adopted policies of the WCS, which have been designed to safeguard all sectors of the community.</p> <p>The draft Plan provides for policies which will provide equal opportunities for all, including younger people.</p> <p>New education provision is planned to support the additional demand that growth in housing numbers will bring.</p>	<p>WCS Core Policy 46 sets out the strategy for meeting the needs of Wiltshire’s vulnerable and older people.</p>	<p>Partnership working between Wiltshire Council, developers and local communities.</p>	<p>Up to 2026</p>	<p>Authority’s Monitoring Report</p>	<p>Delivering the homes necessary, including affordable and lifetime homes to meet objectively assessed housing needs as assessed in the Strategic Housing Market assessment (SHMA).<sup>6</sup></p>

<sup>6</sup> <http://www.wiltshire.gov.uk/housing-local-housing-needs>

<p>Groups representing young people have been targeted through the consultation including:</p> <ul style="list-style-type: none"> <li>• Young Persons Council</li> <li>• Youth Action (Wilts) Youth Development Centres</li> </ul>					
<b>Disability</b>					
<p>Strategic sites identified in the draft Plan will deliver sustainable communities that will be delivered in line with the adopted policies of the WCS, which have been designed to safeguard all sectors of the community.</p> <p>Disabled groups have been targeted through the consultation including:</p> <ul style="list-style-type: none"> <li>• Transport for the Disabled and Pensioner's Voice</li> <li>• The Multiple Sclerosis Society</li> <li>• Royal National Institute of Blind people</li> <li>• Diabetes UK Wiltshire</li> </ul>	<p>The new development proposed by the draft Plan will be required to meet the relevant nationally set access standards (part M of the Building Regulations) and will not result in discrimination of people with disabilities.</p>	<p>Partnership working between Wiltshire Council, developers and local communities.</p>	<p>Up to 2026</p>	<p>Authority's Monitoring Report</p>	<p>Delivering the homes necessary, including affordable and lifetime homes to meet objectively assessed housing needs as assessed in the Strategic Housing Market assessment (SHMA).</p>

<b>Gender Reassignment</b>					
The draft Plan provides for policies which will provide equal opportunities for all, regardless of gender.	Implementation of the draft Plan to provide the homes necessary to meet future needs of Wiltshire.	Partnership working between Wiltshire Council, developers and local communities.	Up to 2026	Authority's Monitoring Report	Delivering the homes necessary, including affordable and lifetime homes to meet objectively assessed housing needs as assessed in the Strategic Housing Market assessment (SHMA).
<b>Marriage and Civil Partnership</b>					
The draft Plan provides for policies which will provide equal opportunities for all, regardless of marital status.	Implementation of the draft Plan to provide the homes necessary to meet future needs of Wiltshire.	Partnership working between Wiltshire Council, developers and local communities.	Up to 2026	Authority's Monitoring Report	Delivering the homes necessary, including affordable and lifetime homes to meet objectively assessed housing needs as assessed in the Strategic Housing Market assessment (SHMA).
<b>Pregnancy and Maternity</b>					
The draft Plan provides for policies which will provide equal opportunities for all, regardless of this issue.	Implementation of the draft Plan to provide the homes necessary to meet future needs of Wiltshire.	Partnership working between Wiltshire Council, developers and local communities.	Up to 2026	Authority's Monitoring Report	Delivering the homes necessary, including affordable and lifetime homes to meet objectively assessed housing needs as assessed in the Strategic Housing Market assessment (SHMA).
<b>Race</b> (including ethnicity or national origin, colour, nationality and Gypsies and Travellers)					

<p>The draft Plan provides for policies which will provide equal opportunities for all, regardless of race.</p> <p>Ethnic groups have been targeted through the consultation including:</p> <ul style="list-style-type: none"> <li>• Friends Families and Travellers</li> <li>• The Showmans Guild of Great Britain</li> <li>• Turkish Community Union</li> <li>• Friends of Romania's Horses</li> <li>• The Romany Gypsy Council</li> <li>• Gypsy Council</li> <li>• Racial Equality Council</li> </ul>	<p>WCS Core Policy 47 deals with providing for Gypsies and Travellers. A Gypsy and Traveller Development Plan Document is also under preparation. The draft Plan will complement the policies of both documents.</p>	<p>Spatial Planning</p>	<p>2016</p>	<p>Authority's Monitoring Report</p>	<p>Providing adequate pitches and facilities for the Gypsy and Traveller needs within Wiltshire.</p>
<p><b>Religion and Belief</b></p>					
<p>The draft Plan provides for policies which will provide equal opportunities for all, regardless of religion.</p> <p>Faith groups have been engaged throughout the consultation process. The Plan does not propose any form of development that would</p>	<p>Implementation of the draft Plan to provide the homes necessary to meet future needs of Wiltshire.</p>	<p>Partnership working between Wiltshire Council, developers and local communities.</p>	<p>Up to 2026</p>	<p>Authority's Monitoring Report</p>	<p>Delivering the homes necessary, including affordable and lifetime homes to meet objectively assessed housing needs as assessed in the Strategic Housing Market assessment (SHMA).</p>

<p>obstruct faith groups functioning as normal.</p> <p>Religious groups have been targeted through the consultation including:</p> <ul style="list-style-type: none"> <li>• Sikh Missionary Society</li> <li>• Dauntsey Church.</li> </ul>					
<b>Sex</b>					
<p>The draft Plan provides for policies which will provide equal opportunities for all, regardless of sex.</p>	<p>Implementation of the draft Plan to provide the homes necessary to meet future needs of Wiltshire.</p>	<p>Partnership working between Wiltshire Council, developers and local communities.</p>	<p>Up to 2026</p>	<p>Authority's Monitoring Report</p>	<p>Delivering the homes necessary, including affordable and lifetime homes to meet objectively assessed housing needs as assessed in the Strategic Housing Market assessment (SHMA).</p>
<b>Sexual Orientation</b>					
<p>The draft Plan provides for policies which will provide equal opportunities for all, regardless of sexual orientation.</p>	<p>Implementation of the draft Plan to provide the homes necessary to meet future needs of Wiltshire.</p>	<p>Partnership working between Wiltshire Council, developers and local communities.</p>	<p>Up to 2026</p>	<p>Authority's Monitoring Report</p>	<p>Delivering the homes necessary, including affordable and lifetime homes to meet objectively assessed housing needs as assessed in the Strategic Housing Market assessment (SHMA).</p>

## **Calculating the Equalities Risk Score**

You will need to calculate a risk score twice:

1. On the inherent risk of the proposal itself (without taking into account any mitigating actions you may identify at the end of the Equality Analysis (EA) process)
2. On the risk that remains (the residual risk) after mitigating actions have been identified

This is necessary at both points to:

- Firstly, identify whether an EA needs to be completed for the proposal and;
- Secondly, to understand what risk would be left if the actions identified to mitigate against any adverse impact are implemented

### **Stage 1 - to get the inherent risk rating:**

1. Use the [Equalities Risk Criteria Table](#) below and score each criteria on a scale of 1 - 4 for the impact and their likelihood of occurrence. Multiply these 2 scores together (Likelihood x Impact) to get an overall score (this will range from 1 – 16)
2. Consider the scores and if any one aspect scores a 4 then this is likely to outweigh all others. On this basis determine the appropriate score for the risk. (Do not average scores since this will almost always produce a low – average scored risk)
3. Assess whether you need to carry out an EA using the guidance box below (stage 2)
4. If an EA is needed (i.e. your score is above 3) make a note of your inherent score using the red, amber, green colour rating on the [first page](#) of the EA template

### **Stage 2 - to identify whether an EA needs to be carried out:**

If your inherent risk score is:

**12 – 16 or Red** = High Risk. **An Equality Analysis must be completed.** Significant risks which have to be actively managed; reduce the likelihood and/or impact through control measures.

**6 – 9 or Amber** = Medium Risk. **An Equality Analysis must be completed.** Manageable risks, controls to be put in place; managers should consider the cost of implementing controls against the benefit in the reduction of risk exposure.

**3 – 4 or Green** = Low Risk. **An Equality Analysis must be completed**

**1 – 2 or Green** = Low Risk. **An Equality Analysis does not have to be completed**

### **Stage 3 - to get the residual risk rating:**

1. Repeat the process above when mitigating actions have been identified and evidenced in the [table](#) on page 3 to calculate the **residual risk**
2. Make a note of the residual risk score using the red, amber, green colour rating on the [first page](#) of the EA template



**Equalities Risk Criteria Table**

Impact  Criteria	Low  1	Moderate  2	Substantial 3	Critical  4
Legal challenge to the Authority under the Public Sector Equality Duty	Complaint/initial challenge may easily be resolved	Internal investigation following a number of complaints or challenges	Ombudsman complaint following unresolved complaints or challenges	Risk of high level challenge resulting in Judicial Review
Financial costs/implications	Little or no additional financial implication as a result of this decision or proposal	Medium level implication with internal legal costs and internal resources	High financial impact - External legal advice and internal resources	Severe financial impact - legal costs and internal resources
People impacts	No or Low or level of impact on isolation, quality of life, achievement, access to services. Unlikely to result in harm or injury. Mitigating actions are sufficient	Significant quality of life issues i.e. Achievement, access to services. Minor to significant levels of harm, injury, mistreatment or abuse OR, low level of impact that is possible or likely to occur with over 500 people potentially affected	Serious Quality of Life issues i.e. Where isolation increases or vulnerability is greatly affected as a result. Injury and/or serious mistreatment or abuse of an individual for whom the Council has a responsibility OR, a medium level of impact that is likely to occur with over 500 people potentially affected	Death of an individual for whom the Council has a responsibility or serious mistreatment or abuse resulting in criminal charges OR High level of impact that is likely to occur, with potentially over 500 people potentially affected
Reputational damage	Little or no impact outside of the Council	Some negative local media reporting	Significant to high levels of negative front page reports/editorial comment in	National attention and media coverage

Equalities Risk Matrix

		Acceptable		Actively managed	
Impact	Critical (4)	4	8	12 Significant Risk	16 Significant Risk
	Substantial (3)	3	6	9	12 Significant Risk
	Moderate (2)	2	4	6	8
	Low (1)	1	2	3	4
		Very Unlikely (1)	Unlikely (2)	Likely (3)	Very Likely (4)
		Likelihood of occurrence			

**The protected characteristics:**

**Age** - Where this is referred to, it refers to a person belonging to a particular age (e.g. 32 year olds) or range of ages (e.g. 18 - 30 year olds). This includes all ages, including children and young people and older people.

**Disability** - A person has a disability if s/he has a physical or mental impairment which has a substantial and long-term adverse effect on that person's ability to carry out normal day-to-day activities.

**Gender reassignment** - The process of transitioning from one gender to another.

**Race** - Refers to the protected characteristic of Race. It refers to a group of people defined by their race, colour, and nationality (including citizenship) ethnic or national origins.

**Religion and belief** - Religion has the meaning usually given to it but belief includes religious and philosophical beliefs including lack of belief (e.g. Atheism). Generally, a belief should affect your life choices or the way you live for it to be included in the definition.

**Marriage and civil partnership** - Marriage is defined as a 'union between a man and a woman'. Same-sex couples can have their relationships legally recognised as 'civil partnerships' and get married (from 29 March 2014) at certain religious venues. Civil partners must be treated the same as married couples on a wide range of legal matters.

**Pregnancy and maternity** - Pregnancy is the condition of being pregnant. Maternity refers to the period of 26 weeks after the birth, which reflects the period of a woman's ordinary maternity leave entitlement in the employment context.

**Sex (this was previously called 'gender')** - A man or a woman.

**Sexual orientation** - Whether a person's sexual attraction is towards their own sex, the opposite sex or to both sexes

You are also protected if you are discriminated against because you are **perceived** to have, or are **associated** with someone who has, a protected characteristic. For example, the Equality Act will protect people who are caring for a disabled child or relative. They will be protected by virtue of their association to that person (e.g. if the Carer is refused a service because of the person they are caring for, this would amount to discrimination by association and they would be protected under the Equality Act)



This document was published by the Spatial Planning team, Wiltshire Council, Economic Development and Planning Services.

For further information please visit the following website:

<http://www.wiltshire.gov.uk/wiltshsgsiteallocationsplan.htm>

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**Report on consultation with Wiltshire Councillors and town and parish councils  
on the proposed changes to the Wiltshire Housing Site Allocations Plan  
15<sup>th</sup> May -11<sup>th</sup> June 2018**

- 1.0 On 15 May 2018, Wiltshire Council's Cabinet deferred making a decision on the draft Wiltshire Housing Site Allocations Plan (the draft Plan), which was then due to go to Full Council on 22 May 2018. The decision to defer was taken to provide Wiltshire councillors with more time to fully consider the documents prepared by officers, and specifically, the Schedule of Proposed Changes to the draft plan. Cabinet considered that this offer should also be made available to parish and town councils. Comments on the Schedule of Proposed Changes were invited to be received by Noon Monday 11 June 2018.
- 1.1 The papers presented to Cabinet on 15 May 2018 will be considered, alongside comments received in respect of the Schedule of Proposed Changes as set out in this Addendum, at Cabinet on 3 July 2018 and then Full Council on 10 July 2018. For ease of reference the papers can be accessed via the following link:  
<https://cms.wiltshire.gov.uk/ieListDocuments.aspx?CId=1393&MId=12117>
- 1.2 This Addendum will inform additional changes to the schedule of Proposed Changes as set out at Appendix 2 of the report originally presented to Cabinet on 15 May 2018.
- 2.0 Representations Received**
- 2.1 In total representations were received from 20 respondents. Responses were received from 2 Wiltshire Councillors, 15 parish and town councils (of which two Parish Councils – Market Lavington and North Bradley submitted a joint response) and 3 Neighbourhood Plan Steering Groups (of which two steering groups – Market Lavington and North Bradley submitted a joint response). A summary of each response along with an officer response can be found in **Table 1** below. Full, verbatim transcripts of every response received can be found at **Appendix 1** to this Addendum document.
- 2.2 Whilst the consultation was for Wiltshire Councillors and parish and town councils 18 representations were received from members of the public. These responses from individual members of the public were not purposefully invited, as the consultation was specifically undertaken with town/parish councils and Wiltshire Council councillors only. However, in the interests of inclusivity, they have nonetheless been faithfully recorded as duly made. Details of each response and the response of officers can be found in **Table 2** below. Full, verbatim transcripts of every response received can be found at **Appendix 2** to this Addendum document.
- 2.3 Some changes are proposed for the settlement boundaries of Seend, Winterslow and Codford. Maps showing these proposed changes can be found at **Appendix 3**.

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**Table 1: Summary of representations received from Wiltshire Councillors, town and parish councils and neighbourhood plan steering groups, and the Council’s response**

<b>Response number</b>	<b>Councillor/ Town or parish council</b>	<b>Summary of response</b>	<b>Officer response</b>	<b>Proposed change</b>
1 and 1a (Crudwell Parish Council submitted two responses)	Crudwell Parish Council	<p>Crudwell Parish Council note that it was stated at the Cabinet meeting on the 15<sup>th</sup> May that Wiltshire Council will work with Market Lavington and North Bradley Parish Councils to help them reach their Regulation 16 stage before the Examination into the WHSAP. Crudwell Neighbourhood Plan has a similar timetable, rapid progress has been made and there is public support got the neighbourhood plan. It should therefore be treated in a similar way to Market Lavington and North Bradley.</p> <p>There is no strategic need to allocate housing sites in Malmesbury Community Area and the allocation of housing should be left to the neighbourhood plan</p>	<p>In accordance with the Council’s site selection methodology the Large Village of Crudwell fell within the draft Wiltshire Housing Site Allocations Plan (draft Plan) remit to help support the delivery of housing within the Malmesbury Community Area and thereby address the then indicative housing requirement set by the Wiltshire Core Strategy for 70 dwellings. Since the publication of the draft Plan the indicative, strategic housing requirement has now been met and hence there is a case for recommending that the proposed allocation at Ridgeway Farm be deleted from the draft Plan in order to allow the Qualifying Body to expedite their neighbourhood plan and thereby deliver housing to meet locally defined need. Whilst the draft neighbourhood plan is yet to reach the Regulation 14 stage, it is acknowledged that good progress has been made. However, in the interests of ensuring that the overall housing land supply position across the North and West Housing Market Area is sustained it is recommended that the proposed allocation be retained at this stage. The Council will continue to work with the Qualifying Body to progress their neighbourhood plan through to the Regulation</p>	<p>No change at this stage, the position will be kept under review and considered in detail through the examination of the draft Plan.</p>



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Response number	Councillor/ Town or parish council	Summary of response	Officer response	Proposed change
			16/examination stage. In addition, the housing land supply position will continue to be monitored to inform the examination of the draft Plan. Should the emerging Crudwell neighbourhood plan continue to progress rapidly and soundly, then a decision as to whether to proceed with the proposed Ridgeway Farm site can be debated through the examination of the draft Plan.	
2	Codford Parish Council	<p>The Codford Parish Council is happy with the current proposals for the village. However, they would also like to include the following amendments to the proposed settlement boundary before the draft Plan is submitted for examination:</p> <ul style="list-style-type: none"> <li>• Include G5, H5 Bury Farm as this site has already been built on.</li> <li>• Propose D4 Ivy Cottage as a site for redevelopment.</li> </ul>	<p><u>Proposed Settlement Boundary Map</u> <u>Reference: G5, H5, Bury Farm</u></p> <p>The exclusion of the built residential development at Bury Farm is a mapping error, as the methodology includes built residential development that is physically related to the settlement. The adjacent farm buildings are part of the curtilage of Bury Farm/ built employment development that relates more to the built environment and, so should be included under the methodology. In any case, they are currently undergoing conversion to residential development.</p> <p><u>Proposed Settlement Boundary Map</u> <u>Reference: D4, Ivy Cottages</u></p> <p>Officers acknowledge the Parish Council's desire to see land at Ivy Cottages allocated for development by bringing it within the proposed settlement boundary line. However,</p>	Make Proposed Changes to include the built residential development at Bury Farm and adjacent farm buildings within the proposed settlement boundary for Codford (See Appendix 3)

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<b>Response number</b>	<b>Councillor/ Town or parish council</b>	<b>Summary of response</b>	<b>Officer response</b>	<b>Proposed change</b>
			<p>the land in question is considered to be some distance from the settlement boundary and the urban edge of Codford. Therefore, it would be impractical to include this land within the settlement boundary, particularly when assessed against the Council’s methodology on such matters.</p> <p>The Core Strategy includes ‘exception policies’ (see <i>paragraph 4.25 of the Wiltshire Core Strategy</i>) that, depending upon the type of redevelopment proposed, could be considered as a way forward. Alternatively, redevelopment of this site could be something that the community might wish to pursue through a future neighbourhood plan.</p>	
3	Westbury Town Council	Westbury Town Council does not have any adverse comments but note that excessive development has taken place in Westbury previously due to the absence of a 5-year plan and identified sites which made speculative projects. They welcome the recognition that Westbury has seen over development and at this time no further development is desirable or necessary although we would point out as previously that there has been no infrastructure improvements to help sustain such development.	Comments noted.	No changes

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<b>Response number</b>	<b>Councillor/ Town or parish council</b>	<b>Summary of response</b>	<b>Officer response</b>	<b>Proposed change</b>
		The draft plan fails to appreciate or address the fact that surrounding towns although not identified as providing more housing other than that in the pipeline will be affected by building in adjacent parishes. For example, the additional dwellings in Bratton are likely to impact on Westbury without any subsequent benefit to Westbury.		
4	Seend Parish Council	<p>Seend Parish Council propose the following settlement boundary changes: On the western boundary at F8/G8, Seend Parish Council do not agree that the site on the western boundary at F8/G8 should be included within the settlement boundary as the site is more related to the open countryside, especially in relation to the expansive views it provides.</p> <p>On H8/I8 more of the frontage of Seend House has been included which was not included in our original response of September 2017. Seend Parish Council would like the boundary line drawn back to the trees and the properties as per our previous submission.</p>	<p><u>Proposed Settlement Boundary Map Reference: Western boundary at F8/G8</u></p> <p>Officers agree that this car park represents the extended curtilage of a property that relates more to the open countryside, in terms of its setting.</p> <p><u>Proposed Settlement Boundary Map Reference: H8/I8 frontage of Seend House</u></p> <p>Officers agree to amend the settlement boundary in this area in the interests of consistency as this would be in line with previous amendments to the settlement boundary for Seend that have excluded large dwellings/ curtilages or part thereof.</p>	<p>Make Proposed Changes to:</p> <p>(i) Exclude the car park on the western boundary F8/G8 from within the proposed settlement boundary for Seend.</p> <p>(ii) Retain the line of the existing settlement boundary in this area, except to include the strip of amenity land adjacent to the</p>

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<b>Response number</b>	<b>Councillor/ Town or parish council</b>	<b>Summary of response</b>	<b>Officer response</b>	<b>Proposed change</b>
				High Street, which relates more closely to the built environment.  (See Appendix 3.)
5 and 5a Original response and proposed changes	Trowbridge Town Council	<p>Trowbridge Town Council reconsidered the draft Plan at an extraordinary meeting of the Policy and Resources Committee held on Tuesday 5<sup>th</sup> June. The committee, having considered the matter resolved the following:</p> <p>A. Trowbridge Town Council supports Wiltshire Council’s allocation of 1000 of the Windfalls allowance for the North &amp; West Housing Market Area to Trowbridge CA as expressed by Councillor Sturgis at the Trowbridge Area Board on Thursday 24<sup>th</sup> May 2018.</p> <p>B. Trowbridge Town Council therefore agrees with Wiltshire Council that the shortfall in supply for the Trowbridge Community Area is 843 houses in the period up to 2026.</p> <p>C. Trowbridge Town Council supports Wiltshire Council in seeking to</p>	<p>A. The windfall allowance for Wiltshire is presented at a Housing Market Area (HMA) level. Bringing forward brownfield sites is rarely straightforward due to the legacy of previous uses and the additional costs associated with redevelopment. Consequently, in housing land supply terms, brownfield sites without planning permission are not considered to be a reliable source of supply on a small geographical scale such as the settlement level.</p> <p>The Brownfield Register published on the Wiltshire Council website identifies sites in Trowbridge with a total capacity of 212 dwellings, of which 112 are allocated in the development plan and 100 have the benefit of planning permission. These sites are therefore already included in the housing land supply and will not contribute to the windfall allowance.</p>	No changes.

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Response number	Councillor/ Town or parish council	Summary of response	Officer response	Proposed change
		<p>allocate a surplus in order to ensure that the five-year land supply can be met in the HMA and that this is met through identifying sites for 1100 houses.</p> <p>D. Trowbridge Town Council supports Wiltshire Council in the allocation of the following sites to meet part of the shortfall: Spring Meadow SHELAA site 3260 (45 dwellings) Elm Grove Farm SHELAA sites 248/613 (250 dwellings) Church Lane SHELAA site 1021 (45 dwelling) and; Trowbridge Town Council supports the allocation of the following alternative sites to meet part of the shortfall: Additional allocation at Wain Homes' part of Ashton Park (21 dwellings) Biss Farm SHELAA site 3247 (267 dwellings)</p> <p>E. Trowbridge Town Council does not support the following sites which are contrary to the Wiltshire Core Strategy: South of Elizabeth Way (355 dwellings)</p>	<p>Furthermore, previous experience has shown that relying on brownfield sites allocated in a development plan can result in a shortfall in housing land supply. This approach was adopted in the North Wiltshire Local Plan for Chippenham. Significant delays in bringing forward the allocated brownfield sites led to a substantial drop in housing delivery for the town over a sustained period. This had a negative impact on the demonstrable housing land supply, and contributed to unplanned speculative development coming forward across the housing market area.</p> <p>Given that there is less than 8 years of the plan period remaining, there would need to be robust and credible evidence to support the allocation of previously developed land in a local plan with such a short time horizon.</p> <p>The approach to windfall development developed for assessing housing land supply has been tested numerous times at planning appeal and found to be robust. The allowance is based on historic delivery rates for each HMA, smoothing out any peaks and troughs in delivery generally seen at the settlement level.</p>	

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Response number	Councillor/ Town or parish council	Summary of response	Officer response	Proposed change
		<p>White Horse Business Park (225 dwellings) Southwick Court (180 dwellings)</p> <p>F. Trowbridge Town Council agrees with Wiltshire Council, that the WCS figures are indicative only and should not be adhered to rigidly and therefore supports the reallocation of; 72 houses to the neighbouring villages, in order to ensure that they continue to maintain sustainability and local infrastructure; and 400 houses to other towns in the HMA such as Melksham, Calne and Westbury, to ensure that they can continue to sustain economic growth and the viability and vitality of their town centres, throughout the plan period.</p> <p>G. Trowbridge Town Council supports Wiltshire Council in meeting the longer-term growth for Trowbridge through a review of the WCS and in particular a review of the Green Belt.</p> <p>H. Trowbridge Town Council does not support the redevelopment of the QEII 'Fields in Trust' Elm Grove Recreation Ground as part of a</p>	<p>As explained in Topic Paper 2 (paragraph 4.9) a separate windfall allowance is included in the housing land supply for each of the HMAs. The delivery of brownfield sites in Trowbridge up to 2026 has therefore already been accounted for in the evidence base for the WHSAP.</p> <p>There is no doubt that brownfield sites will make a significant contribution to the supply across the HMA as a whole. The evidence to support the HSAP indicates that 2,209 dwellings on such sites will be delivered in the North and West HMA between 2017 and 2026. This figure is based on a robust and defensible methodology and will no doubt be met to some extent through the delivery of brownfield sites in Trowbridge.</p> <p>B. Officers do not agree that the shortfall for Trowbridge is 843 dwellings. There is no evidence to indicate that Trowbridge would be able to deliver 1,000 dwellings from windfall sites that have not already been accounted for in the supply, by 2026. This would equate to 45% of the windfall allowance in the North and West HMA at a single settlement, which is significantly above historic rates, and is</p>	

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Response number	Councillor/ Town or parish council	Summary of response	Officer response	Proposed change
		<p>housing site allocation or school development and requests that the Spatial Planning Team identify the justification for a new 2 form entry primary school in this part of the town and also considers use of any land in this area in the ownership of Coulston Estates or Wiltshire Council that could accommodate a new site for Larkrise School. And that alternative arrangements to accommodate the school and housing development are brought forward which retain the Elm Grove Recreation Ground as a focal centre for the community, linking the existing and new developments.</p> <p>i. That regarding the sites put forward by Wiltshire Council, Trowbridge Town Council views with great concern the lack of transparency in respect of Spatial Planning’s dealings with site owners and promoters. Additionally, Spatial Planning have failed to observe the protocol whereby ward councillors are fully briefed, at an early stage, of any major proposals for their area.</p>	<p>not considered to be realistic or justified. A windfall allowance has already been taken into account for the HMA in the evidence base for the WHSAP. It is important the WHSAP provides surety of supply, something which cannot be achieved by relying on windfall development with less than 8 years of the plan period remaining. The shortfall for Trowbridge is therefore 2,230 dwellings.</p> <p>C. As shown in table 3.1 of the addendum to Topic Paper 3 the indicative remaining requirement for the Principal Settlement of Trowbridge has increased in recent years, mainly due to the delays in bringing forward the allocated site at Ashton Park. The indicative remaining requirement for the town as at April 2017 is 2,230 dwellings. This is significantly below the amount of development envisaged. It should be noted that the sites proposed for allocation at Trowbridge in the HSAP will not address the full shortfall of 2,230 but goes some way to correcting the current imbalance. The site selection process undertaken is robust and thorough, eliminating any sites that are currently not considered suitable for development. The reasons behind the selection of sites for the WHSAP can be</p>	

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<b>Response number</b>	<b>Councillor/ Town or parish council</b>	<b>Summary of response</b>	<b>Officer response</b>	<b>Proposed change</b>
		<p>In light of the above Trowbridge Town Council recommend a number of detailed changes which can be found in their full representation in Appendix 1.</p>	<p>found in the Trowbridge Community Area Topic Paper.</p> <p>D. Support noted.</p> <p>Biss Farm is located on an existing employment allocation associated with Ashton Park. As explained in the Community Area Topic paper for Trowbridge, the allocation of this site for housing development would be contrary to the Wiltshire Core Strategy and was therefore excluded from further consideration.</p> <p>Officers were not aware of a proposed extension to the site proposed by Wain Homes. Should this proposal become apparent in due course it will be considered in the housing land supply calculations.</p> <p>E. None of the sites allocated in the WHSAP will impact unacceptably upon the character and identity of the villages of Hilperton, Southwick, North Bradley or West Ashton. This has been demonstrated in the significant level of assessment undertaken for each of the sites proposed. Moreover, the policies of the Wiltshire Core Strategy would be</p>	



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<b>Response number</b>	<b>Councillor/ Town or parish council</b>	<b>Summary of response</b>	<b>Officer response</b>	<b>Proposed change</b>
			<p>applied to the consideration of any subsequent planning application and thereby limit such impacts.</p> <p>F. Where there is a shortfall in one location it does not follow that should be met by over delivery in another. Trowbridge is a Principal Settlement and so reallocating the shortfall to other Market Towns and Large Villages would result in an imbalance in the sustainable pattern of development planned for Wiltshire. Furthermore, Market Towns such as Melksham, Calne and Westbury have sufficient existing commitments to provide a steady supply of housing to the end of the plan period and potentially beyond. Every effort should therefore be made to identify sites at Trowbridge sufficient to ensure surety of supply for the North and West HMA.</p> <p>The Wiltshire Core Strategy sets out the strategic policies for the delivery of sustainable development across Wiltshire.</p> <p>Taken together CP1 and CP2 provide the context for the selection of sites for the WHSAP. Clearly it is important that the WHSAP seeks to avoid any imbalance in delivery of housing in Wiltshire. Table 4.2</p>	

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<b>Response number</b>	<b>Councillor/ Town or parish council</b>	<b>Summary of response</b>	<b>Officer response</b>	<b>Proposed change</b>
			<p>of Topic Paper 3: Housing Land Supply shows the indicative remaining requirement for each of the Community Areas, taking into account housing completions and developable commitments. The table illustrates that the majority of Community Areas are on track to meet or exceed their indicative requirements. However, the Principal Settlement of Trowbridge immediately stands out with a housing shortfall of 2,230 against the indicative requirement for the town. The Trowbridge Community Area Topic Paper notes this and highlights in paragraph 2.13 that the shortfall is predominantly due to delays in the delivery of the strategic allocation at Ashton Park and this remains the same today, despite Outline planning permission having been granted for the development of 2,500 homes in 2018.</p> <p>The status of Trowbridge in the settlement hierarchy means that the displacement of housing from the town to lower tier settlements would be likely to result in undermining the sustainable pattern of development for Wiltshire. This is something that should therefore be avoided wherever possible, particularly where other settlements have already met</p>	

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			<p>or exceeded their own indicative requirements. The WHSAP has sought to test the capacity of the town to accommodate growth through the identification of additional site allocations, whilst being mindful of housing delivery across the housing market area.</p> <p>It should be noted that the sites proposed for allocation at Trowbridge in the WHSAP will not address the full shortfall but go some way to correcting the current imbalance. The site selection process undertaken is robust and thorough, eliminating any sites that are currently not considered suitable for development. The reasons behind the selection of sites for the WHSAP can be found in the Trowbridge Community Area Topic Paper.</p> <p>G. A review of the Green Belt may be undertaken as part of the Local Plan Review, although the need to do so is yet to be determined. The NPPF states that “Greenbelts should only be altered in exceptional circumstances”. This means that all other reasonable alternative options should be considered in the first instance.</p>	

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			<p>The Wiltshire Core Strategy Examining Inspector concluded that the council should prepare a housing site allocations plan to ensure security of supply to the end of the plan period. Trowbridge is a principal settlement and it is therefore entirely appropriate to seek to allocate land as proposed in the WHSAP. The proposed sites have all been rigorously assessed as part of the site selection process, and the evidence indicates that they are suitable for development.</p> <p>H. There is an existing need for a two-form entry mainstream primary school in Trowbridge. Whilst it is appreciated that there is also a need to accommodate pupils with special needs as well, the debate for special school provision does not fall under the remit of this draft Plan. The draft Plan seeks to bring forward a new mainstream two-form entry primary school site as part of site allocation H2.1 Elm Grove Farm as no other alternative site has been identified within the plan period to meet the need of the town. There is provision of an alternative site within the development for a replacement playing field which could be dedicated as a replacement and provide betterment for the local community. See Appendix 3 –</p>	

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			Note on Elm Grove Field that went to Cabinet May 2018.  I. Comments noted.	
6	Durrington Town Council	<p>Durrington should be reclassified as a Large Village, not be part of the Market town of Amesbury, Bulford and Durrington.</p> <p>Only housing site allocations for Durrington alone have been put forward to this stage, there is no allocation for Bulford or Amesbury. Durrington Town Council are aware of a potential freehold site belonging to Lincoln College on the London Road in Amesbury that has proposals for circa 73 homes, this was initially assessed as less sustainable due to noise concerns and potential A303 plans and should be reassessed based on new evidence.</p> <p><b>Army rebasing:</b> There is no ‘master-planned approach’ for Durrington based on Army Rebasing, despite it incorporating Larkhill within its Parish and being sandwiched between Larkhill and Bulford. Wiltshire Council’s requirement to find land and build more houses in line with Government directives is not working</p>	<p>Officers acknowledged the comment that Durrington should be classified as a Large Village, which was also raised through Durrington Town Council’s representation during the Summer 2017 pre-submission consultation. The draft Plan is based on the current Wiltshire Core Strategy, which classifies Durrington as part of a group of settlements making up a Market Town, with Amesbury and Bulford. The matter of re-designation can be considered through the Local Plan Review, but it is beyond the scope of this Plan to re-classify settlements.</p> <p>Land to the north of London Road, Amesbury has been assessed. As set out in the Amesbury Community Area Topic Paper this site (SHLAA reference 3379) was re-assessed on the basis of updated evidence that confirmed that the land is not needed in relation to the proposed A303 dualling project. Even with this information, the site is still assessed as being a ‘less sustainable’ option due to the potential impacts on future residents associated with noise and air pollution from the A303 as well as the</p>	No changes

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		<p>in tandem with Army Rebasing to completely understand the impact that Rebasing will have on Durrington. Building 440 houses within the Parish, along with another 225 on the outskirts in Bulford will already have a significant impact on Durrington without Wiltshire Council allocating another 60 houses in Durrington itself. The impact on Durrington’s roads and facilities has not been thoroughly considered.</p> <p>The Plan is unsound; it is not justified to make a decision at this time on extra houses being built in Durrington whilst the full impact of Army Rebasing on Durrington is unknown.</p> <p><b>Allocation H2.5 Clover Lane:</b> When the Avon Fields Site on Clover Lane was planned it was only accepted by Salisbury District Council on a Master Plan that designed the roads and access to the site within strict criteria, it was never designed to cope with the newly proposed numbers. The impact of a further 45 houses linking into the Avon Fields Estate needs addressing from a Highways perspective not that of the site promoters.</p>	<p>adjacent industrial uses on the Solstice Business Park. Despite the submission of a proposed layout during the Summer 2017 consultation that was informed by a noise assessment, our conclusions consider that the effects of vehicular noise would still be problematic to mitigate due to the topography of the site, resulting in a development that would be suboptimal for its residents. It is considered that there are more sustainable options available in the area of search, and these are at Durrington. Due to the role of Amesbury as a larger settlement, the ‘less sustainable’ option at Amesbury was considered, however it was concluded that the benefits of developing the site would not outweigh the negative effects.</p> <p><b>Army rebasing:</b> As stated in the Regulation 22 Consultation Report, the Army Basing Programme is recognised as being a factor likely to put pressure on local services and facilities. The programme has considered the impacts of additional Service Family Accommodation (SFA) in the area. Assessments have been carried out (based on a worse case basis in relation to potential numbers). Necessary infrastructure and services are being put in place, such as additional road junction, cycle paths and pedestrian footpaths to encourage people to</p>	

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			<p>travel by means other than car. On the whole, the programme aims to increase the self-containment of military personnel on the bases. However, it is acknowledged that actual future traffic movements and use of facilities at Durrington cannot be known for certain at this stage. The allocations within the draft Housing Sites Allocations Plan, have been assessed in terms of their potential impact on Durrington. The impact on the local highway network is considered to be low, and it is considered that the local services and facilities are able to cope with the additional population and/or planning proposals will be subject to requirements to provide or contribute to necessary improvements. Therefore, the Army Basing Programme and the Wiltshire Housing Site Allocations Plan process have each assessed their impacts carefully. Any further queries regarding the implications of the Army Basing Programme should be directed through the appropriate channels to that programme. Cumulative impacts on environmental effects and European habitats designations (for example impacts on the River Avon SAC) have been assessed through the SEA and HRA of the WHSAP.</p> <p><b>Allocation 2.5 Clover Lane:</b> Highways Officers have commented on the allocation at</p>	

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			<p>Clover Lane and not raised any objection from a highways perspective. As an aside, it should be noted that the Clover Lane allocation is for approx. 34 dwellings in addition to the existing Avon Fields outline planning permission – the land linking site S98 and site 3154 was already included within the Avon Fields proposals for approximately 11 larger dwellings. As stated in the Reg 22 statement “Development should be delivered according to the policy and taking account of issues raised during site assessment and consultation, including impacts on the River Avon SAC and SSSI, water infrastructure and drainage. The planning application process will also require that any necessary assessment is carried out and informs the proposals so that requirements can be met.” and “Considerations such as the impacts on highways, landscape, flooding and local services were taken into account during the site assessment process. None of the potential impacts were thought to be insurmountable based on evidence available at the time of assessment.”</p> <p>This means that all the relevant issues – raised through our own sustainability assessment as well as through the Summer 2017 consultation – were considered and necessary requirements have been included in the policy to supplement the usual</p>	



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			requirements that take place during the planning application process, such as flood risk assessment, transport assessment.	
7	Yatton Keynall Parish Council	<p>The following amendments are requested to be made to the schedule of proposed changes.</p> <ul style="list-style-type: none"> <li>Proposed Change 68 – Paragraph 5.109 Insert additional wording to improve clarity and to reflect the Parish Council’s concerns expressed in their submission of 18th September with regards to the ability of the fresh water supply system and foul water system to cope with a development of 30 houses.</li> <li>Proposed Change 69 – Paragraph 5.110. Access directly from the B4039 was identified as the preferred access point in the Parish Council’s submission dated 18th September 2017, this was supported by Cllr Baroness J Scott who advised Wiltshire Council’s officers accordingly. Cllr Baroness J Scott has reconfirmed the above on the 4<sup>th</sup> of June in a telephone conversation with our Chairman. Therefore the final sentence should be changed to remove reference to vehicular access being through Farrells Fields to read</li> </ul>	<p>The ability to provide a fresh water supply system and foul water system to cope with a development on this site is considered capable of being satisfactorily resolved through the development management process and does not need to be reiterated within policy. It is stated in the Chippenham Community Area Paper that there this is a wider consideration and measures will be needed to address this issue, as follows: “In Yatton Keynell there is limited capacity available from local mains for water supply. An assessment of capacity for water supply would need to be undertaken in order to support any subsequent planning applications. Infrastructure upgrades may be required and agreed through dialogue with the relevant water utilities company.”</p> <p>With regard to access arrangements, it is important to stress that Farrells Field is an adopted road, that was clearly designed in such a way as to allow for future extension of Farrells Field. On the basis of evidence gathered to date, the proposal to access via Farrells Field would be the solution preferred by our Highway engineers.</p>	No changes

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		<p>“Access would be taken directly from the B4039 with provision for pedestrian only access through Farrells Field.”</p>	<p>Officers acknowledge that access could be achieved directly off the B4039. However, this would likely be costlier to achieve and therefore the viability of delivering a small-scale development on the site may not be capable of yielding other community benefits, such as affordable housing. These matters would need to be addressed in detail at any subsequent planning application stage.</p>	
8 Joint response	North Bradley and Market Lavington Parish Councils	<p>North Bradley and Market Lavington Parish Councils (the Parish Councils) fully accept the need to deliver strategic housing for Wiltshire and are committed to neighbourhood plans which aim to do just this. However, a choice exists in plan making terms between a top-down approach undertaken by unelected officers; or with the help and support of the community via neighbourhood plans.</p> <p>The Parish Councils do not want to create conflict between traditional and newer community based plans. The emerging neighbourhood plans for both Market Lavington and North Bradley have similar aims to the draft Wiltshire Housing Site Allocations Plan and should therefore be</p>	<p>As anticipated by primary and secondary legislation, Wiltshire Council fully supports neighbourhood planning. In this regard, it is acknowledged that good progress has been made in respect of both the Market Lavington and North Bradley Neighbourhood Plans.</p> <p>The weight to be attached to emerging plans, including neighbourhood plans, is ultimately a matter for the decision maker to conclude, based upon the advice set out in paragraph 216 of the National Planning Policy Framework.</p> <p>Indeed, this position has been well rehearsed through appeal decisions<sup>1</sup> and the Courts. Planning Inspectors are clearly and consistently applying the advice in paragraph</p>	No changes

<sup>1</sup> Mr Gary Russell of Mulberry Homes (Ropley) Limited v East Hampshire District Council (17th April 2018); Mr J Wells (Studios Building (Falmouth) Ltd) v Cornwall Council (20th December 2017); Mr Richard Shires (R&S Shires(Farmers) Ltd) v Milton Keynes Council

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		<p>supported by Wiltshire Council in preference over a top down imposition of site allocations that communities do not favour.</p> <p>Moreover, Wiltshire Council are incorrect in their assessment of the weight to be attached to emerging neighbourhood plans. Weight should be applied to emerging neighbourhood plans at all stages of their preparation, not just at the Regulation 16/examination stage. Therefore, where an emerging neighbourhood plan identifies sites for housing development it should be supported to deliver what the community consider is an acceptable level of growth.</p> <p>A joint approach is needed whereby strategic housing need is met in the first instance by neighbourhood plans and only where this is insufficient should strategic sites be imposed on communities.</p> <p>Comments in respect of Wiltshire Council's Proposed Changes (PC)</p> <p>PC13: The Council's claim that 1247 homes at Ashton Park will not be built until after 2026 is baseless. The Council</p>	<p>216 and concluding that only limited weight can be ascribed to emerging neighbourhood plans, particularly where such documents have not reached a sufficiently advanced and robustly tested stage – i.e. the Regulation 16/examination stage.</p> <p>In line with the advice set out in the Planning Practice Guidance, officers respect the evidence prepared to date by both Parish Councils. Each neighbourhood plans is either at, or working towards the Regulation 14 stage. At this moment in time, it is not certain that they will go on to support the strategic priorities set out within the adopted Wiltshire Core Strategy through the delivery of housing to meet local needs. Indeed, in this regard, it is clear from the Planning Practice Guidance that neighbourhood planning should not seek to undermine the strategic policies/priorities of the Core Strategy.</p> <p>Whilst it is accepted that the indicative housing requirement for the Devizes Community Area has been met, the Council must present a rolling 5-year housing land supply position at the Housing Market Area level. The proposed allocations at Market Lavington have been robustly assessed and are considered to be deliverable, developable and thereby capable of supporting the supply</p>	

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		<p>cannot use this as a justification for increasing the density of certain sites and maintaining support for strategic sites in locations that are preparing neighbourhood plans.</p> <p>PC18: Policy H1 introduces sites that Market Lavington Parish Council are opposed to the allocation of the Underhill Nursery site which is too large and would, if developed, create significant environmental effects. It should therefore be removed from the draft Wiltshire Housing Site Allocations Plan. In order to support the Localism Agenda, the Parish Council’s preferred sites at Longfield (The Spring, 20 homes) and Spin Hill (25 homes) should be carried forward instead. Notwithstanding the Parish Council’s intention to bring forward housing sites through the Neighbourhood Plan, it is noted that the indicative housing requirement for the Devizes Community Area has already been met. This therefore adds further weight to the argument that the allocations proposed by Wiltshire Council should be withdrawn in order to allow the community of Market Lavington to determine the scale and location of development they consider is appropriate.</p>	<p>of housing in the East Wiltshire Housing Market Area.</p> <p>At Trowbridge, the indicative housing requirement to be delivered is very far from being addressed. Indeed, even with the recent resolution to grant planning permission for the Ashton Park Strategically Important Site Allocation, the overall remaining requirement stands at 2,230 dwellings. Therefore, in order to deliver the expected level of housing set out within the Wiltshire Core Strategy, further strategically important areas of land around the town need to be allocated, as anticipated by Core Policy 29. Indeed, without such land coming forward, there is a significant risk that the Council will fail to demonstrate it can maintain a 5-year housing land supply position within the North and West Housing Market Area, leading to the potential risk of speculative planning applications and appeals.</p> <p>The proposed allocation H2.2 (Land off the A363 at White Horse Business Park) has been identified and assessed in the light of the policies of the Wiltshire Core Strategy. In this regard, the text within the draft Plan that supports the proposed allocation clearly anticipates that any subsequent development proposals would: retain visual separation of</p>	

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		<p>PC18: In addition, the proposal to increase housing numbers on a range of sites is not supported by evidence and should therefore be withdrawn.</p> <p>PC18: With regard to Policy H2, North Bradley Parish Council oppose the allocation of H2.2 Land off the White Horse Business Park and request it be removed from the draft Wiltshire Housing Site Allocations Plan. In lieu of the H2.2 site, the Parish Council are seeking to allocate:</p> <p>The Paddock (8 homes), Land at Woodmarsh (25 homes), Park Farm (35 homes), Land off Westbury Road, Yarnbrook (22 homes). A total of 90 homes would be allocated by the neighbourhood plan and this should be supported by Wiltshire Council in preference to imposing strategic sites on the parish that would effectively lead to the coalescence of the town and village.</p> <p>PC18: North Bradley Parish Council support Wiltshire Council's proposed allocation of: Southwick Court (180 homes) and Elm Grove Farm (200 homes). When these sites are added to</p>	<p>the Town's urban area from North Bradley Village (paragraph 5.52); and protect the integrity of North Bradley as a Village (paragraph 5.56). Moreover, in order to provide the necessary level of mitigation to support protected bat species, existing hedgerow and trees will need to be protected to respect the setting of North Bradley Village (paragraph 5.53)</p> <p>Officers therefore recommend that the Council proceeds to propose the allocation of the Underhill Nursery site (H1.2) in Market Lavington and site H2.2 (Land off the A363 at White Horse Business Park) to help sustain a 5-year housing land supply position for the East Wiltshire and North and West Wiltshire Housing Market Areas respectively.</p>	

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		<p>the proposed neighbourhood plan sites a total of 470 homes would come forward to support the overall indicative requirements for the town.</p> <p>PC29: The proposed Underhill nursery site should be withdrawn.</p> <p>PC33: The evidence to support the increase the housing numbers for the Elm Grove Farm site is weak and indefensible.</p> <p>PC38/39: The case for increasing the housing numbers for the H2.2 (White Horse Business Park) site is not supported by evidence and hence should revert to 150 dwellings</p>		
9 Joint response	North Bradley and Market Lavington Neighbourhood Plan Steering Groups	Same representation as submitted by the respective parish councils. Please see above.	As above	As above
10	Marlborough Town Council	It is noted that the settlement boundary may still be changed through the Neighbourhood Plan process currently being taken forward through the Marlborough Area Neighbourhood Plan Steering Group.	Paragraph 4.13 of the Wiltshire Core Strategy states that ' <i>it will also be the prerogative of the community to review settlement boundaries through a neighbourhood plan.</i> '	No changes

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11	Warminster Town Council	<p>Remove change 24 to Warminster settlement boundary as Warminster Town Council are opposed to any change to the settlement boundary in the Grovelands area.</p> <p>Item 24 from Warminster Town Council's response to the pre-submission Wiltshire Housing Site Allocations Plan consultation is as follows:</p> <p>“24: Settlement Boundary area E6 to G5</p> <p>This area known an SHLAA 1007 Grovelands is subject to a current planning application (exception site), with 17 acres set aside as open space. If this site is approved the settlement boundary will need to be adjusted accordingly.”</p>	<p>Item 24 from Warminster Town Council's response to the pre-submission Wiltshire Housing Site Allocations Plan consultation is as follows:</p> <p>“24: Settlement Boundary area E6 to G5</p> <p>This area known an SHLAA 1007 Grovelands is subject to a current planning application (exception site), with 17 acres set aside as open space. If this site is approved the settlement boundary will need to be adjusted accordingly.”</p> <p>This area is the subject of planning application 17/05360/OUT, which has now been permitted. The area is not included within the proposed submission settlement boundary for Warminster. Unimplemented planning permissions are excluded from settlement boundaries under the revised settlement boundary review methodology (June 2017).</p>	No changes
12	Marlborough Area Neighbourhood Plan Steering Group	<p>It was not clear why Manton, part of the parish of Marlborough rather than a standalone village, was not included within the settlement boundary for Marlborough.</p> <p>Mildenhall is again not listed as a village in the table at 2.3 of the <i>Community Area</i></p>	<p>Paragraph 4.16 of the Wiltshire Core Strategy (adopted January 2015) states that '<i>any existing settlement boundaries for Small Villages and other small settlements not identified in the settlement strategy will be removed (these are listed in Appendix F), and there is a general presumption against development outside the defined limits of</i></p>	No changes

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		<p><i>Topic Paper for Marlborough - 2018.</i> (Mildenhall is not listed anywhere in the current WCS either).</p> <p>The Settlement Boundary may change through the Neighbourhood Plan process.</p>	<p><i>development of the Principal Settlements, Market Towns, Local Service Centres and Large Villages.'</i></p> <p>Manton is classified separately from Marlborough as a small village under Core Policy 14 of the Wiltshire Core Strategy (adopted January 2015) and, therefore, no longer has a settlement boundary.</p> <p>Mildenhall is a small settlement that is not identified in the settlement strategy and, therefore, does not have a settlement boundary.</p> <p>Paragraph 4.13 of the Wiltshire Core Strategy states that 'it will also be the prerogative of the community to review settlement boundaries through a neighbourhood plan.'</p>	
13	Laverstock and Ford Parish Council	<p><b>Inclusion of OM003 The Yard, Hampton Park</b></p> <p>The Parish Council believes that it is unreasonable to consider any further development within the parish boundaries and is disappointed to note the inclusion of OM003 The Yard, Hampton Park in the May 2018 amendment. The Parish Council objects to its inclusion.</p>	<p>Comments noted. This site came forward as a new site in the Summer 2017 Pre-submission consultation and was subject to assessment of the potential effects of developing the site. The site is reasonably small, is previously developed with a large disused agricultural building and sits between Hampton Park and the Country Park. The site scored well in the site assessment and there are considered to</p>	No changes



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		<p><b>Settlement Boundary in the vicinity of Old Sarum and Longhedge.</b></p> <p>The developed areas both north and south of The Portway are identified as part of the Salisbury Settlement Area. The Council objected in its submission to the Pre-submission Draft Housing Site Allocation Plan in September 2017 to the inclusion of the Old Sarum area within the Salisbury Settlement Area. It is felt that this cannot be correct as this settlement falls both within the Parish of Laverstock and Ford as well as the Southern Wiltshire Community Area. Old Sarum forms an ‘island’ which is well separated from the main body of Salisbury Settlement Area and, therefore, it is not logical for it to form part of this.</p> <p>The recent proposed changes now include Longhedge in this ‘island’. This overall settlement should be identified within the Southern Wiltshire Community Area Topic paper. The document already identifies boundaries for 7 separate settlements and an Old Sarum/Longhedge settlement should form the 8<sup>th</sup>. Therefore, the Council objects to both Old Sarum and Longhedge being</p>	<p>be no significant constraints that would prevent the site from being allocated.</p> <p>As set out in the Wiltshire Core Strategy (adopted January 2015) and the Housing Land Supply Statement (Updated March 2018), the Southern Wiltshire Community Area remainder and Southern Wiltshire Community Area exclude any development at Old Sarum or extensions to Salisbury into this Community Area, as these are classified as Salisbury Principal Settlement.</p>	

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		<p>included within the Salisbury Settlement Area.</p> <p><b>Corrections to Appendix D to the Salisbury Community Area Topic Paper.</b> The Council is pleased to note that the errors in the data for 2 SHLAAs (S119 - Old Sarum and 3381 - Land at Manor Farm Road, Ford), which were identified by the Council in its September 2017 submission, have now been corrected.</p>		
14	Hilperton Parish Council	<p>Hilperton Parish Council endorses the resolutions agreed by Trowbridge Town Council and submitted to this consultation.</p> <p>Hilperton Parish Council object to the following allocations:</p> <p><b>SHELAA site 263/297/293 (part) – Hilperton Gap</b>, located in Hilperton parish. Hilperton Parish Council policy is to oppose development in the Hilperton Gap in order to prevent its coalescence with Trowbridge.</p> <p><b>SHELAA site 298 North Bradley Gap</b>, located in North Bradley parish.</p>	<p>The WHSAP recognises the issue of coalescence and states in the Trowbridge Community Area (page 91) that development at this site ‘is largely shaped by the urbanising effect of Elizabeth Way, development proposals would need to be carefully designed so as to protect the character and appearance of existing residential stock to the west and north, some of which is Listed and within a Conservation Area. In addition, any subsequent development proposals would need to provide Green Infrastructure connections to existing features on site. Footpaths/Bridleway and areas of open space would need to be included within any masterplan/planning application. These considerations are considered capable of successful mitigation.’</p>	No changes.

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		<p><b>SHELAA site 3565 Southwick Court Gap</b>, located in Southwick and North Bradley parishes.</p> <p>None of these suggestions would maintain open countryside between the town and the villages, nor would they protect the character and identity of these villages as separate communities.</p> <p>Hilperton Parish Council is confused as to why the capacity of land west of Elizabeth way has increased.</p>	<p>The document (page 116) goes on to draw a distinction between land to the west of Elizabeth Way and states: ‘the land to the east of the road is considered to exhibit a strong relationship in landscape and heritage terms with the village of Hilperton. These matters are considered to be problematic to mitigate, particularly in terms of protecting the separate identity of Hilperton. Therefore, it is recommended that the parcel of site 293 that lies to the east of Elizabeth Way be removed from further consideration. This would leave land to the west of road intact and capable of being annexed to SHLAA sites 263/297 and thereby progressed for the purposes of plan making as an allocation.’</p> <p>The increased number at Elizabeth Way is a result of efficient use of land, as prescribed in the NPPF, which came through representations made on the WHSAP in Summer 2017, from members of the public, the parish council and promoters of the site. It is also because of further evidence to support an increase in units combined with the mapping error for the site whereby the site is not appropriately mapped to the road (Elizabeth Way) which also results in a larger area for consideration.</p>	

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15	Salisbury City Council	<p>Salisbury City Council (SCC) has responded in relation to the Revised Salisbury Transport Strategy Refresh, to express disappointment that earlier representations to previous versions of the Transport Strategy appear not to have been considered. SCC requests a number of amendments to the Transport Strategy Refresh, including in relation to:</p> <ul style="list-style-type: none"> <li>- Delays in the development of the Churchfields site</li> <li>- Increasing pedestrianisation</li> <li>- Creating walking and cycling links</li> <li>- Better utilisation of the park and ride systems</li> <li>- Improvement of air quality and noise pollution</li> <li>- Exploring opportunities for light rail infrastructure to support neighbouring towns</li> <li>- An economic recovery plan</li> </ul> <p>Other concerns include:</p> <ul style="list-style-type: none"> <li>- The Transport Strategy Refresh does not adequately assess the effects of the Netherhampton Road development on the transport system and infrastructure</li> </ul>	<p>The response from Salisbury City Council is welcomed and relates to the Salisbury Transport Refresh. It contains some aspects where the Strategy will be amended accordingly, some aspects which we believe the Strategy already addresses, and some aspects which we do not believe will be implementable within the planned period (up to 2026), however we will look to incorporate these in a wider narrative where possible.</p>	<p>No changes proposed.</p> <p>The draft Salisbury Transport Strategy Refresh will be finalised alongside the draft Wiltshire Housing Site Allocations Plan.</p>

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<b>Response number</b>	<b>Councillor/ Town or parish council</b>	<b>Summary of response</b>	<b>Officer response</b>	<b>Proposed change</b>
		<ul style="list-style-type: none"> <li>- Insufficient time allowed for comment on the consultation, and not enough access to evidence</li> <li>- Need to cover Sustrans National Cycle Network cycle routes through Salisbury</li> <li>- Inaccuracies in housing numbers.</li> </ul>		
16	Cllr Ernie Clark (Hilperton)	<p>Wiltshire Council has increased the capacity of the site the justification for the original figure was due to the amount of work that would be needed to make the proposed houses acceptable, hence the low density. The submissions of various developers to increase the allocation have been accepted whilst ignoring the many cogent reasons put forward by other parties to remove the policy altogether.</p> <p>Objects to the allocation of SHELAA 263/297/293 (part) – Hilperton Gap, located in Hilperton parish. It should be noted that Hilperton Parish Council policy is to oppose development in the Hilperton Gap in order to prevent its coalescence with Trowbridge.</p> <p>The allocation would not maintain open countryside between the town and the village, nor would it protect the character</p>	<p>The proposed allocation at Elizabeth Way is adjacent to the settlement boundary of Trowbridge and whilst it is in the parish of Hilperton it is serving the needs for Trowbridge town.</p> <p>The proposed increase in the deliverable housing quantum at Elizabeth Way represents the desire to ensure that land for development is used efficiently, as prescribed b the NPPF and outlined in representations made on the WHSAP in Summer 2017, from members of the public, the parish council and promoters if the site. In addition, in resolving a mapping error, it is evident that more land is available to the immediate west of Elizabeth Way which can be utilised to deliver a comprehensive development scheme that includes an increased number of dwellings.</p> <p>The WHSAP recognises and seeks to address the issue of coalescence and states in the Trowbridge Community Area (page 91)</p>	No changes

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Response number	Councillor/ Town or parish council	Summary of response	Officer response	Proposed change
		and identity of the village as a separate community.	<p>that development at this site ‘is largely shaped by the urbanising effect of Elizabeth Way, development proposals would need to be carefully designed so as to protect the character and appearance of existing residential stock to the west and north, some of which is Listed and within a Conservation Area. In addition, any subsequent development proposals would need to provide Green Infrastructure connections to existing features on site. Footpaths/Bridleway and areas of open space would need to be included within any masterplan/planning application. These considerations are considered capable of successful mitigation.’</p> <p>The document (page 116) goes on to draw a distinction between land to the west of Elizabeth Way and states: ‘the land to the east of the road is considered to exhibit a strong relationship in landscape and heritage terms with the village of Hilperton. These matters are considered to be problematic to mitigate, particularly in terms of protecting the separate identity of Hilperton. Therefore, it is recommended that the parcel of site 293 that lies to the east of Elizabeth Way be removed from further consideration. This would leave land to the west of road intact and capable of being annexed to SHLAA sites 263/297 and thereby progressed</p>	

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<b>Response number</b>	<b>Councillor/ Town or parish council</b>	<b>Summary of response</b>	<b>Officer response</b>	<b>Proposed change</b>
			for the purposes of plan making as an allocation.'	
17	Purton Parish Council	Considered at Council meeting. No comments made.	Noted.	No changes.
18	Cllr Ian McLennan (Laverstock, Ford and Old Sarum)	Support for the allocation of The Yard at HamptonPark/Bishopdown Farm.  The entrance to the site should be via the shared road which will also be the entrance to the country park. The parish council and landowner agree to a re-sited entrance on Roman Road, rather than use the existing entrance. This will provide better vision in both directions.	Your full support for the allocation of 'The Yard' site is noted. Wiltshire Council Highways team have given support for the access to this site to be via Neal Close but it is acknowledged that the existing planning application for this site shows access as being via Roman Road.	No changes.

Table 2: Summary of representations received from members of the public and Wiltshire Council response

Response number	Summary of response	Wiltshire Council response	Proposed change
1-10	<p><b>Winterslow proposed settlement boundary reference (K6, L6)</b></p> <p>Retain existing settlement boundary around 1 Witt Road, Winterslow. The proposed extension to the settlement boundary in this area includes agricultural buildings and land that are not part of the curtilage of 1 Witt Road. Development of this area/ inclusion within the settlement boundary would be inappropriate because of, among other issues, access and flooding concerns and is not supported by the parish council, neighbourhood plan steering group and local residents. The site is being promoted by the landowners/ developers for inappropriate development.</p>	<p>The extension to the settlement boundary in this area has been included in all previous consultations on settlement boundaries, i.e. the informal consultation with town and parish councils in summer 2014 and the public consultation on the pre-submission draft Wiltshire Housing Site Allocations Plan consultation between July and September 2017. No previous objections have been received to the extension of the settlement boundary in this area. The Council is aware that a planning application has recently been submitted for five houses on this site, to which most, if not all, of these comments appear to be in response. The site has historically been part of the curtilage of 1 Witt Road. The parish council have not raised objections to the principle of development upon this site. The emerging Winterslow Neighbourhood Plan, which does identify this site as a second priority site, is still at an early stage. An area designation has been granted (August 2017), however a draft Plan has not been submitted to the Council. Consequently, it can carry no weight in planning decision making.</p>	No changes
11	<p><b>Winterslow settlement boundary (F5, G5, F6, G6)</b></p> <p>Include the entirety of the garden of the property known as Beechwood, Winterslow, within the proposed settlement boundary. The inclusion would be</p>	<p>The exclusion of the entirety of the garden curtilage of this property from within the settlement boundary appears to have been an error. Its inclusion can be supported by the methodology.</p>	Make Proposed Change to include the entirety of the garden of Beechwood within



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	<p>consistent with the methodology that includes ‘<i>the curtilage of a property that relates more closely to the built environment (e.g. a garden) or has limited capacity to extend the built form of the settlement in terms of scale and location.</i>’ The garden, while large, is of a similar size to those of other properties in Winterslow that have been included in their entirety within the proposed settlement boundary. The garden is also registered as a SHLAA site (3408) and is supported as a priority site for allocation in the emerging Winterslow Neighbourhood Plan.</p>		<p>the proposed settlement boundary for Winterslow. (See Appendix 3.)</p>
12	<p>The draft Plan is not sound for the following reasons.</p> <p><b>Item 2</b> - The Housing Plan should be a document understood and decided upon by the whole of the Council, not just by Cabinet. The document has not been subjected to the Council’s Overview and Scrutiny function.</p> <p><b>Item 3</b> - The Plan does not take sufficient account of the “Consultation”. The report to Cabinet is 395 pages long. Comments were received from almost 1000 people and organisations. The section on the results of consultation amounts to 8 pages. Considerable weight is given to comments from developers, ecological and heritage aspects. Almost nothing is reported about comments from town and parish councils and members of the public.</p> <p>Item 4 - There is no mention in the plan about the character of Wiltshire that the community wishes to see. There should be a discussion about site density, ie homes per hectare. Members should have a say in</p>	<p>Item 2 – The draft Plan will be presented to both Cabinet and Full Council in July 2018. The draft plan must have full Council resolution to proceed to submission.</p> <p>Item 3 – The Regulation 22 (1) (c) Report (May 2018) - Consultation Statement provides a full statement of all representations made. Each comment is considered on an individual basis and have been fully taken into account in the preparation of the submission draft plan. However, not all comments submitted will result in a change to the plan.</p> <p>Item 4 – The draft Wiltshire Housing Site Allocations Plan (WHSAP) sits as a daughter document of the adopted Wiltshire Core Strategy (WCS). The WCS sets out how the County will develop in the plan period which is up to 2026, providing detailed descriptions for each community. Any decisions made on planning applications will need to be in conformity with the development plan as a</p>	<p>No changes</p>

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	<p>this. The site density in many cases has increased by up to 65% (PC43) with minimal explanation.</p> <p>There is no discussion about the density of population in community areas; no discussion about the percentage of undeveloped land within community areas that should be left undeveloped to provide an interesting and attractive environment. One might expect that both of these measures would help to assess the future quality of Wiltshire. One should expect an environment designed on the principles of the Garden Cities.</p> <p>Item 5 - Support the protection of Bechstein and other bats. However, the hedgehog appears to have been forgotten. Many existing houses have gardens large enough to allow some space to be unkempt and provide for hedgehogs. With a very high density development there will be minimal opportunities offered for hedgehog movement through them. The results of surveys carried out in 2015 showed a worrying decline. Hedgehogs are a protected species. The ecological aspects of the housing proposals should explain how hedgehogs will be safeguarded.</p> <p>Item 6 - One of the he biggest problems facing the country is handling the extension in life expectancy. Accommodation for the elderly should be a significant part of this report. It is seriously lacking.</p> <p>Item 7 - In the case of several sites around Trowbridge, development is proposed in direct contradiction of the Core Strategy policy to keep open space between Trowbridge and its surrounding villages.</p>	<p>whole. It is therefore unnecessary for the WHSAP to repeat the content of the WCS.</p> <p>The WHSAP provides an estimate of the number of dwellings that could be accommodated on each of the sites. This takes into account site specific constraints. Core Policy 57 of the WCS will ensure that proposals achieve a high quality of design, including appropriate housing densities.</p> <p>Item 5 –The sites in question within the draft WHSAP are in close proximity to the Bath and Bradford on Avon SAC and therefore mitigation must be made for the bats, specifically as the bat species of concern in Trowbridge are Annex II species, which are afforded protection by the SAC European legislation.</p> <p>Hedgehogs are protected under the Countryside and Wildlife Act but not to the level that European Protected Species are. Each site will be subject to an ecological survey at the planning application stage. The ecological survey will identify necessary mitigation measures for relevant protected species to be incorporated into the development.</p> <p>Item 6 – The development plan should be applied as a whole. Core Policy 46 of the WCS specifically addresses meeting the needs of Wiltshire’s vulnerable and older people. Core Policy 45 of the WCS requires provision to be made for mix type and tenure and meeting the</p>	
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	<p>Item 8 - The increase in numbers on many sites is so large that the proposals should go out again for consultation.</p> <p><b>Elm Grove Farm</b> 1 PC33 and 34 are such extensive changes that this site should go out again for consultation.</p> <p>2 From the point of view of North Bradley residents a woodland buffer should be planted against the A363 to mask the side of Matalan in the Spitfire Retail Park.</p> <p><b>Land off A363 at White Horse Business Park</b> 1 PC39 is such an extensive increase in numbers that it should go out again to consultation.</p> <p>2 Discussions should take place with North Bradley Parish Council to reach a compromise that will allow the North Bradley Neighbourhood Plan to proceed with its ambition to leave a green landscape gap between North Bradley village and the WHBP.</p> <p>3 The redevelopment of the ex-Virgin car park (brown site) should be promoted to replace the use of the fields (green site). Flats could be considered with a high density to match the proposed change of use from office to residential.</p> <p>4 The parish Council clearly knows the area well, possibly better than the officers and consultants who only make site visits. The Parish Council's expertise should be used.</p> <p>5 Para 3.3 should be explained in terms of a plan, rather than just words.</p>	<p>needs of Wiltshire's vulnerable and older people.</p> <p>Item 7— WCS Core policy 29 (referencing paragraph 5.150) requires that open countryside should be maintained between the town and surrounding villages. With sensitive mitigation and design the draft WHSAP will maintain the status quo.</p> <p>Item 8 – An increase in numbers reflects the requirement as set out in the National Planning Policy Framework (NPPF) to maximise densities and provide efficient use of the land. The principle of development for the proposed allocations has not changed. The changes to the estimated capacity of the sites are not considered significant to warrant further consultation.</p> <p><b>Elm Grove Farm</b> 1 – The changes to the estimated capacity of the sites are not considered significant to warrant further consultation. 2 – Policy H2.1 of the WHSAP and the supporting text provides appropriate guidance for developers on this issue. Landscape screening will be taken into account at the planning application stage.</p> <p><b>Land off A363 at White Horse Business Park</b> 1 - The changes to the estimated capacity of the sites are not considered significant to warrant further consultation.</p>	
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	<p><b>Ecology</b> The Plan is clearly premature. It is anticipating a suitable Mitigation Strategy but this presumably will be subject to consultation and a suitable result is not ensured. For example, the effects of the plan on the hedgehog population in the Wiltshire Council area has not been considered.</p> <p><b>Heritage</b> Whether the proposals are considered less than substantial depends on the viewpoint. To an authority anxious to boost housing numbers “less than substantial” is satisfactory. However, local residents might well argue that the effect will be very substantial. Surely it is the viewpoint of the local resident who lives with the situation day after day rather than the consultant who might spend an hour or less on site which should take precedent.?</p> <p><b>Road Conditions</b> Highways England has commented that there could be a cumulative impact of traffic increase on A36. There does not appear to be any similar comment from the Highways section of Wiltshire Council on the effects of traffic generated by Elm Park Farm and the A363 WHBP development on A363 and other roads in the Trowbridge network. Is the Council not interested in potential worsening of congestion along Bradley Road?</p>	<p>2 – The WHSAP has been under preparation since 2014. This has given neighbourhood planning groups sufficient time to prepare a Neighbourhood Plan for their area.</p> <p>3 – The conversion of office to residential has been granted under permitted development or ‘prior approval’ rights. Further development of the land for housing would result in the further loss of important employment land for the area and therefore is currently not supported.</p> <p>4 – the parish councils have been consulted at various times during the process of formulating the draft WHSAP.</p> <p>5 – Paragraph 3.3 references the use of a consistent methodology across Wiltshire to determine the definition of and extent of built up areas in the county.</p> <p><b>Ecology</b> The Trowbridge Bat Mitigation Strategy (TBMS) is being developed to address the requirements of the Habitats Regulations Assessment. The TBMS will form part of the evidence base for the WHSAP specifically to deal with this issue. The evidence base does not indicate that a specific mitigation strategy is required for hedgehogs.</p> <p><b>Heritage</b> The test of substantial harm is established in paragraphs 132 and 133 of the NPPF.</p>	
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		<p>Ultimately the it is the responsibility of the decision maker to judge whether or not harm would be substantial, in consultation with Historic England, Conservation Officers, parish councils and other statutory consultees.</p> <p>Highways A transport Assessment for Trowbridge was commissioned and undertaken, and published as part of the supporting documents of the draft WHSAP.</p>	
13	<p>Objects to planned development at The Yard having any access or egress onto Roman Road (Ford Lane). It is a rural lane already heavily used by modern traffic and is unsuited for a large volume of modern traffic. Access should be through Neal Close where access is best afforded.</p>	<p>Your comments are noted. The ‘Schedule of Proposed Changes’ to the Plan include this new site allocation ‘<i>The Yard</i>’ and it is stated that ‘<i>Access to the site would be achieved via Neal Close.</i>’ The site assessment noted that access is possible through Neal Close and this was supported by Wiltshire Council Highways. The Plan is not proposing that access to this site is onto Roman Road (Ford Lane).</p>	No changes
14	<p>SHLAA site 3268 - The Spring, Market Lavington</p> <p>Submission of a site assessment prepared by the owner of site and how this fits with the strategy of the Neighbourhood Plan.</p> <p>It rebuts the arguments set out by the Council for excluding the site on the grounds of site storm water drainage, level of the B3098 public highway and public support.</p>	<p>The site has been subject to extensive site assessment, the outcomes of which have been published as part of the Devizes Community Area Topic Paper. The conclusion not to allocate The Spring (SHELAA site 3268) at Market Lavington is because the costs are not thought to be outweighed by the potential benefits. It is thought that a limited number of dwellings would be deliverable at this site due to the constraints and as such it is likely that it would not contribute to provision of affordable housing.</p>	No changes

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<p>15</p>	<p><b><i>[Full response can be found in Appendix 2. Summary of key points raised is provided below]</i></b></p> <p>Original comments submitted to the Council were not retained verbatim but were split into separate comments which did not reflect the content and arguments set out in the letter.</p> <p>Further consultation should be undertaken to allow comments to be submitted on the use of the Queen Elizabeth II Grove Field which was dedicated as a Queen Elizabeth II field in 2012, as part of a scheme to celebrate the Queens diamond jubilee and to create a grassroots legacy after the London Olympics. The papers reported that “Coultsen Estates are looking to build 200 homes at Elm Grove Farm, off Drynham Lane, and Wiltshire Council’s strategic planning officers have recently been talking to them about building a school on the nearby Elm Grove field, to help with the town’s primary school shortage”. Elm Tree Farm is Site 613 in the Draft Housing Site Allocations Plan. This use of Elm Grove Field right next to Site 613 was not mentioned in the Draft Plan, therefore no public consultation has occurred, even though it should clearly have been included at that time.</p> <p>This playing field was dedicated in perpetuity as a playing field, yet within a mere 6 years of the signing of the Deed of dedication your department is considering allowing it to be built upon, without public consultation,</p>	<p>The draft WHSAP and all comment received to date have been published in full and reported on within the Regulation 22 (1) (c) Report (May 2018) - Consultation Statement provides a full statement of representations made verbatim and also in a summary of the issues raised.</p> <p>The Inspector appointed to undertake the Independent Examination of the submitted WHSAP will be provided with the full content of all comments received, including the comments submitted in response to this consultation. The Examining Inspector will refer to the comments received determining the matters to be debated at the hearing sessions.</p> <p>There is an existing need for a two-form entry main stream primary school in Trowbridge. The draft Plan seeks to bring this forward at site allocation H2.1 Elm Grove Farm as no other alternative site has been identified to meet the need of the town within the plan period.</p>	<p>No changes</p>
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	<p>and in clear defiance of the original intention. This is disgraceful.</p> <p>As a local resident in the Drynham Ward I object strongly to this even being considered. There are 7 schools already within a one-mile radius of this site, so it is highly questionable whether yet another school is needed on this side of Trowbridge. Wiltshire Council would need consent from Fields in Trust for this to go ahead, and must also provide an alternative piece of land with equivalent or better facilities in the same area.</p> <p>We do not need or want a school on this site, which is dedicated playing field, and large open green area for Drynham residents, the only one of any size left in our area.</p> <p>I would like this letter to go before the Cabinet or Council meeting in July when the Draft Plan is considered.</p>		
16	<p>Response given in Appendix M of the Regulation 22 Consultation Statement require further detail.</p> <p>The responder commented on the following proposed changes:</p> <p>Proposed Change 15/16 - It is unclear why the entirety of the Churchfields site is being deferred to 'beyond 2026'. It is a prime candidate for a high-density development.</p> <p>Proposed Change 74 - the Salisbury Transport Strategy refresh is not completed. The final version</p>	<p>The council is not obligated to provide detailed responses to all representations made. The purpose of the Regulation 22 (1) (c) Report (May 2018) - Consultation Statement is to summarise the main issues of concern for the draft WHSAP. Some issues raised do not fall under the remit of the draft WHSAP and cannot be addressed by this document.</p> <p>PC15/PC16 – the Churchfields site is allocated as a strategic site in the Wiltshire Core Strategy but the WHSAP acknowledges the complexity of bringing this site forward for</p>	No changes

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	<p>needs to be available to see whether the proposed interventions have been successful.</p> <p>The right is reserved to make further comments when there is an appropriate opportunity for the public to do so.</p>	<p>mixed-use development within the Plan period (to 2026). The location of this site in proximity to the railway station and city centre are acknowledged but alternative sites for housing have had to be allocated in Salisbury in the WHSAP to meet housing needs in the absence of housing delivery at Churchfields.</p> <p>PC74 – Your comments in respect of the draft Salisbury Transport Strategy Refresh are duly noted. As the Plan progresses through the Examination process, so the draft Transport Refresh will be progressed. It is still in draft form at the current time until the Examination process is completed. The concerns expressed in your submission are acknowledged and we will endeavour to find practical solutions wherever practicable.</p> <p>Your comments regarding making further comments in the future when there is opportunity to do so are noted.</p>	
17	<p>The proposed changes provided the Council with an opportunity to address the fundamental conflict between the draft Market Lavington Neighbourhood Plan and the draft Plan, a conflict that we had drawn attention to in our pre-submission representations. That conflict has been amplified since the pre-submission consultation because of the considerable progress that the neighbourhood plan has made and the delay in progressing the draft Plan.</p>	<p>The site has been subject to extensive site assessment, the outcomes of which have been published as part of the Devizes Community Area Topic Paper.</p> <p>With regard to the proposed allocation H1.2 (Underhill Nursery) (PC30) officers recommended that only the site area be increased. This was recommended to accommodate a substantial green infrastructure buffer and provision for access/egress. It is recognised that the</p>	No changes



	<p>Response objects to the proposed increase in the size of Housing Site Allocation H1.2 (Underhill Nursery) (PC30) for the following reasons:</p> <ol style="list-style-type: none"> <li>1. The pre-submission draft plan (July 2017) proposed that the Underhill Nursery site allocation should accommodate 50 dwellings (Policy H1). The Plan at Annex A of the Draft Plan shows that the Proposed Change (PC30) increases the size of the allocated site area by about 50% - and yet Table 4.4 (at Paragraph 4.28) still indicates that the allocation will accommodate approximately 50 dwellings</li> <li>2. The increase in the size of this proposed allocation is directly contrary to the clearly expressed views of the Community; namely that further growth at Market Lavington should be accommodated in a few small sites dispersed around the village. Increasing the size of the Underhill Nursery Allocation will also exasperate further the environmental impact that will be caused by an urban extension in this area. In particular, in our opinion the larger site will result in a “high to medium adverse” landscape and visual impact. We note that the Stage 4a Site Landscape Assessment (June 2017) did not assess the impact of developing the larger site that is now proposed. The larger site will also result in greater traffic impact on the village centre.</li> <li>3. The revised proposed site access (now to be achieved by demolishing one half of a pair of semi-detached dwellings fronting on to Stirling Road) will have a severe and unacceptable impact on the residential amenity of the retained dwellings on either side. The proposed</li> </ol>	<p>proposed additional area of the site <i>could</i> increase the dwelling capacity. However,. any new dwelling capacity figure would need to be addressed through the Examination process and based upon robust evidence. Therefore, at this stage, officers would recommend that we retain the phrase: ‘approximately 50 dwellings’ as per the Pre-submission draft Plan. Any significant and substantial changes to the Plan that flow from the Examination process will be subject to public consultation, which be directed by the Inspector</p> <p>Both sites at Fiddington Hill (SHLAA 530 and 2055) were subject to sustainability appraisal which include an assessment of landscape impacts. The potential impacts associated with development at these sites were considered to be capable of being successfully mitigated through careful mitigation and environmental enhancement strategies.</p> <p>Access either at Fiddington Hill or Stirling Road were assessed to be acceptable in Highways terms.</p>	
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	<p>change to the Draft Plan, to provide an alternative access, is a clear acknowledgement that the site cannot be satisfactorily accessed from Fiddington Hill (as had been originally proposal). Whilst the revised access may be acceptable in terms of highway engineering, it would have an unacceptable impact on neighbouring dwellings. A satisfactory access cannot be provided to the Underhill Nursery site.</p> <p>4. We assume that the Council is satisfied that this site is deliverable (ie is achievable and available now) with the revised access arrangement</p>		
18	<p><b>Upavon settlement boundary reference (I5, J5, I6, J6)</b></p> <p>The whole of Vicarage Lane should be included within the settlement boundary for Upavon. Vicarage Lane is part of the village and has been for some time. Residents pay Council Tax. We were unaware of the consultation; otherwise we would have submitted a response. The exclusion of Vicarage Lane is anomalous and reasonable a dwelling in such a location would be acceptable.</p>	<p>No responses relating to the settlement boundary review of Upavon were received during the pre-submission consultation.</p> <p>Vicarage Lane consists of a small number of dwellings separated by the River Avon from the main settlement of Upavon and is some distance from a more substantial area of residential development, which includes the primary school, off Andover Lane.</p> <p>Vicarage Lane is not within the existing settlement boundary.</p> <p>Its inclusion would not be supported by the revised settlement boundary review methodology (June 2017), which excludes 'isolated development that is physically detached from the settlement'.</p>	No changes





**From:** [Parish Clerk](#)  
**To:** [Clampitt-dix, Georgina](#)  
**Cc:** [Spatial Planning Policy](#)  
**Subject:** Re. Cabinet Meeting on 15th May / Crudwell Neighbourhood Plan \*REF: 1 - printed\*  
**Date:** 27 May 2018 10:42:23  
**Attachments:** [Spatial Planning.pdf](#)

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Dear Ms Clampitt-Dix,

Crudwell Parish Council has as a matter of urgency compiled the attached response following the Cabinet Meeting held on 15<sup>th</sup> May 2018. We feel the emerging neighbourhood plan should allow our community, both those that live and work in Crudwell Parish, to have their views heard and taken into account with regards to Wiltshire Site Allocation Plan and we respectfully request your response to the items raised.

This letter has also been posted to you and e-mailed and posted to Baroness Scott and Cllrs Sturgis and Berry.

We also note receipt of the a Briefing Note on the Draft Wiltshire Housing Site Allocations Plan and will respond to this in due course.

Yours

Lisa Dent  
Clerk - Crudwell Parish Council

Crudwell Parish Council  
76 Dyer St  
Cirencester  
Gloucs  
GL7 2PF

Georgina Clampitt-Dix  
Head of Spatial Planning  
Economic Development and Planning  
Wiltshire Council  
County Hall  
Trowbridge  
BA14 8JD

24<sup>th</sup> May 2018

Dear Ms Clampitt-Dix

Re: Cabinet Meeting on 15<sup>th</sup> May / Crudwell Neighbourhood Plan

We regret that no member of Crudwell Parish Council or Neighbourhood Plan (NP) Steering Group was able to attend the Cabinet Meeting on 15<sup>th</sup> May, during which the draft Wiltshire Site Allocations Plan was extensively discussed. We would have welcomed the opportunity to make representations to Cabinet and to provide an update on progress with Crudwell's Neighbourhood Plan. Unfortunately, we were only made aware of the meeting the previous evening and, at that late stage, nobody was available. We note with interest that representatives from the Market Lavington NP Steering Group and North Bradley Parish Council were present to comment on progress with their Neighbourhood Plans.

However, we have viewed the webcast of the Cabinet meeting and wish to raise a number of points. With regard to the issue of timing, we are pleased that the decision has been taken to defer endorsement of the draft Site Allocations Plan and its subsequent submission to the Secretary of State for examination. This will provide a window to enable consideration of potential changes arising from representations by Ward Members and town and parish councils.

It was clear from the Cabinet Meeting that Cllr. Scott is concerned that the Site Allocations Plan may be over-riding the "localism" agenda in some cases. For this reason, she recommended, and Cabinet resolved, that officers should work with Market Lavington and North Bradley to give them every opportunity to reach regulation 16 before the Site Allocations Plan goes to examination. We are assuming that deferment of Cabinet's endorsement of the Site Allocations Plan is likely to result in it reaching examination in early 2019, taking account also of the Christmas / New Year break.

Whilst we were encouraged by this resolution, we were extremely disappointed that the Crudwell NP process was referred to dismissively by Cllr. Sturgis. We would submit that the Crudwell NP is at roughly the same stage of development as North Bradley's and therefore should be treated in the same way. We would expect a similar level of support to be offered to Crudwell to help us to reach regulation 16 by the examination date.



- Initial community engagement survey undertaken
- Over 300 parishioners on our mailing list
- Housing Needs Assessment completed
- Call for Sites undertaken, resulting in 11 sites identified
- Consultations with infrastructure providers ongoing
- General Meeting open to all parishioners and interested parties held (attendance: about 80)
- Focus Groups set up to make recommendations on policies and site / housing allocations
- Joint Focus Groups Exhibition and consultations with parishioners held (attendance: about 70)
- Focus Groups' recommendations due to be submitted to Steering Group 1<sup>st</sup> week in June, to include housing site allocation(s)
- Regulation 14 document to be released for consultation in Autumn 2018
- Regulation 16 submission in early 2019
- Please visit our website for more information on our progress <http://www.my-crudwell.org/plan/>

On that basis, there is likely to be very little time between our Neighbourhood Plan reaching regulation 16 and the examination of your Site Allocation Plan. This makes it even more pressing that we should be provided with every assistance to reach regulation 16 as early as possible, as advocated by Cllr. Scott.

It is noteworthy that our fundamental case with regard to the Housing Site Allocations Plan is very similar to that expressed by Cllr. Gamble at the Cabinet Meeting, i.e. that there is no strategic need for the Housing Site Allocations Plan to allocate any sites in Crudwell because there is already sufficient housing identified in both the North and West Wiltshire Housing Market Area and the Malmesbury Community Area. On that basis, any allocations in Crudwell should be made to meet local housing needs and this is precisely what the Crudwell NP aims to deliver. We have found no evidence explaining why officers feel that this view, and therefore the Government's "localism" agenda, should be disregarded.

We wholeheartedly support the "localism" agenda and understand the need for communities to provide homes to meet local needs. What we are asking is that Crudwell should be given the same opportunity as others to help shape the future of its community by being in a position to deliver a Neighbourhood Plan that truly reflects local needs and expectations.

We are very conscious that decisions made now will have long-term implications for the future of our community. Therefore, we believe that it is both prudent and appropriate that the views of those who live and work within the parish of Crudwell should be taken into account in the policies formulated in the Wiltshire Site Allocations Plan.

This letter has also been sent to Cllr Baroness Scott at Wiltshire Council and copied to Cllr Sturgis and Cllr Berry.

Yours sincerely,



**From:** [Lisa Dent](#)  
**To:** [Sturgis, Toby](#)  
**Cc:** [Tucker, Paula](#); [Clampitt-dix, Georgina](#); [Spatial Planning Policy](#); [Scott, Jane](#); [Henry, Darren](#); [Berry, Chuck](#)  
**Subject:** Crudwell Parish Council - Response to Briefing Note / following cabinet Meeting 15.05.18 \*REF: 1a - printed\*  
**Date:** 10 June 2018 16:37:26  
**Attachments:** [18.06.08 Response to Briefing Note.pdf](#)

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Dear Cllr Sturgis,

Crudwell Parish Council is pleased to submit the attached response to the Briefing Note which followed the Cabinet Meeting held on 15<sup>th</sup> May 2018.

This report was written based on the housing supply situation as at the May Cabinet meeting. At that date, there was no strategic need to identify any housing sites in Crudwell because there was sufficient housing supply in the Housing Market Area and the Malmesbury Community Area already. Since then, we understand that another 48 new dwellings (net) have been approved in the Malmesbury Community Area, at the Cotswold Community. This means that the housing supply situation is even more favourable, so there is even less strategic need for the Housing Site Allocations Plan to allocate any housing sites at Crudwell.

Wiltshire Council's own documentation emphasises the importance of leaving neighbourhood plans to identify the level of local housing need and to determine the best location to meet that need. This recent planning decision only increases the strength of our argument that the Crudwell Neighbourhood Plan should be left to do just that.

Yours

Lisa Dent

Clerk - Crudwell Parish Council





# Wiltshire Housing Site Allocations Plan Response to Briefing Note 355 on behalf of Crudwell Parish Council

June 2018

Project Reference: 00001

Page 197



# Wiltshire Housing Site Allocations Plan

## Response to Briefing Note 355 on behalf of Crudwell Parish Council

### Document Issue Record

Version:	1	2	
Description/ Status:	Draft	Client amends	
Date:	7/6/2018	8/6/2018	
Produced by:	Stuart Miles BEng MA MRTPI	Stuart Miles BEng MA MRTPI	

June 2018

Project Reference: 00001

# 1 Introduction

- 1.1 Vision Planning is instructed by Crudwell Parish Council to respond to Briefing Note 355, which followed the Cabinet's deferral of a decision to endorse the Wiltshire Site Allocations Plan for submission on 15<sup>th</sup> May 2018.
- 1.2 Crudwell Parish Council continues to object to Wiltshire Council's proposed allocation of the Ridgeway Farm site (H2.13) in the context of the good work, rapid progress and strong public support for the emerging Crudwell Neighbourhood Plan.
- 1.3 Our fundamental point remains that the housing land supply position is such that there is no strategic need for Wiltshire Council to allocate any sites at any large villages in the Malmesbury Community Area, and no direct response to this point has been provided in the papers presented to Cabinet in May.
- 1.4 We welcome the Cabinet's support for the Localism agenda, and ask to be given the time to produce our own Neighbourhood Plan.

## 2 Proposed Housing Site Allocations Plan

2.1 The proposed Submission Draft Housing Site Allocations Plan presented to Cabinet in May 2018 continues to propose the allocation of the Ridgeway Farm site (Site H2.13) for 50 dwellings, including the 10 recently built on the site's frontage.

2.2 The justification for the choice of this site, given in paragraph 5.112 of the Site Allocations Plan itself, include:

*"It is in a location that has the capacity to accommodate change from an environmental and landscape perspective."*

*"It would provide wider benefits for the local community by scope to provide for affordable housing and by supporting the expansion of the local primary school."*

*"The school is currently full but expansion could be possible through funding contributions toward additional capacity to cater for pupils arising from development. This would remove a particular constraint to the long term prospects of the village and support its role in the spatial strategy."*

2.3 Proposed mitigation, set out in paragraphs 5.113 and 5.114 include:

*"Additional screening at the site boundaries would be required to preserve and maintain the landscape's quality, particularly on the northern and eastern boundaries. This would retain views of a wooded framework in longer distance views and minimise the visibility of the development in the wider landscape."*

*"Development along Tetbury Lane should be sensitively designed to ensure it integrates with the existing semi-rural frontage and supports the distinctiveness of the village."*

*"Access will be from Tetbury Lane and will require highway improvement works to the junction of Tetbury Lane/ A429 and improvements for pedestrians along Tetbury Lane and, elsewhere where feasible, in order to improve accessibility to the centre of the village."*

*"An extension of public footpath CRUD9 would be required, to the west of the Dawneys, linking with Tetbury Lane to allow for wider improvements to be delivered in relation to the local public rights of way network."*

2.4 Since the June 2017 draft of the Housing Site Allocations Plan was released, an additional omission site has come forward in Crudwell, at Tuners Lane, and been considered through the Housing Site Allocations process.

2.5 This site is not proposed for allocation for the following reasons, described in the “Community Area Topic Paper – Malmesbury”:

*“It is considered that the site appears reasonably well-located to village services however there is uncertainty that the carriageway is suitable for increased numbers of vehicles and that comprehensive and attractive routes for pedestrians and cyclists are deliverable. There are also potential issues with respect to heritage and proximity to the conservation area.”*

2.6 Topic Paper 2: Site Selection Process Methodology (Minor factual update) continues to emphasise, at paragraph 3.8, that:

*“It is only necessary for this Plan to allocate land for housing development where it is a strategic priority to do so. WCS Core Policy 1 proposes that development at Large Villages should be limited to that needed to help meet the housing needs of settlements and to improve employment opportunities, services and facilities. **Unless there is a strategic priority to deliver the homes needed in an HMA, then the most appropriate means to assess local needs and plan growth at each Large Village is through the neighbourhood planning process.**”* (My emphasis)



### 3 Strategic Priority for Wiltshire to allocate housing sites at Crudwell

3.1 Topic Paper 3 – Addendum: Housing Land Supply Text, included in the papers to Cabinet, includes housing supply data for the North and West Wiltshire Housing Market Area and the Malmesbury Community Area, both of which include Crudwell.

3.2 The tables below are from the Topic Paper 3 Addendum. They exclude allocations proposed in the Housing Site Allocations Plan.

**Table 3.3: Confirmed 2017 Housing Land Supply for the Wiltshire HMAs (April 2017 base date) excluding the Plan’s proposed allocations.**

Area	Housing requirement 2006-2026	Housing completions 2006-2017	Five year housing requirement 2017-2022	Deliverable supply 2017-2022	Number of years of deliverable supply <sup>11</sup>
East Wiltshire HMA	5,940	3,624	1,287	2,164	8.41
North & West Wiltshire HMA	24,740	13,025	6,508	7,680	5.90
South Wiltshire HMA	10,420	5,388	2,796	3,014	5.39
Wiltshire HMAs	41,100	22,037	N/A	12,858	N/A
Swindon (within Wiltshire)	900	622	N/A	201	N/A
<b>Wiltshire Total</b>	<b>42,000</b>	<b>22,659</b>	<b>N/A</b>	<b>13,059</b>	<b>N/A</b>

**Table 3.1: Residual indicative requirements 2014-2017 by Area<sup>4</sup>**

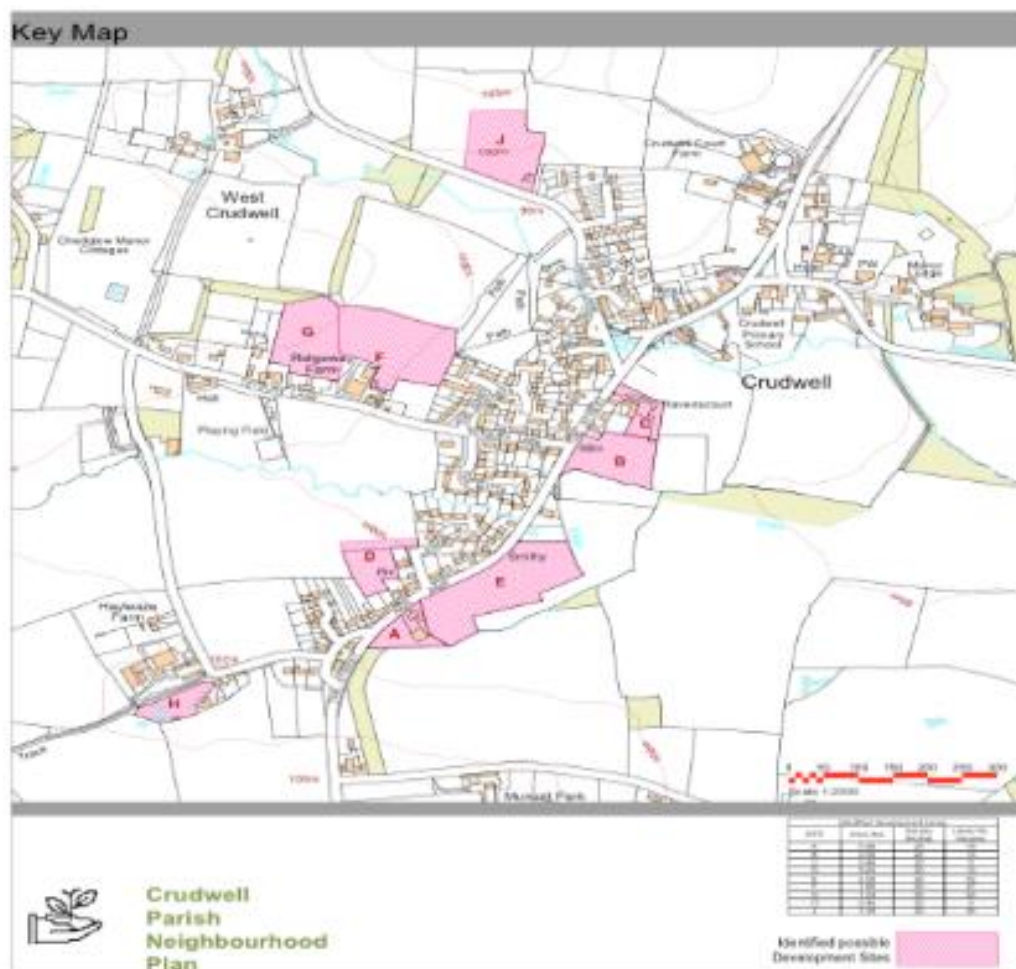
Area	Overall indicative requirement 2006-2026	Residual indicative requirement 2014	Residual indicative requirement 2015	Residual indicative requirement 2016	Residual indicative requirement 2017
Malmesbury	885	0	0	0	0
Malmesbury CA remainder	510	151	116	86	0
Malmesbury CA	1,395	151	116	86	0
<b>NORTH &amp; WEST WILTSHIRE HMA<sup>5</sup></b>	<b>24,740</b>	<b>3,603</b>	<b>2,489</b>	<b>1,967</b>	<b>1,109</b>

3.3 Table 3.3 indicates that there is currently 5.90 years housing supply in the North and West Wiltshire Housing Market Area, against a target of 5.25 years. There is, therefore, no strategic need for the Housing Site Allocations Plan to identify any housing sites at Crudwell in order to deliver sufficient homes in the housing market area.

- 3.4 Table 3.1 indicates that no new homes are needed in the Malmesbury Community Area as a whole, nor in the Malmesbury Community Area remainder, in order to meet the Community Area's housing requirements up to 2026.
- 3.5 So there is no strategic need for the Housing Site Allocations Plan to identify any housing sites at Crudwell. In the words of Topic Paper 2, this means that "*the most appropriate means to assess local needs and plan growth at each Large Village is through the neighbourhood planning process*".
- 3.6 This was the basis of the case made on behalf of Crudwell Parish Council in representations to the June 2017 draft of the Housing Site Allocations Plan. No response to this fundamental issue is provided in any of the paperwork provided to the Cabinet in May 2018.

## 4 Crudwell Neighbourhood Plan

- 4.1 The Crudwell Neighbourhood Plan is progressing well.
- 4.2 A number of rounds of consultation have already taken place, a Vision and a set of Objectives have been drafted, Focus Groups have been set up and recommended draft policies, and a draft neighbourhood plan will soon be produced.
- 4.3 In terms of potential housing, a Housing Needs Assessment has determined that 20 to 25 new homes are needed. Wiltshire Officers have seen this report.
- 4.4 A call for sites has been undertaken which resulted in the sites shown on the map below coming forward. These sites include Ridgeway Farm and Tuners Lane, the two sites that got furthest through the Wiltshire Housing Site Allocations process.



- 4.5 Our Design and Development Focus Group has assessed all the above



sites thoroughly, informed by public consultation. Of the sites large enough to deliver an element of affordable housing, the Tuners Lane site is the most popular with the public.

- 4.6 It is clear that the officer recommendation to continue to allocate Ridgeway Farm over the Tuners Lane site was a matter of tight planning judgement. The recommendation not to allocate Tuners Lane refers to “uncertainty” about the suitability of the carriageway and “potential” heritage impacts. The same comments could easily be applied to the Ridgeway Farm site, and other issues with both sites have been raised during public consultation.
- 4.7 Equally, the benefits and mitigations attributed to the Ridgeway Farm site relating to landscape impacts, screening and design, affordable housing provision, impact on the primary school and impact on existing junctions with the A429 could equally apply to the Tuners Lane site.
- 4.8 The Crudwell Neighbourhood Plan Steering Group agreed on 7<sup>th</sup> June 2018 to ask the Design and Development Focus Group to consider these issues further before deciding which site to propose for allocation in the Neighbourhood Plan. It also debated the merits of identifying a reserve site in the Plan.
- 4.9 This should give an indication of the depth of consideration and rapid progress of the Crudwell Neighbourhood Plan to date, and the good work already undertaken by the Steering Group and Focus Groups
- 4.10 At the May Cabinet meeting, the Council Leader, Baroness Scott, made clear her intention to ensure that emerging Neighbourhood Plans such as Crudwell’s should be given every opportunity to succeed.
- 4.11 Inevitably, if Wiltshire Council continues to pursue any allocations at Crudwell when there is no strategic need to do so and when the local community is forming its own opinion about future growth, this will bring the process into disrepute.
- 4.12 The Cabinet agreed that emerging Neighbourhood Plans should be helped by Council officers to reach regulation 16 draft stage as quickly as possible. Crudwell Parish Council has written separately to request that help.

## 5 Weight to be given to Wiltshire and Crudwell's emerging plans

5.1 The debate at the May Cabinet meeting was heavily influence by Cllr Sturgis' assertion that only neighbourhood plans that were likely to reach regulation 16 stage before Wiltshire's Site Allocations Plan reached examination could be taken into account. This is partly why Cllr Scott asked for neighbourhood plans to be helped to reach regulation 16 stage.

5.2 However, this is an oversimplification of the inter-relationship between emerging neighbourhood and local plans.

5.3 Paragraph 216 of the National Planning Policy Framework sets out the weight to be given to emerging development plans in planning applications. Both the Crudwell Neighbourhood Plan and the Wiltshire Site Allocations Plan are "emerging plans" in this context, and no distinction is made between the two types of development plan.

5.4 Paragraph 216 reads:

*"... decision-takers may also give weight to relevant policies in emerging plans according to:*

- *the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);*
- *the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*
- *the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)."*

5.5 Furthermore, the Planning Practice Guidance (Reference ID: 41-007-20170728) provides the following guidance under the heading "*What weight can be attached to an emerging neighbourhood plan when determining planning applications?*"

*"Planning applications are decided in accordance with the development plan, unless material considerations indicate otherwise. It is for the*

*decision maker in each case to determine what is a material consideration and what weight to give to it.*

*An emerging neighbourhood plan may be a material consideration. Paragraph 216 of the National Planning Policy Framework sets out the weight that may be given to relevant policies in emerging plans in decision taking. Factors to consider include the stage of preparation of the plan and the extent to which there are unresolved objections to relevant policies. Whilst a referendum ensures that the community has the final say on whether the neighbourhood plan comes into force, as part of the development plan, **decision makers should respect evidence of local support prior to the referendum when seeking to apply weight to an emerging neighbourhood plan.** The consultation statement submitted with the draft neighbourhood plan should reveal the quality and effectiveness of the consultation that has informed the plan proposals. And all representations on the proposals should have been submitted to the local planning authority by the close of the local planning authority's publicity period." (My emphasis)*

- 5.6 It is therefore clear that the strength of support or objection to a plan proposal influences the weight that the plan proposal should be given.
- 5.7 A regulation 14 draft of the Crudwell Neighbourhood Plan will be released well before the Housing Site Allocations Plan reaches examination. If, at this stage, any housing allocation receives a greater degree of support and a lesser degree of objection than the allocation proposed in the Housing Site Allocations Plan, then this influences the weight to be given to the respective proposals.

## 6 Conclusion

6.1 Crudwell Parish Council continues to object to the proposed allocation of Ridgeway Farm for 50 dwellings (or 40 additional dwellings) on the basis that:

- there is no strategic need for the Housing Site Allocations Plan to identify any housing sites in the Malmesbury Community Area;
- in that context, Wiltshire Council's own documentation states that *"the most appropriate means to assess local needs and plan growth at each Large Village is through the neighbourhood planning process"*
- the emerging Crudwell Neighbourhood Plan is advancing rapidly and has already been the subject of a number of rounds of public consultation and exhibitions;
- the Crudwell Neighbourhood Plan will identify a housing site or sites to meet its local housing needs as defined by a housing needs assessment produced to inform it;
- the collaborative and inclusive approach adopted in producing the Crudwell Neighbourhood Plan is intended to achieve public support to a far greater extent than Wiltshire's Housing Site Allocations Plan has achieved;
- the weight to be given to the emerging Housing Site Allocations Plan and Neighbourhood Plan is not only a matter of the stage they have each reached; it is also a function of the level of support and objection to each document.

6.2 On that basis, we request that the Housing Site Allocations Plan removes any proposed allocations in Crudwell, and allows the Crudwell Neighbourhood Plan to make the decision about Crudwell's growth.



Peter Gilchriest

Chair Crudwell Parish Council

**From:** [Karungi Grant](#)  
**To:** [Spatial Planning Policy](#)  
**Subject:** Wiltshire Housing Site Allocations Plan \*REF: 2 - printed\*  
**Date:** 29 May 2018 08:24:55

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Re: The Codford proposals for revised settlement boundaries (HSAP submission May 2018). Parish Council is happy with the current proposal; could you also include :  
G5, H5, Bury Farm this site is already being built on and the Parish Council feels this should now be included, and  
D4, Ivy Cottages, propose to consider this site for redevelopment.

regards

***Karungi Grant***  
**Clerk, Codford Parish Council**

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Tel: 01985 850523  
21A Cherry Orchard, Codford  
Warminster BA12 0PN  
-----



# Westbury Town Council

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Wiltshire BA13 3EN Tel: 01373 822232  
E-mail: [info@westburytowncouncil.gov.uk](mailto:info@westburytowncouncil.gov.uk)  
[www.westburytowncouncil.gov.uk](http://www.westburytowncouncil.gov.uk)

Spatial Planning  
Economic Development and Planning  
County Hall  
Trowbridge  
Wiltshire  
BA14 8JD

4<sup>th</sup> June 2018

## **Reference: Briefing Note on Wiltshire Housing Site Allocations Plan No. 355**

Westbury Town Council does not have any adverse comments although we note that excessive development has taken place in Westbury previously due to the absence of a 5-year plan and identified sites which made speculative projects.

We welcome that it has been recognised that Westbury has seen over development and at this time no further development is desirable or necessary although we would point out as previously that there has been no infrastructure improvements to help sustain such development.

The draft plan fails to appreciate or address the fact that surrounding towns although not identified as providing more housing other than that in the pipeline will be affected by building in adjacent parishes. For example, the additional dwellings in Bratton are likely to impact on Westbury without any subsequent benefit to Westbury.

Mike Sutton

Chair  
Highways Planning and Development

# SEEND PARISH COUNCIL

Parish Clerk: Mrs Sue Bond

61 Seend Cleeve

Melksham

Wiltshire

SN12 6PX

Email: [clerk@seendparishcouncil.co.uk](mailto:clerk@seendparishcouncil.co.uk)

Tel: 07706 850859

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5<sup>th</sup> June 2018

To: [spatialplanning@wiltshire.gov.uk](mailto:spatialplanning@wiltshire.gov.uk)

Seend Parish Council's response to Wiltshire Housing Site Allocations Plan in relation to the proposed changes to Seend Parish's Settlement Boundary June 2018.

The newly revised draft Seend Settlement Boundary was discussed at Seend Parish Council's meeting on 29<sup>th</sup> May, and by the Seend Neighbourhood Plan Steering Group. All are in agreement with the following submission.

We are pleased to see that many of our recommended amendments following the first draft circulated last September 2017 have been taken into consideration. However, we would still like to see the following amendment made as per our previous submission.

On the western boundary at F8/G8, we do not agree that this site should be included within the settlement boundary as the site is more related to the open countryside, especially in relation to the expansive views it provides.

On H8/I8 we see you have included more of the frontage of Seend House which was not included in our original response of September 2017, and we would like the boundary line drawn back to the trees and the properties as per our previous submission.

We request that we are kept informed at each stage and reserve the right to be involved with the progress of the policy on the settlement boundaries until its adoption in Winter 2018.

The following resolutions were approved at the extraordinary meeting of the Policy & Resources Committee of Trowbridge Town Council held on Tuesday 5<sup>th</sup> June 2018.

- A. **Trowbridge Town Council supports Wiltshire Council's allocation of 1000 of the Windfalls allowance for the N&W HMA to Trowbridge CA as expressed by Councillor Sturgis at the Trowbridge Area Board on Thursday 24<sup>th</sup> May 2018.**
- B. **Trowbridge Town Council therefore agrees with Wiltshire Council that the shortfall in supply for the Trowbridge Community Area is 843 houses in the period up to 2026.**
- C. **Trowbridge Town Council supports Wiltshire Council in seeking to allocate a surplus in order to ensure that the five-year land supply can be met in the HMA and that this is met through identifying sites for 1100 houses.**

- D. **Trowbridge Town Council supports Wiltshire Council in the allocation of the following sites to meet part of the shortfall:**

Spring Meadows 3260	45
Elm Grove Farm 248/613	250
Church Lane 1021	45

- and; **Trowbridge Town Council supports the allocation of the following alternative sites to meet part of the shortfall:**

Additional allocation at Wain Homes' part of Ashton Park	21
Biss Farm 3247	267

- E. **Trowbridge Town Council does not support the following sites which are contrary to the Wiltshire Core Strategy:**

S of Elizabeth Way	355
W H BP	225
Southwick Court	180

- F. **Trowbridge Town Council agrees with Wiltshire Council, that the WCS figures are indicative only and should not be adhered to rigidly and therefore supports the reallocation of; 72 houses to the neighbouring villages, in order to ensure that they continue to maintain sustainability and local infrastructure; and 400 houses to other towns in the HMA such as Melksham, Calne and Westbury, to ensure that they can continue to sustain economic growth and the viability and vitality of their town centres, throughout the plan period.**
- G. **Trowbridge Town Council supports Wiltshire Council in meeting the longer term growth for Trowbridge through a review of the WCS and in particular a review of the Green Belt.**
- H. **Trowbridge Town Council does not support the redevelopment of the QEII 'Fields in Trust' Elm Grove Recreation Ground as part of a housing site allocation or school development and requests that the Spatial Planning Team identify the justification for a new 2 form entry primary school in this part of the town and also considers use of any land in this area in the ownership of Coulston Estates or Wiltshire Council that could accommodate a new site for Larkrise School. And that alternative arrangements to accommodate the school and housing development are brought forward which retain the Elm Grove Recreation Ground as a focal centre for the community, linking the existing and new developments.**
- I. **That regarding the sites put forward by Wiltshire Council, Trowbridge Town Council views with great concern the lack of transparency in respect of Spatial Planning's dealings with site owners and promoters. Additionally, Spatial Planning have failed to observe the protocol whereby ward councillors are fully briefed, at an early stage, of any major proposals for their area.**



# Trowbridge Town Council

Working with the Community

HSAP Proposed Amendments 8<sup>th</sup> June 2018

## Introduction

Trowbridge Town Council has considered the proposed Wiltshire Housing Site Allocations Plan on a number of occasions. Following deferral of further consideration by Wiltshire Council at its Cabinet meeting on 15<sup>th</sup> May, the town council reconsidered the matter at an extraordinary meeting of the Policy and Resources Committee held on Tuesday 5<sup>th</sup> June. The committee, having considered the matter resolved the following:

- A. **Trowbridge Town Council supports Wiltshire Council's allocation of 1000 of the Windfalls allowance for the N&W HMA to Trowbridge CA as expressed by Councillor Sturgis at the Trowbridge Area Board on Thursday 24<sup>th</sup> May 2018.**
- B. **Trowbridge Town Council therefore agrees with Wiltshire Council that the shortfall in supply for the Trowbridge Community Area is 843 houses in the period up to 2026.**
- C. **Trowbridge Town Council supports Wiltshire Council in seeking to allocate a surplus in order to ensure that the five-year land supply can be met in the HMA and that this is met through identifying sites for 1100 houses.**

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**and; Trowbridge Town Council supports the allocation of the following alternative sites to meet part of the shortfall:**

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- E. **Trowbridge Town Council does not support the following sites which are contrary to the Wiltshire Core Strategy:**

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- F. **Trowbridge Town Council agrees with Wiltshire Council, that the WCS figures are indicative only and should not be adhered to rigidly and therefore supports the reallocation of; 72 houses to the neighbouring villages, in order to ensure that they continue to maintain sustainability and local infrastructure; and 400 houses to other towns in the HMA such as Melksham, Calne and Westbury, to ensure that they can continue to sustain economic growth and the viability and vitality of their town centres, throughout the plan period.**
- G. **Trowbridge Town Council supports Wiltshire Council in meeting the longer term growth for Trowbridge through a review of the WCS and in particular a review of the Green Belt.**
- H. **Trowbridge Town Council does not support the redevelopment of the QEII 'Fields in Trust' Elm Grove Recreation Ground as part of a housing site allocation or school development and requests that the Spatial Planning Team identify the justification for a new 2 form entry primary school in this part of the town and also considers use of any land in this area in the ownership of Coulston Estates or Wiltshire Council that could accommodate a new site for Larkrise School. And that alternative arrangements to accommodate the school and housing development are brought forward which retain the Elm Grove Recreation Ground as a focal centre for the community, linking the existing and new developments.**
- I. **That regarding the sites put forward by Wiltshire Council, Trowbridge Town Council views with great concern the lack of transparency in respect of Spatial Planning's dealings with site owners and promoters. Additionally, Spatial Planning have failed to observe the protocol whereby ward councillors are fully briefed, at an early stage, of any major proposals for their area.**

**Trowbridge Town Council***Working with the Community*HSAP Proposed Amendments 8<sup>th</sup> June 2018**Proposed amendments**

Further to the resolutions above, the town council now presents the following amendments to the Schedule of Proposed Changes, as required by the procedure outlined in Briefing note 355 published on 17<sup>th</sup> May 2018.

**Policy H2**

The starting point Policy H2 is:

**Policy H2**

Land is allocated for residential development at the following sites, as shown on the policies map:

Table 5.3 North and West Wiltshire Housing Market Area

Community Area	Reference	Site Name	No of dwellings
Trowbridge	H2.1	Elm Grove Farm, Trowbridge	200
	H2.2	Land off the A363 at White Horse Business Park, Trowbridge	150
	H2.3	Elizabeth Way, Trowbridge	205
	H2.4	Church Lane, Trowbridge	45
	H2.5	Upper Studley, Trowbridge	20
	H2.6	Southwick Court, Trowbridge	180

The changes to Policy H2 proposed by Wiltshire Council are:

**Policy H2**

Land is allocated for residential development at the following sites, as shown on the policies map:

Table 5.3 North and West Wiltshire Housing Market Area

Community Area	Reference	Site Name	No of dwellings
Trowbridge	H2.1	Elm Grove Farm, Trowbridge	250
	H2.2	Land off the A363 at White Horse Business Park, Trowbridge	225
	H2.3	Elizabeth Way, Trowbridge	355
	H2.4	Church Lane, Trowbridge	45
	H2.5	Upper Studley, Trowbridge	45
	H2.6	Southwick Court, Trowbridge	180

The amended changes to Policy H2 proposed by Trowbridge Town Council are:

## Policy H2

Land is allocated for residential development at the following sites, as shown on the policies map:

Table 5.3 North and West Wiltshire Housing Market Area

Community Area	Reference	Site Name	No of dwellings
Trowbridge	H2.1	Elm Grove Farm, Trowbridge	250
	H2.2	<i>Deleted</i>	
	H2.3	<i>Deleted</i>	
	H2.4	Church Lane, Trowbridge	45
	H2.5	Upper Studley, Trowbridge	45
	H2.6	<i>Deleted</i>	
	H2.7	Biss Farm, Trowbridge	267

### Policy H2.1

The starting point Policy H2 is:

#### Policy H2.1

Approximately 14.33ha of land at Elm Grove Farm, as identified on the Policies Map, is proposed for mixed use development comprising the following elements:

- Approximately 200 dwellings;
- At least 1.8ha of land for a two form entry primary school along with playing pitches;
- A multi-purpose community facility;
- A consolidated public open space area incorporating and augmenting the existing Queen Elizabeth II Field;
- A road from the A363 through to an improved junction of Drynham Lane and Wiltshire Drive; and
- New cycling and walking routes through the site to link into the existing network and the proposed Ashton Park Strategic Allocation site.

Development will take place in accordance with a masterplan for the site approved by the Council as part of the planning application process.

The changes to Policy H2.1 proposed by Wiltshire Council are:

### **Policy H2.1**

Approximately 17.78ha of land at Elm Grove Farm, as identified on the Policies Map, is proposed for mixed use development comprising the following elements:

- Approximately 250 dwellings;
- At least 1.8ha of land for a two form entry primary school along with playing pitches on land owned by the Council, but held in Trust (the existing Queen Elizabeth II Field);
- A multi-purpose community facility;
- A significantly improved and consolidated public open space area adjacent to the existing Queen Elizabeth II Field to provide a play area and junior level sports pitches for local community teams to utilise;
- A road from the A363 through to an improved junction of Drynham Lane and Wiltshire Drive; and
- New cycling and walking routes through the site to link into the existing network and the proposed Ashton Park Strategic Allocation site, and the White Horse Business Park.

Development will take place in accordance with a masterplan for the site approved by the Council as part of the planning application process.

The amended changes to Policy H2.1 proposed by Trowbridge Town Council are:

### **Policy H2.1**

Approximately 17.78ha of land at Elm Grove Farm, as identified on the Policies Map, is proposed for mixed use development comprising the following elements:

- Approximately 250 dwellings;
- At least 1.8ha of land for a two form entry primary school along with playing pitches;
- A multi-purpose community facility;
- A significantly improved and consolidated public open space area, a focal centre for the community, linking the existing and new development at the existing Queen Elizabeth II Field to provide a play area and junior level sports pitches for local community teams to utilise;
- A road from the A363 through to an improved junction of Drynham Lane and Wiltshire Drive; and
- New cycling and walking routes through the site to link into the existing network and the proposed Ashton Park Strategic Allocation site, and the White Horse Business Park.

Development will take place in accordance with a masterplan for the site approved by the Council as part of the planning application process.

In addition Trowbridge Town Council proposes that any consequential amendments to the supporting text, reflecting the above, should also be made to paragraph 5.46.

**Policy H2.2**

Trowbridge Town Council's proposal is that Policy H2.2 is deleted in its entirety.

**Policy H2.3**

Trowbridge Town Council's proposal is that Policy H2.3 is deleted in its entirety.

**Policy H2.4**

Trowbridge Town Council proposes no amendments to Policy H2.3 in addition to those already made by Wiltshire Council.

**Policy H2.5**

Trowbridge Town Council proposes no amendments to Policy H2.5 in addition to those already made by Wiltshire Council.

**Policy H2.6**

Trowbridge Town Council's proposal is that Policy H2.6 is deleted in its entirety.

**Policy H2.7**

Trowbridge Town Council proposes an amendment to add a new policy H2.7

**Policy H2.7**

Approximately 14.00ha of land at Biss Farm, as identified on the Policies Map, is proposed for mixed use development comprising the following elements:

- Approximately 267 dwellings;
- At least 1.6ha of land for a two form entry primary school along with playing pitches;
- Approximately 0.7ha for an extra-care facility, use class C2;
- Approximately 0.5ha for use class A3/A4
- Public open space; and
- Cycling and walking routes through the site to link into the existing network and the proposed Ashton Park Strategic Allocation site.

Development will take place in accordance with a masterplan for the site approved by the Council as part of the planning application process.

**Other amendments**

Trowbridge Town Council does not fully understand how, given the nature of the work already undertaken, or not undertaken, it is possible to make proposals for amendments, in respect of the following:

- An increase in the number of houses allocated to Ashton Park from 2600 to 2621.
- The reallocation from Trowbridge to the villages in the Trowbridge Community Area of 72 houses.
- The reallocation from Trowbridge to other towns in the N&WHMA of 400 houses.
- The apportionment of the N&WHMA 'Windfalls' figure of 2209 to include 1000 windfalls within the Trowbridge total.

Trowbridge Town Council seeks to achieve some of this by the following amendment to paragraph 4.53

The starting point Paragraph 4.53 is:

**4.53** One main reason for a shortfall in land supply is the complexity and consequent delay developing Ashton Park, a south eastern extension to the town. 1,600 dwellings will be built on this site in the plan period and a further 1,000 post 2026; rather than first envisaged that the whole of the allocation would have been completed in the plan period. This can be seen to account for 1,000 of the 1,220 dwelling shortfall.

The amended changes to Paragraph 4.53 proposed by Trowbridge Town Council are:

**4.53** One main reason for a shortfall in land supply is the complexity and consequent delay developing Ashton Park, a south eastern extension to the town. 1,600 dwellings will be built on this site in the plan period and a further 1,000 post 2026; rather than first envisaged that the whole of the allocation would have been completed in the plan period. This can be seen to account for 1,000 of the 1,220 dwelling shortfall. Recognising the flexibility of the WCS figures as expressed in Paragraph 4.35 it is now appropriate to reallocate some of the housing numbers from Trowbridge town to other places in the HMA which have shown an ability to develop sustainably at a quicker rate than previously envisaged and that may, without such additional development, not be able to adequately sustain facilities and infrastructure in their communities. These reallocations are; 72 houses to other large villages in the Trowbridge Community Area and 400 houses to other towns in the N&WHMA. These reallocations should be the subject of further consideration during the examination. A reduction of the Trowbridge quantum from 6810 to 6338 still leaves Trowbridge as the largest single location for development in Wiltshire and does NOT detract from the WCS primary focus for development at the Principal Settlements.



A community  
that cares

Durrington Town Council would like to comment further on the Draft Wiltshire Housing Site Allocations Plan following the deferral of a decision by Cabinet on the 15<sup>th</sup> of May 2018 to take it to Council on the 22<sup>nd</sup> of May 2018.

The Town Council has considered Wiltshire Council's responses under Regulation 22, Appendix M relating to Durrington and provides the following update for consideration:

#### **21.108/109/110**

##### **Large Villages**

Wiltshire Council has not addressed the issue of Durrington being included as the Market Town of Amesbury (including Bulford and Durrington), it should be re-classified on its own as a Large Village.

Only housing site allocations for Durrington alone have been put forward to this stage, there is no allocation for Bulford or Amesbury within the same Market Town. Durrington Town Council are aware of a potential freehold site belonging to Lincoln College on the London Road in Amesbury that has proposals for circa 73 homes, this was initially assessed as less sustainable due to noise concerns and potential A303 plans. Planners indicate that tests have been conducted and measures could be put in place to mitigate noise. With updated A303 plans, could this site be re-assessed?

##### **Army Rebasing**

There is no 'master-planned approach' for Durrington based on Army Rebasing, despite it incorporating Larkhill within its Parish and being sandwiched between Larkhill and Bulford. Wiltshire Council's requirement to find land and build more houses in line with Government directives is not working in tandem with Army Rebasing to completely understand the impact that Rebasing will have on Durrington. Building 440 houses within the Parish, along with another 225 on the outskirts in Bulford will already have a significant impact on Durrington without Wiltshire Council allocating another 60 houses in Durrington itself.

The impact on Durrington's roads and facilities has not been thoroughly considered. There is no planned investment by Wiltshire Council or Army Rebasing to improve roads within Durrington, despite the potential for thousands more road users travelling through the village. The original Traffic Assessment within Army Rebasing is outdated with a requirement for a new assessment to be conducted prior to the increase in service personnel and their families arriving at Larkhill/Bulford. This needs to include roads within Durrington (Particularly Larkhill Road/Bulford Hill), it would also benefit from an Assessment post arrival to fully determine the impact of the extra few thousand personnel in the area.

Army Rebasing in Larkhill will provide 440 homes and approximately 1500 single service personnel will move to the area. The only improvements to infrastructure are a new road layout (roundabout) on The Packway, a new medical and dental centre for both military and civilian patients (although capacity/quotas for civilians is unknown) and a new primary school including pre-school places. Of note, this will be the relocated St Michael's School from Figheldean. Residents will still use Durrington for local facilities such as shops, schools, leisure, garages and an access route to the A303 Eastbound. The Town Council is informed by MOD staff at Larkhill Garrison that only service personnel and their families working in Larkhill will be allocated housing in Larkhill, potentially mitigating some traffic movements in the area on a daily basis. In reality, this is not achievable due to Larkhill Garrison not owning the outsourced housing allocation system in place pan Armed Forces. Likewise, Army Rebasing in Bulford will provide 225 new homes just outside the boundary of Durrington. With limited facilities in Bulford itself, it is anticipated that more traffic will access Durrington from Bulford particularly using Bulford Hill and Larkhill Road as access routes to/from the A303 and A345.

### **21.127/128/129**

#### **Clover Lane**

When the Avon Fields Site on Clover Lane was planned it was only accepted by Salisbury District Council on a Master Plan that designed the roads and access to the site within strict criteria, it was never designed to cope with the newly proposed numbers. The impact of a further 45 houses linking into the Avon Fields Estate needs addressing from a Highways perspective not that of the site promoters.

#### **Conclusion**

The Plan is unsound; it is not justified to make a decision at this time on extra houses being built in Durrington whilst the full impact of Army Rebasing on Durrington is unknown. The evidence will only be available once Army Rebasing has taken place. Whilst the Plan may be consistent with national policy, there is a conflict with Army Rebasing. Wiltshire Council is driving forward with its requirement to find land and build houses with the view that Core Policy 37 of the Wiltshire Core Strategy has dealt with everything required for Army Rebasing, when this is not the case. Larkhill cannot possibly provide everything that service personnel and their families require within the limits of Larkhill itself, therefore residents will be very reliant on Durrington.



Cllr JP Todd - Chairman



# Yatton Keynell Parish Council

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23 John Aubrey Close  
Yatton Keynell  
Chippenham  
SN14 7EG

Spatial Planning  
Economic Development & Planning  
Wiltshire Council, County Hall  
Bythesea Road  
Trowbridge  
BA14 8JN

8<sup>th</sup> June 2018

Dear Sir,

**Draft Wiltshire Housing Site Allocations Plan - Changes to the Schedule of Proposed Changes**

Yatton Keynell Parish Council request that the following amendments are made to the schedule of proposed changes.

**Proposed Change 68 – Paragraph 5.109**

Insert additional wording to improve clarity and to reflect the Parish Council's concerns expressed in their submission of 18<sup>th</sup> September with regards to the ability of the fresh water supply system and foul water system to cope with a development of 30 houses.

**Proposed Change 69 – Paragraph 5.110**

Access directly from the B4039 was identified as the preferred access point in the Parish Council's submission dated 18<sup>th</sup> September 2017, this was supported by Cllr Baroness J Scott who advised Wiltshire Council's officers accordingly. Cllr Baroness J Scott has reconfirmed the above on the 4<sup>th</sup> of June in a telephone conversation with our Chairman.

Therefore the final sentence should be changed to remove reference to vehicular access being through Farrells Fields to read "Access would be taken directly from the B4039 with provision for pedestrian only access through Farrells Field."

Yours faithfully

Ian J Plowman  
Clerk to Yatton Keynell Parish Council

## Briefing Note 355

### Wiltshire Housing Site Allocations Plan

#### Response by North Bradley and Market Lavington Parish Councils

##### 1.0 Introduction

Wiltshire Council is currently preparing its Housing Site Allocations Plan (HSAP). Section 1.2 of the above briefing note invites further comments on the proposed schedule of changes by noon on 11<sup>th</sup> June 2018. This document is such a response, with detailed comments being made in section 3.

1.1 Both Market Lavington and North Bradley Parish Councils are coincidentally midway through preparing neighbourhood plans (NDP's) and are alarmed and concerned that the HSAP as written and as modified by the proposed schedule directly conflicts with the Localism Agenda on which neighbourhood planning is based and which Wiltshire Council is bound by. Specifically, Localism is intended to enhance community involvement in planning whereas the HSAP process has led to ignoring a great deal of work undertaken selflessly by community volunteers and aimed at helping Wiltshire deliver necessary housing *with community support*.

1.2 Notwithstanding statements made by Wiltshire Council's officers, members should be aware that the above two neighbourhood plans have received professional advice and it is clear to them that the HSAP, as written, risks being found to be unsound at Examination, for the reasons that follow. As presently drafted, both Parish Councils will have no alternative but to object at the EIP and argue that the HSAP be rejected as unsound. They also intend to approach the Secretary of State directly about the HSAP and with specific and general comments about the failings of the present neighbourhood planning service provided by Wiltshire Council to NDP groups. The results of these exchanges will be published in the local press via the NDP groups' media officer. They will also approach their local MP's to ask that questions be raised at higher levels. You should not underestimate the anger and disappointment that is currently being felt, nor the determination that exists to put the situation right.

1.3 Conflicts in terms of site allocations exist between the HSAP and both the above neighbourhood plans, and these unfortunately stem from a fundamental misinterpretation of the Regulations by Wiltshire Council. This has resulted in a deeply flawed planning process, likely to undermine the HSAP. Members need to be aware of this, because it conflicts with what they are being told by officers. It has also caused the volunteer groups, giving up their time to produce the neighbourhood plans, to conclude that Wiltshire Council still prefers a traditional pre-localism, top-down planning approach rather than one based on co-operation and co-ordination with neighbourhood planning in Wiltshire.

1.4 As a result of the Wiltshire approach, there is now an emerging conflict between many neighbourhood plans and Wiltshire policy. This is completely unnecessary and most regrettable – but there is still time to put this right and deliver the housing we need with community consent.

1.5 Numerous attempts have been made to begin a dialogue for example:

**North Bradley:**

- Response to HSAP – August 2017 (detailed explanation of emerging conflict)
- Letter to Spatial Planning – March 2018

**Market Lavington:**

- Letter of Concern 28<sup>th</sup> June 2017
- Response to HSAP – August 2017 (detailed explanation of emerging conflict)
- Letter 29<sup>th</sup> August 2017
- Letter 26<sup>th</sup> September 2017

However, Wiltshire Council shows little interest in genuine partnership working.

1.6 The slow and inadequate responses to these urgent pleas to co-operate in planning Wiltshire's future, together with poor levels of support in general (see below) indicate that Wiltshire Council still prefers traditional top-down planning and does not want real engagement between neighbourhood plans and their own strategies.

The consequences for this flawed approach, if not corrected, are likely to include:

- The rejection of the HSAP at Examination
- Damage to the image of Wiltshire Council if seen to be ignoring Localism and the rights of the community to have a fair say in planning their future (the debate will extend into the local press).
- Considerable loss of public money and time (the Parish Council's intend to submit a freedom of information request to determine how much has been spent by Wiltshire Council. Grant payments to the NDP groups are also likely to have been wasted if the plans continue to be ignored.
- Significant extra work for neighbourhood plan groups and widespread damage to the reputation of neighbourhood planning in Wiltshire (the two PC's are in contact with other groups who also have concerns they are considering bringing to the EIP and the Secretary of State).
- Delays in delivering the necessary housing for Wiltshire

1.7 It is essential that members realise that conflict between neighbourhood planning and the HSAP is not what the NDP groups want. They are not opposed to providing the necessary housing for Wiltshire; the disagreement is ONLY over whether this should be met – at least partly - through the democratic, community-based approach of neighbourhood planning or whether sites should be imposed in a top-down manner by Wiltshire Council. The latter approach is what the HSAP uses.

1.8 Both NDP's have good strategies, based on factual professional evidence that command public support. However, they, like all neighbourhood plans in Wiltshire, have been effectively ignored by the HSAP process. The statement at 3.3 in the Briefing Note that a comprehensive approach to neighbourhood planning has been taken is false. The actual approach, contrary to Government guidance, has been to deliberately ignore all neighbourhood plans until near their final stages (Reg 16). This delay in engaging with local groups has created the present conflict and could easily have been avoided. The Wiltshire approach contrasts with more enlightened approaches elsewhere – for example at East Cambridgeshire Council - Neighbourhood planning does not have to be done this way.

## 2.0 **Background to Reasoned Justification**

Section 3 following contains detailed responses to the Schedule contained within the Briefing Note. However it is considered essential for members to realise just how flawed the HSAP process has been and so it is first necessary to present some basic arguments to set the comments in context.

2.1 The present approach of the HSAP is to take note of neighbourhood plans *only after they reach a very advanced stage* (Regulation 16 stage – i.e. submission). This is far too late, and it means that NDP groups may in some cases have been patiently working up proposals for years only to have them overridden at the last minute by the HSAP, with huge waste of effort and money resulting (it should be remembered that the NDP groups are funded by Government grants, so this is tax-payer's money that is being thrown away on abortive work).

2.2 In fact, Annex 1. Paragraph 216 of the NPPF says:

*From the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:*

- *the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);*
- *the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*
- *the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).*

2.3 Wiltshire Council's approach is far too crude in giving no weight at all before the Reg.16 stage and only after that considering it relevant. The NPPF implies a much more nuanced and gradual approach.

In fact, Planning Practice Guidance explicitly requires decision makers to '*respect evidence of local support prior to referendum*' – that is BEFORE Reg.16 has been reached.

Planning Practice Guidance Neighbourhood Planning para 07 says:

*'An emerging neighbourhood plan may be a material consideration. .... Factors to consider include the stage of preparation of the plan and the extent to which there are unresolved objections to relevant policies.... Decision makers should respect evidence of local support prior to referendum when seeking to apply weight to an emerging neighbourhood plan. ....It is for the decision maker in each case to determine what a material consideration is and what weight to give it.'*

2.4 In summary, the Wiltshire approach relies on a very narrow view of the Regulations and ignores three main things:

- The wider regulatory context including planning practice guidance
- Best practice elsewhere
- Recent judgements in the Courts.

The above points will be explored below.

## 2.5 **The wider regulatory context.**

### Consultation.

The statement at 3.3 of the Briefing Note that a *'comprehensive assessment of neighbourhood plan's across Wiltshire has also been undertaken'* is simply not true. A rough census of plans has been compiled but the approach has been to ignore **their actual proposals** until Regulation 16 and this falls far short of what is required by the Regulations.

Additionally, while Parish Council's were consulted, there was no direct consultation with Neighbourhood Plan Steering Groups – these are semi-autonomous and simply consulting the Parish Council is not sufficient. Both North Bradley and Market Lavington Steering Groups communicated their ideas to Wiltshire Council at an early stage but these were brushed aside and an attempt made to impose the HSAP against community wishes.

## 2.6 Duty to co-operate

The duty to co-operate in relation to planning of sustainable development is enshrined in law through Section 33A of the Planning and Compulsory Purchase Act 2004 (PCPA) (inserted by Section 110 of the Localism Act 2011). It is also included within the National Planning Policy Framework (NPPF). The NPPF Paragraph 157 states: *'Crucially, Local Plans should ... be based on co-operation with neighbouring authorities, public, voluntary and private sector organisations'*.

PPG adds:

*'The local planning authority should work with the qualifying body to produce complementary neighbourhood and Local Plans. It is important to minimise any conflicts between policies in the neighbourhood plan and those in the emerging Local Plan, including housing supply policies. This is because section 38(5) of the Planning and Compulsory Purchase Act 2004 requires that the conflict must be resolved by the decision maker favouring the policy which is contained in the last document to become part of the development plan.'*

*Neighbourhood plans should consider providing indicative delivery timetables, and allocating reserve sites to ensure that emerging evidence of housing need is addressed. This can help minimise potential conflicts and ensure that policies in the neighbourhood plan are not overridden by a new Local Plan'. Paragraph: Planning Practice Guidance, Neighbourhood Plans, 009 Reference ID: 41-009-20160211.*

Regarding the duty to co-operate, PPG says:

*'The duty requires active and sustained engagement. Local planning authorities and other public bodies must work together constructively from the outset of plan preparation to maximise the effectiveness of strategic planning policies. It is unlikely that this could be satisfied by consultation alone. Local planning authorities that cannot demonstrate that they have complied with the duty will fail the independent examination process'. Paragraph: 009 Reference ID: 9-009-20140306*

- 2.7 while a list of prescribed organisations is set out in Regulation 4 of the Town & Country Planning (Local Planning) (England) Regulations 2012 as amended (the Regulations), it is not generally realised that this list is NOT EXHAUSTIVE. It does not specifically list parish councils or neighbourhood plan groups. However the Regulations DO stress the need for co-operation in the preparation of plans and its seems essential therefore that such close co-operation exists where Wiltshire Council is preparing a Local Plan and well-established neighbourhood plan groups are likewise engaged. How can good, efficient and democratic planning happen otherwise?
- 2.8 In fact, attempts by the NDP teams to work with the LPA have been rebuffed, with local proposals over-riden by Wiltshire Council. There has been none of the collaborative working required by PPG . Wiltshire Council has decided to ignore the actual content all plans until a very late stage – despite the years of unpaid voluntary work and tens of thousands of tax pounds that that have gone into them by that point. This wastage of community effort, goodwill and public money cannot be either wise or correct.

Let's see what PPG has to say about the nature of the co-operation required:

*'Cooperation should take place throughout Local Plan preparation – it is important not to confine cooperation to any one point in the process.*

*Local planning authorities and other public bodies need to work together from the outset at the plan scoping and evidence gathering stages before options for the planning strategy are identified. That will help to identify and assess the implications of any strategic cross boundary issues on which they need to work together and maximise the effectiveness of Local Plans. After that they will need to continue working together to develop effective planning policies and delivery strategies. Cooperation should continue until plans are submitted for examination and beyond, into delivery and review.*

*Local planning authorities should bear in mind that failure to demonstrate compliance with the duty at the Local Plan examination cannot be corrected after the Local Plan has been submitted for examination. The most likely outcome of a failure to demonstrate compliance will be that the local planning authority will withdraw the Local Plan'. PPG Paragraph: 012 Reference ID: 9-012-20140306*

2.9 In connection with the NDP's of North Bradley and Market Lavington, there has been no:

- Early pre-HSAP-publication discussion of sites
- No joint working groups established
- No detailed responses given to very detailed submissions
- No attempt to create a joint, as opposed to Wiltshire Council strategy, by combining or 'trading' sites to reflect local wishes.

2.10 Wiltshire Council's approach seems to be to take no note of emerging policies or sites in neighbourhood plans until Regulation 16 – right near the end of the NDP process. How can this be working *'together from the outset* (emphasis ours) *at the plan scoping and evidence gathering stages before options for the planning strategy are identified'*? How can over-riding years of work by community volunteers be helping to minimise *'any conflicts between policies in the neighbourhood plan and those in the emerging Local Plan, including housing supply policies'* (PPG)? Simply providing some very basic support yet making no effort to take on board emerging NDP ideas or respond to requests to harmonise the merging HSAP strategy with that of emerging NDP's cannot be meaningful co-operation or consultation.

2.11 By eschewing effective and meaningful partnership working in favour of quicker, cheaper but far less democratic top-down planning, it is impossible to deliver what Government guidance requires – see PPG 009 Reference ID: 41-009- 20160211;

*'The local planning authority should work with the qualifying body to produce complementary neighbourhood and Local Plans. It is important to minimise any conflicts between policies in the neighbourhood plan and those in the emerging Local Plan, including housing supply policies'*

The present Wiltshire approach of ignoring emerging neighbourhood plan sites until the plan submission stage makes conflict inevitable. What should have happened was that Wiltshire Council should have done an audit of emerging NDP sites before producing the HSAP and then seen if any of these could be taken forward in a joint planning process. THIS CRUCIAL STAGE WAS OMITTED.

2.12 Localism

The Localism Act 2011 was designed to give local communities more control over what happens in their areas. The NPPF emphasises this, clearly indicating that giving local communities a say in planning is crucial; indeed, this forms one of the Core Planning Principles set out in paragraph 17 of the Framework:

*'Within the overarching roles that the planning system ought to play, a set of core land use planning principles should underpin both plan-making and decision-taking. These principles are that planning should:*

*be genuinely plan-led, **empowering local people to shape their surroundings, with succinct local and neighbourhood plans setting out a positive vision for the future of the area.** Plans should be kept up-to-date, and be based on joint working and co-operation to address larger than local issues. They should provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency;'*

2.13 Since the Localism Act, the direction of travel of Government policy towards neighbourhood planning has been clear; successive measures have strengthened it – including the 2017 Neighbourhood Planning Act. Wiltshire Council officers seem unwilling to acknowledge this changed context, but it is clear from ministerial statements and court judgements (of which more later). Other authorities are also responding more positively.

2.14 What the parish councils would have liked would have been an early review of emerging sites and an agreed joint approach. It is quite in order form an NDP to propose alternative sites to an emerging Local Plan – yet this cannot take place unless the LPA is willing to co-operate. The NDP teams feel that they have been denied this ability.

*'A neighbourhood plan can propose allocating alternative sites to those in a Local Plan, but a qualifying body should discuss with the local planning authority why it considers the Local Plan allocations no longer appropriate. In rural areas, all settlements can play a role in delivering sustainable development.'* PPG Paragraph: 044 Reference ID: 41-044-20160519

PPG continues:

*'If a local planning authority is also intending to allocate sites in the same neighbourhood area the local planning authority should avoid duplicating planning processes that will apply to the neighbourhood area. It should work constructively with a qualifying body to enable a neighbourhood plan to make timely progress'*. PPG Paragraph: 043 Reference ID: 41-043-20140306

2.15 It might be argued that involving NDPs could slow down delivery of strategic needs, but this need not be the case. Both the NDP's the subject of this Response and the HSAP are at similar stages. NDPs are also generally faster than traditional local plans.

Nationally, two studies by the DCLG have conclusively demonstrated that NDP's actually delivery MORE housing and do it faster than do traditional Local Plans. (<https://www.gov.uk/government/collections/notes>)

## 2.16 **Best practice elsewhere**

Wiltshire Council officers argue that they are impelled to take their present approach due to the pressing need to deliver strategic housing. However, this is false. Not only are the timescale of NDPS and the HSAP similar, other authorities are pursuing more enlightened approaches, where neighbourhood planning and local planning co-operate much more closely and efficiently.



2.17 For example, East Cambridgeshire District Council, gives weight to emerging NDP's at this stage. East Cambs., talking about their Local Plan on their website states:

*"To support Neighbourhood Planning, the East Cambs Local Plan (which is at an early stage of preparation as at January 2016) will:*

- *Be prepared expediently to ensure an up-to-date Local Plan is in place;*
- *Address clearly and fully the strategic priorities for the district;*
- *Clarify which policies are "strategic" (and which are "non-strategic");*
- *Acknowledge the ambitions of any emerging neighbourhood plans, ensuring Local Plan policies are carefully worded to avoid any future conflict with Neighbourhood Plan policies; and*
- *Leave 'space' for Neighbourhood Plans – some (non-strategic) issues may be more effectively dealt with through Neighbourhood Plans". (E Cambs Website).*

This is a far more positive and pro-active stance than is being taken by Wiltshire Council.

## 2.18 **Recent Government Statements and the Courts.**

The direction of travel for neighbourhood planning is clear – the Government supports it and considers that it has a firm place in the planning system. The Courts are also starting to interpret Planning Law and Regulations insofar as they relate to neighbourhood planning and these show an increasing tendency to support the early consideration (and attribution of weight to) emerging neighbourhood plans.

2.19 Take for example the case of *Crane V Secretary of State for Communities and Local Government* (2015) EWHC 425. In his judgement, on Monday 23rd February 2015, Mr Justice Lindblom stressed that Neighbourhood plans are seen by the Government as an important part of its "localism agenda". He quotes the Secretary of State in a decision letter dated 17 April 2014, which places great weight on the policies of a neighbourhood plan because of paragraphs 183 to 185 of the NPPF, which 'underlines the Government's commitment to neighbourhood planning as a process in which communities are able *"to develop a shared vision for their neighbourhood"* ..and to *"shape and direct sustainable development in their area"*

2.20 Justice Lindblom also quoted the "Core Planning Principle" set out in paragraph 17 of the NPPF that planning should *"be genuinely plan-led, empowering local people to shape their surroundings, with succinct local and neighbourhood plans setting out a positive vision for the future of the area"*

2.21 The effect of this and other judgements must be to emphasise that weight should be given earlier in the process to neighbourhood plans and in particular that communities should have power and influence in planning for their areas. What this means and indicates in relation to the case of the North Bradley and Market Lavington NDPs, is that the ability of a community to influence development in their area is being accorded much greater weight in the courts and by the Secretary of State than it is by Wiltshire Council.

## 2.22 Resources

It is understood that the Council is facing staffing problems and that resources for Plan production are tight. However this is not a good enough reason to ignore obligations under the law. Wiltshire Council in fact receives over £30,000 in Government support specifically ear-marked for each neighbourhood plan. However the money does not appear to be getting through and appears to be diverted onto other causes. Market Lavington and North Bradley Parish Councils therefore intend to submit a Freedom of Information Request to demonstrate how the funds have been used.



In North Bradley residents and volunteers have been working for free for almost two years to create their neighbourhood plan.

### 3.0 Comments on the Schedule

Comments on the Schedule are presented in two tables, one for Market Lavington and one for North Bradley, below. However by way of some general observations: The schedule of changes in the Briefing Note refers to neighbourhood plans hardly at all – and then only in connection with boundary changes. Both North Bradley and Market Lavington Parish Councils submitted extensive responses – yet these remain unacknowledged in the schedule. This seems indicative of Wiltshire Council’s general attitude to neighbourhood planning and is of very great concern.

#### 3.1 Market Lavington

Market Lavington Parish Council has been developing a plan for over 3 years, and has attempted to maintain a dialogue with Wiltshire Council throughout NDP production. While this has been somewhat one-sided, a letter was received from Alistair Cunningham (Director, Economic Development and Planning) dated 3<sup>rd</sup> July 2017 that seemed to offer some hope;

*‘If the Market Lavington NP can now be progressed quickly, it could very well overtake the draft Housing Site Allocations Plan and thereby remove the need for this Council to progress proposals at the village. As anticipated by legislation, national and local planning policy, we will of course continue to support the Steering Group in developing the NP. However, I ask that you, or your consultant, arrange to provide officers with a clear timetable for the next steps in preparing the document. This will help determine whether there is a need to amend the draft HSAP in due course’.*

A timetable was promptly provided, but the sites suggested by the NDP have been ignored in the recent schedule of changes this commitment seems not to have been honoured.

3.2 Specific comments regarding to the Schedule are given in the table below. What is sought is, as implied in the letter from the Director, a ‘trading’ of sites, whereby the strategic need for Market Lavington is met through the sites of the NDP which have local support rather than through the imposed strategy of Wiltshire Council.

Reference	Description	Comment
PC 13	Claim that 1247 homes at Ashton park will not be built until after 2026	Evidence supporting this is weak and the statement should be revised. See North Bradley section below.
PC 18	Policy H1 proposes allocating: <ul style="list-style-type: none"> <li>• Underhill Nursery (50 homes)</li> <li>• Southcliffe (15 homes)</li> <li>• East of Lavington School ( 15 homes)</li> </ul> <p>In Market Lavington parish</p>	Underhill nursery is OPPOSED by the NDP and should <b>be withdrawn</b> in favour of sites that have community support. SEE APPENDIX 1. Southcliffe (15 homes) is allocated by the NDP and East of Lavington School has been re-allocated following Reg 14 Consultation at an increased 20 homes. In lieu of Underhill Nursery, the NDP allocates: Longfield( 20 homes) Spin Hill (25 homes) The total number of homes proposed by the HSAP in Market Lavington is 80, and by the NDP 80. In order to deliver the Localism Agenda the NDP sites should replace those proposed by the HSAP.
PC 29	Policy H1	Underhill nursery is OPPOSED by the NDP and should be withdrawn

- 3.3 Market Lavington would also like to raise again their concerns at the poor standard of co-ordination and support provided by Wiltshire Council. For example there have been long periods of time when we have not had an allocated link officer. Eventually, following repeated requests for a Link Officer, Kate Sullivan (Planning Officer) was appointed. Kate made the effort to attend one of our Steering Group meetings, and has been very helpful in obtaining maps etc. however, by her own admission, we were the first Neighbourhood Plan she had worked with, and she struggled with initially getting to grips with the process, and often had to seek further advice before being able to answer any of our questions. The point we would like to make however is that Wiltshire Council receive in excess of £30,000 for each Neighbourhood Plan produced, very little of which it would appear is currently used to directly support Steering Groups, through what is a complex and highly regulated process.
- 3.4 In fact, there have been a number of occasions that Wiltshire Council have themselves caused delays in the progress of the plan. For instance, there was very little communication regarding the on-going submission of SHLAA sites, which resulted in new sites coming to light later in the process, which then needed to be included in consultation and site assessment analysis / the notification extremely late in the process that a 'Housing Needs Survey' was required – arranging this and waiting for the subsequent report caused a delay of approx. 7 months (we first approached Wiltshire Council 15/8/16 to request a survey be undertaken, subsequent report finally received 3/3/17).
- 3.5 That there is no attempt being made to co-ordinate the HSAP and the NDPs is very clear from the fact that our Link officer had prepared for us detailed maps of our sites, several months before the draft HSAP was published in summer 2017. If Wiltshire Council knew of our sites, why was no attempt made to work with us to produce a co-ordinated strategy? A map showing the NDP sites, which would deliver 80 homes – the same as the HSAP – is given in Appendix 2.



The Market Lavington Community has spent hundreds of hours working on the NDP.

### 3.6 North Bradley

The North Bradley DPD has in fact been developing since November 2016. Early community engagement took place in February and March 2017 and sites consultation took place in spring 2018. After conducting a considerable amount of research and gathering community views, Regulation 14 consultation for the NDP is now imminent and the NDP has been submitted for SEA and HRA Screening. The sites proposed amount to some 90 homes and are given in Appendix 3.

Reference		
PC 13	Claim that 1247 homes at Ashton park will not be built until after 2026	Evidence supporting this is weak and the statement should be revised. See North Bradley section below.
PC 18	<p>The original Policy H2 allocates within the NDP Area: Elm Grove Farm (200 homes) Land off WHBP (150 homes) Southwick Court (180 homes)</p> <p>Number of homes have been raised and this should be reversed – see below.</p>	<p>NDP Opposes Land off WHBP and <b>this allocation should be dropped in favour of the overall NDP plan which has community support.</b></p> <p>This is as follows: The NDP accepts Elm Grove Farm and Southwick Court.</p> <p>In lieu of WHBP the NDP now allocates:</p> <p>The Paddock (8 homes) 54 Woodmarsh (25) Park Farm (35 homes) Land off Westbury Road, Yarnbrook (22) Total 90</p> <p>The original HSAP housing numbers in North Bradley parish were 530: If the NDP strategy is adopted this would (using original HSAP figures) fall to:</p> <p>Elm Grove Farm (200) Southwick Court (180) NDP sites as above (90)</p> <p>Total 470 – but see below.</p>
PC33	Elm Grove Farm has been increased to 250 homes.	Object – case for this much housing is weak – see below. The figures should revert to those in the original HSAP
PC38/ 39	White Horse Business park reduced to 19.96 ha but housing numbers raised to 225	Object – case for this much housing is weak see- below. The figures should revert to those in the original HSAP.

- 3.7 It can be seen from the above that the North Bradley NDP allocates less housing than that advocated by the HSAP. Government policy states that an NDP cannot propose less development than the development plan. However;
- the HSAP is not yet part of the development plan and the possibility of replacing the proposed site at White Horse Business Park with the NDP sites is still an open possibility.
  - the case of need for housing put forward by the HSAP is flawed for the following reasons:
- 3.8 While the DPD states that there will be a shortfall of 1247 homes, this is disputed. The figure is based on the un-verifiable assumption that the Ashton Park will be much slower in delivery than anticipated (many homes not being delivered until after 2026) and that sites for additional homes therefore need to be identified to avoid a shortfall in housing land supply later in the plan period.
- 3.9 The assumption is presented as fact, however, it relies, according to the HSAP evidence base, simply on the word of the developers who supplied this information (an intention not to develop all of the site until after 2026) to the LPA. An intention or 'finger in the air' estimate of this type cannot be considered to be reliable. The developers may have a vested interest in encouraging the belief that delivery will be slow (so as to get other land allocated in the DPD). They are certainly not equipped with a crystal ball and cannot therefore accurately predict delivery ahead.
- 3.10 This is particularly relevant at the present time, which is one of great economic uncertainty, as the UK struggles with negotiations on Brexit. The share prices of housebuilders have been hard hit by Brexit (making it more difficult for them to raise finance for new housing projects) and many have announced that they are putting new projects on hold. Yet recent announcements by opposition parties in the UK suggest that Brexit, least of all a Hard Brexit, may not even happen. The truth is no one knows how Brexit will pan out, yet the DPD would have us believe that housing developers can accurately predict delivery for up to 9 years ahead! This seems very unlikely, if not impossible.
- 3.11 We then have to consider what would happen should the developers simply change their minds if circumstances change. This is not at all unlikely; should the Brexit logjam be suddenly released (for example if an agreement was reached to stay in the EU or at least the customs union) then the circumstances and attractiveness of development at Ashton Park could change dramatically and almost overnight. This would pump 1000 homes into the housing supply far earlier than the DPD predicts.
- iii. It is likely that the NDP will allocate more sites in its first review (3 years).
  - iv. Windfalls are not likely to provide a large number of homes, but some will be delivered on top of the NDP allocations.
  - v. The parish council is prepared to discuss site numbers at Park Farm and at the Yarnbrook site if a larger number would be helpful.
  - iv. The NDP contains other pro-development policies (such as a general housing policy)

- 3.12 The main reason for opposing the proposed site off A 363 at White Horse Business Park is because of the damage this will do to the landscape setting of North Bradley. This has been clearly demonstrated in the Landscape and Visual Analysis Report (that Wiltshire Council has been sent) - Yet this is completely ignored – including by the HSAP SA – a potentially fatal omission for the HSAP. Community engagement revealed a strong desire to preserve the identity and setting of North Bradley village and to prevent it from losing its identity as a suburb of the principal settlement. See Appendix 4 for maps showing the proposed site and proposed protected area.
- 3.13 The WHBP allocation must also therefore be opposed because it conflicts with Core Policy 29. A landscape protection policy in the NDP takes forward paragraph 5.150 of Core Policy 29 the Wiltshire Core Strategy (WCS). This encourages the community to develop a policy for the rural setting ‘gap’ between the village and Trowbridge in a neighbourhood plan.

*‘It is recognised that the villages surrounding Trowbridge, particularly Hilperton, Southwick North Bradley and West Ashton, have separate and distinct identities as villages. Open countryside should be maintained to protect the character and identity of these villages as separate communities. The local communities may wish to consider this matter in more detail in any future community-led neighbourhood planning.’*

However, now that the community has accepted their invitation and done this, Wiltshire Council seems to want to ride rough-shod over the result.

- 3.14 While development must take place to provide necessary housing, this should not be at the expense of destroying character and sense of place. If repeated across Wiltshire this would lead to an anonymous sprawl with everywhere becoming simply ‘somewhere on the way to somewhere else’. It is the individual character of settlements that residents value and which underpin the county’s tourism and leisure industries. Development which destroys this is not sustainable since it involves handing on to our descendants something worse than what we ourselves inherited.

3.15 **Defective Sustainability Appraisal**

Sustainability is something that was considered for the HSAP by the HSAP’s SA report (dated June 2017). In the view of the PC, this report is flawed and the HSAP is therefore unsound.

Objective 7 of the SA was *‘Conserve and enhance the character and quality of Wiltshire’s rural and urban landscapes, maintaining and strengthening local distinctiveness and sense of place.’*

- 3.16 Objective 7 should have enabled the plan makers to determine that the site off White Horse Business park (H 2.2) would be harmful to the setting of North Bradley. It is hard to see how they could have avoided this conclusion because paragraph 5.150 of Wiltshire Council's own Core Strategy Core Policy 29, clearly establishes the importance of this area. However, in Section 7.10.74 of the SA itself (regarding this site) we find no mention at all of the impact on the setting of North Bradley at all, except for a statement that:

*'The site is situated to the immediate east of North Bradley village and west of the White Horse Business Park. The land comprises a series of agricultural fields / informal open space and, as such, would not maximise the use of previously developed land'.*

- 3.17 The score given for this site against Sustainability Objective 7 records only minor adverse effects on landscape. This completely ignores the sensitivity of the area in landscape setting terms as established by WCS paragraph 5.150, to which it fails to refer, and is clearly wrong in terms of actual impact as is proven by the Landscape Setting Report commissioned for the NDP (See map extract as Appendix 4). The latter clearly demonstrates the importance of retaining this area. That the SA could have made such a fundamental mistakes brings its entire credibility into question. Clearly, the crucial importance of the area as a setting for North Bradley was not considered and the SA is therefore flawed and the policies based on it are unsound.

#### 4.0 **Conclusion**

North Bradley and Market Lavington Parish Councils ('the Parish Councils') fully accept the need to deliver strategic housing for Wiltshire and are committed to neighbourhood plans which aim to do just this. However we have a choice in the County about how this is done; through traditional top-down planning by unelected officers or with the help and support of the community they serve via neighbourhood plans.

- 4.1 The Parish Councils do not desire conflict but harmony between the older traditional and newer community based plans. The carefully crafted neighbourhood plans present alternative strategies, with similar aims to the HSAP and are worthy of more consideration than they have received so far.
- 4.2 The proposal from both Parish Councils is therefore that a meeting should take place and that a joint approach should be adopted whereby strategic need is met first by neighbourhood plans sites and only where this is insufficient should strategic sites be imposed.
- 4.3 If this is not done then irreparable harm will be done to the reputation of Wiltshire Council and neighbourhood planning in the county. Public money will be wasted at a time when it is in short supply. The conflict will be carried over into the EIP for the HSAP and into the wider political and public domains and this will delay the delivery of much needed housing. These are consequences that the Parish Councils sincerely want to avoid.

North Bradley Parish Council NDP Steering Group  
Market Lavington Parish Council NDP Steering Group

31<sup>st</sup> May 2018

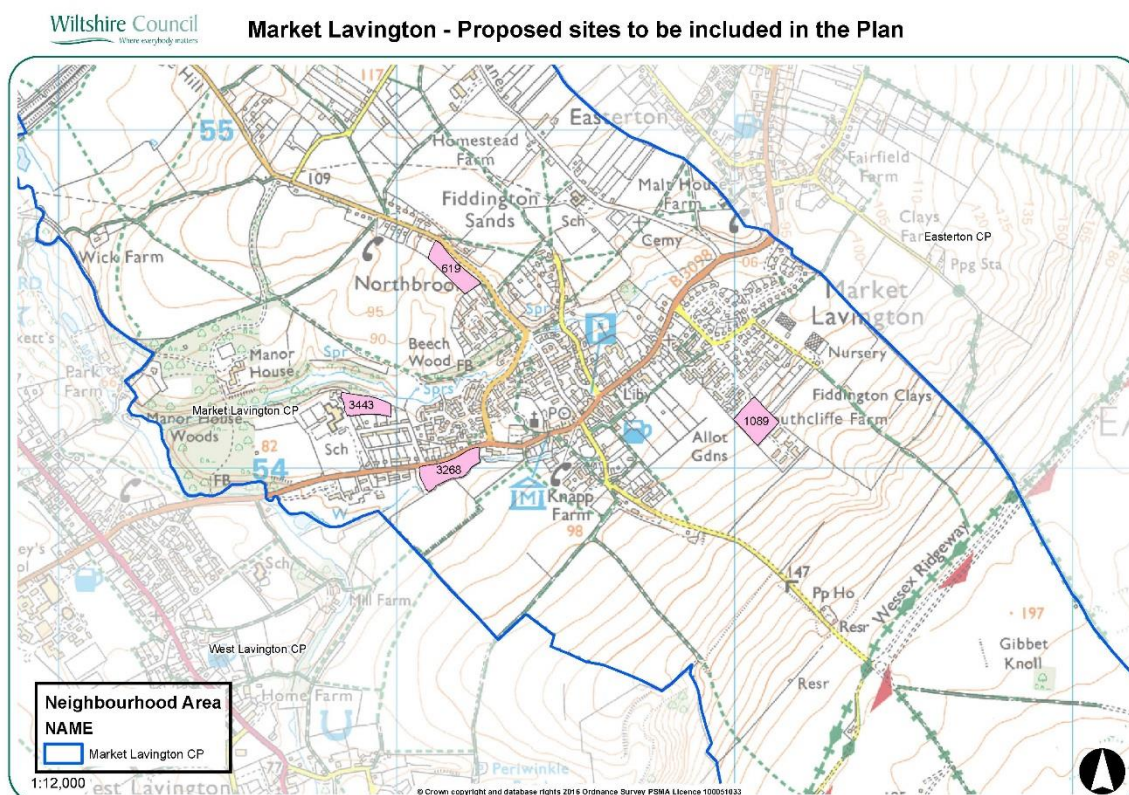


APPENDIX 1:

Site name / SHLAA no.	Number of Dwellings NDP	Number of Dwellings DPD	Notes / Reasons
Underhill Nursery *	N/A	50	<p>This site was considered and was rejected for the following reasons:</p> <ul style="list-style-type: none"> <li>• It is larger than the preferred size expressed in community engagement and tends to undermine the agreed strategy of a number of smaller sites located around the village (See Appendix 6).</li> <li>• The location is at the end of the village that suffers the worst congestion problems particularly bad pinch point, and mini-roundabout with limited vision – even if access were improved this would create a lot more traffic at exactly the worst location, especially on the High Street, and in Fiddington Clay Road.</li> <li>• The loss would represent a loss of employment possibilities which the NDP is trying to encourage. We would prefer the site to be used for agriculture, horticulture or suitable rural businesses.</li> <li>• The site is prone to bad flooding, being located at the bottom of a hill. This problem is likely to grow due to climate change. Development could add to the problem.</li> <li>• Soil contamination is likely to be present after horticultural use</li> <li>• Alternative sites are available (and proposed) in the NDP which adequately provide for the sustainable growth of Market Lavington</li> </ul> <p>If not removed, this site proposal will effectively undermine the existing neighbourhood plan, which seeks to ‘plan by consent’ – giving local people a direct say in how and where Market Lavington grows. If the site is imposed, regardless of the NDP, then it could destroy confidence in neighbourhood planning and Localism generally.</p> <p>The Parish Council therefore respectfully requests that this site be dropped from the DPD.</p>

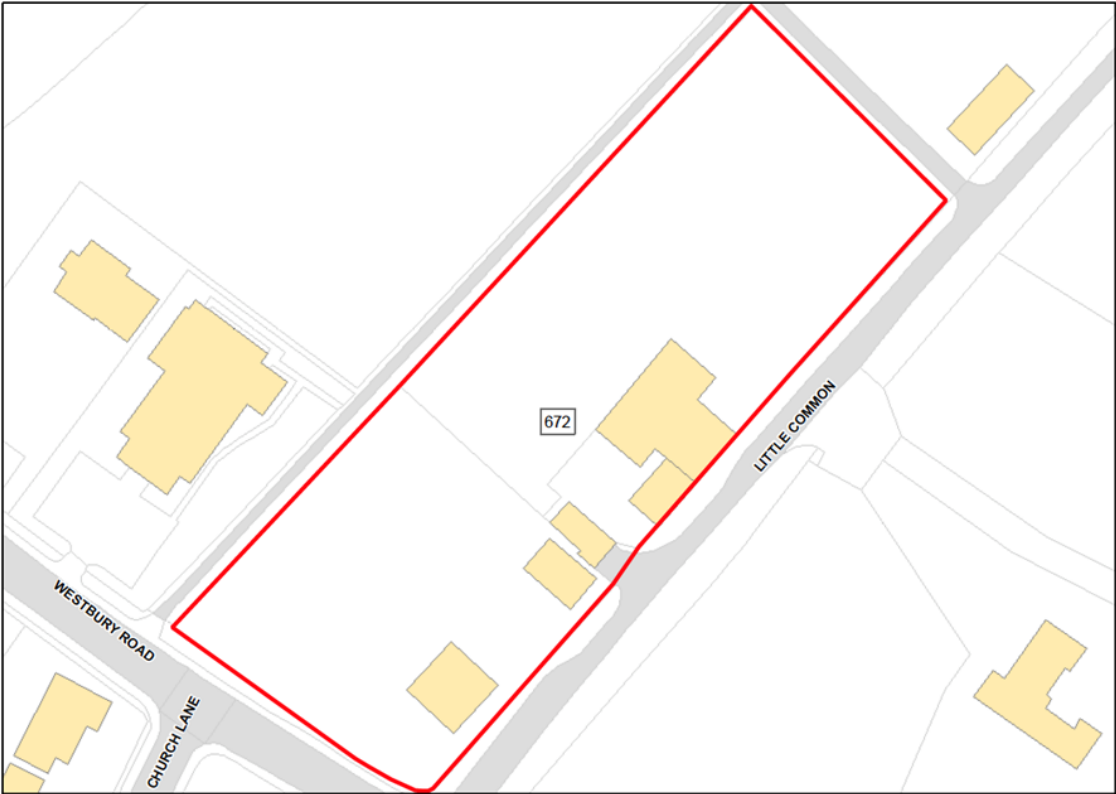
\* also known as Fiddington Nursery

## Appendix 2: Market Lavington NDP Proposed Sites

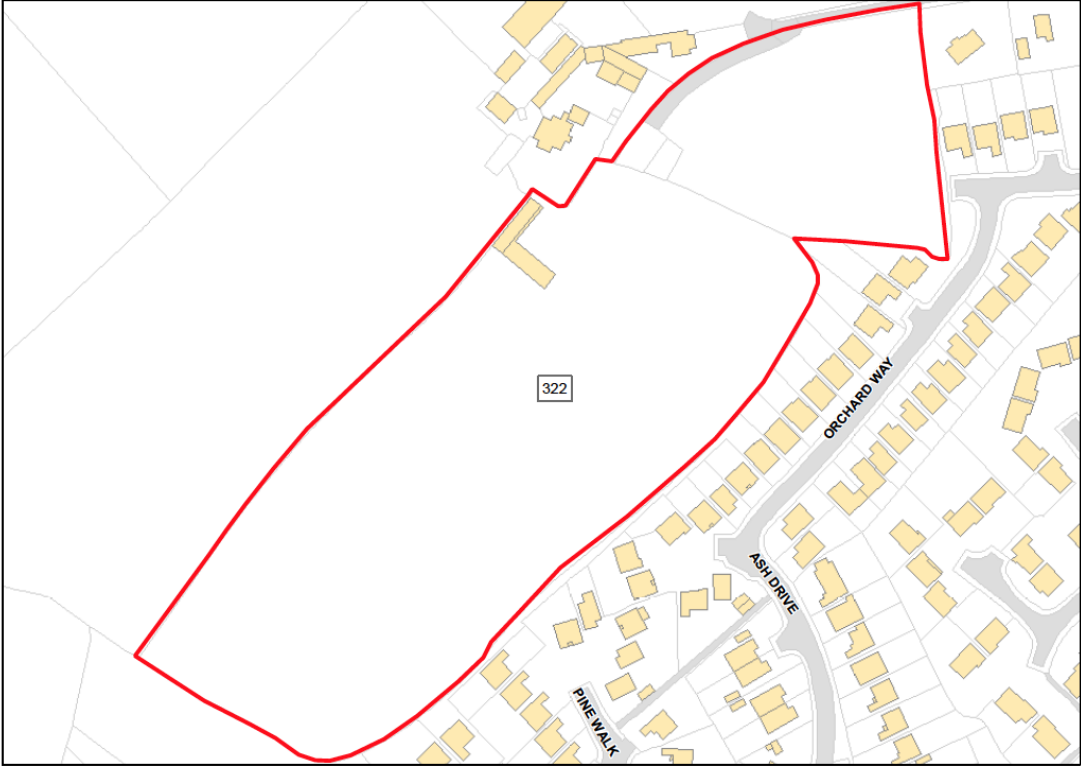


### Appendix 3: North Bradley NDP Sites

The Paddock, Little Common Lane, (SHELAA 672)

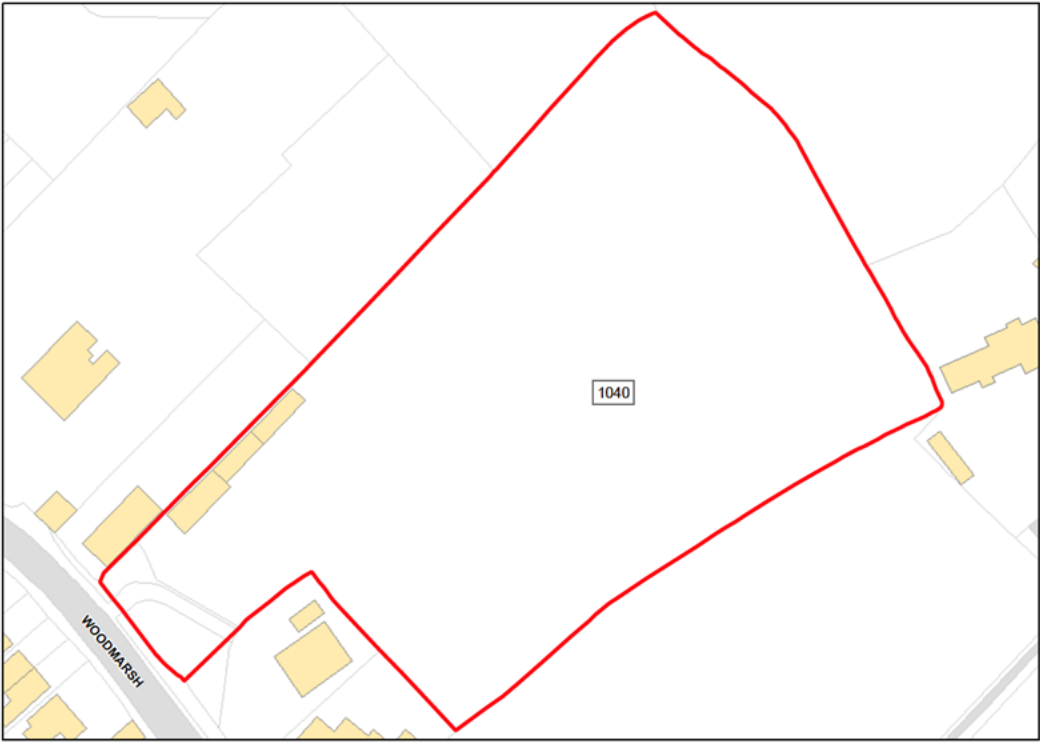


Park Farm, SHELAA 322

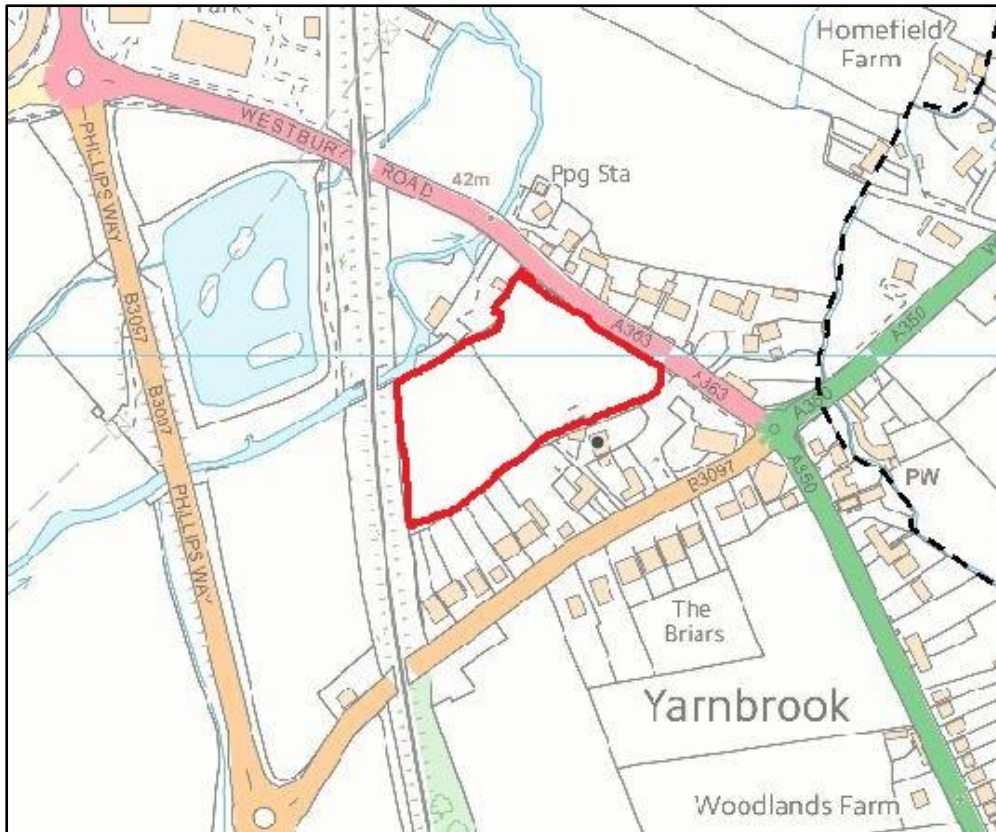


54

Woodmarsh, SHELAA 1040

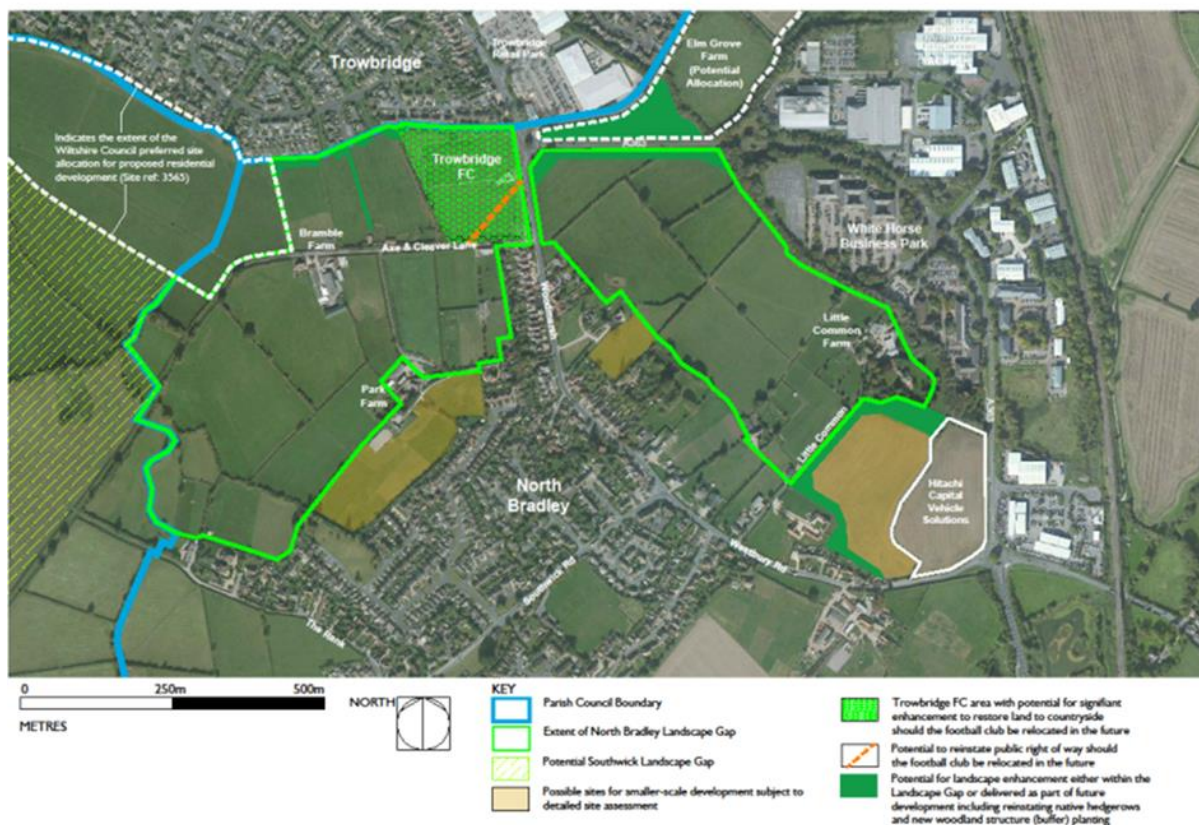


## Land off Westbury Road, Yarnbrook

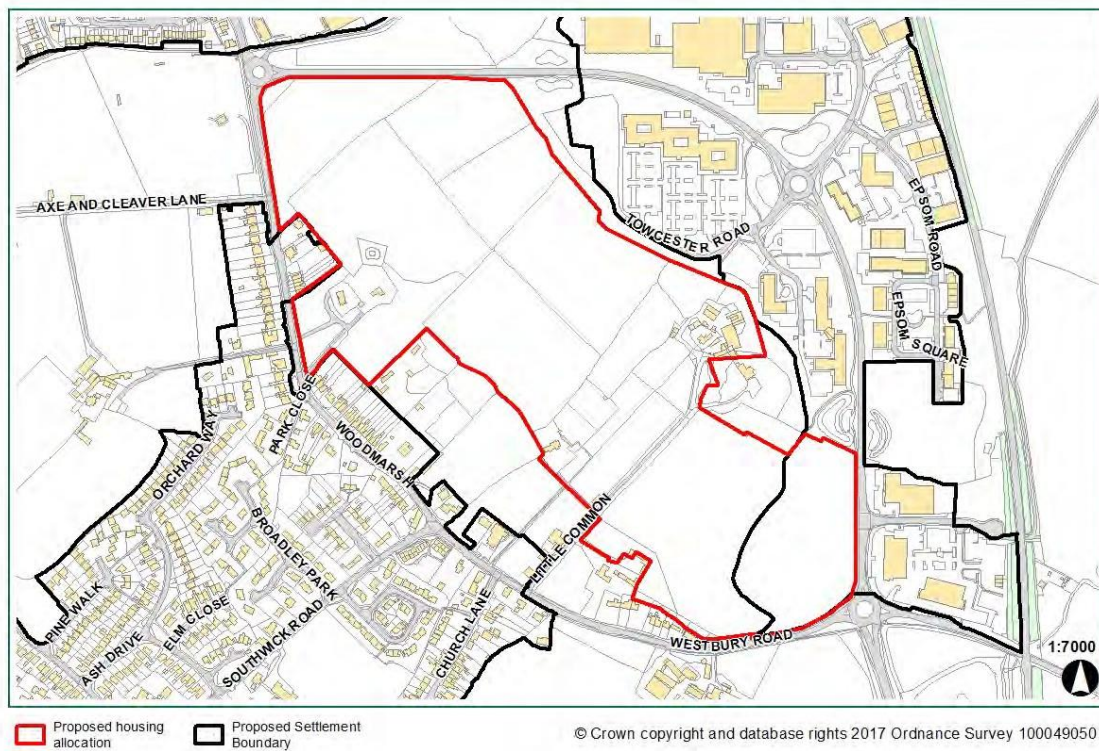




### Appendix 4: Landscape Protection Area proposed for North Bradley



Proposed HSAP site H 2.2 that will destroy the landscape setting of North Bradley.



**From:** [Shelley Parker](#)  
**To:** [Spatial Planning Policy](#)  
**Subject:** Draft Wiltshire Housing Site Allocations Plan - Consultation \*REF: 10 - printed\*  
**Date:** 11 June 2018 08:58:39

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Dear Spatial Planning Team

**Draft Wiltshire Housing Site Allocations Plan - Consultation - Marlborough Town Council**

At its Planning Committee meeting on 29 May, Marlborough Town Council noted the changes to the Plan and commented that the Settlement Boundary may still be changed through the Neighbourhood Plan process currently being taken forward through the Marlborough Area Neighbourhood Plan Steering Group.

With best regards

Shelley

Shelley Parker  
Town Clerk  
Marlborough Town Council  
01672 512487  
07931 996632  
[townclerk@marlborough-tc.gov.uk](mailto:townclerk@marlborough-tc.gov.uk)  
[www.marlborough-tc.gov.uk](http://www.marlborough-tc.gov.uk)



**From:** [Warminster Town Council](#)  
**To:** [Spatial Planning Policy](#)  
**Subject:** re-comments from Warminster Town Council \*REF: 10 - printed\*  
**Date:** 11 June 2018 09:28:14  
**Attachments:** [image001.gif](#)  
[image002.gif](#)  
[image004.jpg](#)  
[2018.06.01 Settlement Boundary.pdf](#)  
[WHSA PSCONS02 Representation Form June 2017 \(1\).docx](#)

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Good morning

Thank you for the opportunity to comment further on the Wiltshire Housing Site Allocations Plan. We reiterate our previous comments made on 20<sup>th</sup> September 2017. Our only comment is to remove item No.24 from the list as we strongly oppose any change to the Settlement Boundary in the Grovelands Area.

Please see attached original comments

Many thanks

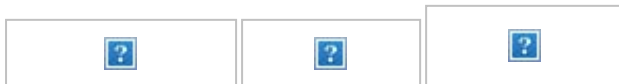
Judith

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## Wiltshire Housing Site Allocations Plan

Pre-submission Draft Representation Form and Notes

<b>Ref:</b>	<b>(For official use only)</b>
-------------	--------------------------------

**Please return to Wiltshire Council, by 5pm on Friday 22<sup>nd</sup> September 2017.**

**By post to:** Spatial Planning, Economic Development and Planning, Wiltshire Council, County Hall, Bythesea Road, Trowbridge, Wiltshire, BA14 8JN.

**By e-mail to:** [spatialplanningpolicy@wiltshire.gov.uk](mailto:spatialplanningpolicy@wiltshire.gov.uk)

**Tel:** 01225 713223

**Website:** <http://wiltshire.gov.uk/wiltshsgsiteallocationsplan>

This form has two parts:

Part A – Personal details

Part B – Your representation(s). Please use a separate sheet for each representation.

### Part A – Personal details

\*if an agent is appointed, please fill in your Title, Name and Organisation but the full contact details of the agent must be completed.

	1. Personal details	2. Agent's details (if applicable)*
Title	Mrs	
First name	Fiona	
Last name	Fox	
Job title (where relevant)	Town Clerk	
Organisation (where relevant)	Warminster Town Council	
Address Line 1	Warminster Civic Centre	
Address Line 2	Sambourne Road	
Address Line 3	Warminster	
Address Line 4		
Postcode	BA12 8LB	
Telephone Number	01985 214847	
Email Address	townclerk@warminster-tc.gov.uk	

**Part B – Please use a separate sheet for each representation**

**Please note** your representation should cover succinctly all the information, evidence and supporting information necessary to support/ justify the representation and the suggested change, as there will not normally be a subsequent opportunity to make further representations based on the original representation to the pre-submission draft consultation.

**After this stage, further submissions will be only at the request of the Inspector, based on the matters and issues he/ she identifies for examination.**

Name or organisation:	Warminster Town Council
-----------------------	-------------------------

3. To which part of the Wiltshire Housing Site Allocations Plan does this representation relate?

Policy: H2.7	Paragraph: 5.88	Table:	Figure: 5.11
Site: East of the Dene		Other:	

4. Do you consider the Wiltshire Housing Site Allocations Plan is:

(i) Legally compliant	Yes:		No:	
(ii) Sound	Yes:		No:	X

*If you have entered **No** to 4 (ii), please continue to Q5. In all other circumstances, please go to Question 6.*

5. Do you consider the Wiltshire Housing Site Allocations Plan is **unsound** because it is not:

(1) Positively prepared	
(2) Justified	X
(3) Effective	
(4) Consistent with national policy	

6. Please give details of why you consider the Wiltshire Housing Site Allocations Plan is not legally compliant or unsound. Please be as precise as possible.

**If you wish to support the legal compliance or soundness of the Wiltshire Housing Site Allocations Plan, please also use this box to set out your comments.**

The Town Council feels this site meets the aspirations of the Warminster Neighbourhood Plan (section 4.2, third row), which aspires to: "A spread of new developments around the town to avoid imbalance caused by significant developments in any one area." However, they believe this should not be brought forward before 2026, the period of the Neighbourhood Plan and Core Strategy, as the sites already allocated in the west should be developed first. This site could be included when considering the town's future planning needs post 2026 when additional sites may need to be identified.

*(Continue on a separate sheet/ expand box if necessary)*

7. Please set out what change(s) you consider necessary to make the Wiltshire Housing Site Allocations Plan legally compliant or sound, having regard to the test you have identified at 5 above where this relates to soundness. You will need to say why this change will make the Wiltshire Housing Site

Allocations Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any proposal or text. Please be as precise as possible.

Defer any plans for this site until after the period of the Wiltshire Core Strategy and Warminster Neighbourhood Plan.

*(Continue on a separate sheet/ expand box if necessary)*

8. If your representation is seeking a change, do you consider it necessary to participate at the oral part of the examination?

	No, I do not wish to participate at the oral examination	x	Yes, I wish to participate at the oral examination
--	--	---	--

9. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary.

Councillor Tony Nicklin has been nominated to speak on behalf of the Council and the Neighbourhood Plan Policy Review Group.

*(Continue on a separate sheet/ expand box if necessary)*

**Please note** the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

Signature:	Fiona Fox	Date:	20/09/2017
------------	-----------	-------	------------

**Part B – Please use a separate sheet for each representation**

**Please note** your representation should cover succinctly all the information, evidence and supporting information necessary to support/ justify the representation and the suggested change, as there will not normally be a subsequent opportunity to make further representations based on the original representation to the pre-submission draft consultation.

**After this stage, further submissions will be only at the request of the Inspector, based on the matters and issues he/ she identifies for examination.**

Name or organisation:	Warminster Town Council
-----------------------	-------------------------

3. To which part of the Wiltshire Housing Site Allocations Plan does this representation relate?

Policy: H2.8	Paragraph: 5.95, 5.96	Table:	Figure: 5.12
Site: Bore Hill Farm		Other:	

4. Do you consider the Wiltshire Housing Site Allocations Plan is:

(i) Legally compliant	Yes:		No:	
(ii) Sound	Yes:		No:	X
<i>If you have entered <b>No</b> to 4 (ii), please continue to Q5. In all other circumstances, please go to Question 6.</i>				

5. Do you consider the Wiltshire Housing Site Allocations Plan is **unsound** because it is not:

(1) Positively prepared	
(2) Justified	X
(3) Effective	
(4) Consistent with national policy	

6. Please give details of why you consider the Wiltshire Housing Site Allocations Plan is not legally compliant or unsound. Please be as precise as possible.

**If you wish to support the legal compliance or soundness of the Wiltshire Housing Site Allocations Plan, please also use this box to set out your comments.**

The Town Council feels this site is unsuitable for housing due to its proximity to the biodigester. It would destroy any buffer to the bypass and the air quality would be an issue. This would not fit with Neighbourhood Plan policy L1 which includes 'Maintains a quality of life'. The site is inappropriate for residential properties and lends itself to commercial use.

*(Continue on a separate sheet/ expand box if necessary)*

7. Please set out what change(s) you consider necessary to make the Wiltshire Housing Site Allocations Plan legally compliant or sound, having regard to the test you have identified at 5 above where this relates to soundness. You will need to say why this change will make the Wiltshire Housing Site

Allocations Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any proposal or text. Please be as precise as possible.

Remove this site for housing allocation.

*(Continue on a separate sheet/ expand box if necessary)*

8. If your representation is seeking a change, do you consider it necessary to participate at the oral part of the examination?

	No, I do not wish to participate at the oral examination	x	Yes, I wish to participate at the oral examination
--	--	---	--

9. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary.

Councillor Tony Nicklin has been nominated to speak on behalf of the Council and the Neighbourhood Plan Policy Review Group.

*(Continue on a separate sheet/ expand box if necessary)*

**Please note** the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

Signature:	Fiona Fox	Date:	20/09/2017
------------	-----------	-------	------------

**Part B – Please use a separate sheet for each representation**

**Please note** your representation should cover succinctly all the information, evidence and supporting information necessary to support/ justify the representation and the suggested change, as there will not normally be a subsequent opportunity to make further representations based on the original representation to the pre-submission draft consultation.

**After this stage, further submissions will be only at the request of the Inspector, based on the matters and issues he/ she identifies for examination.**

Name or organisation:	Warminster Town Council
-----------------------	-------------------------

3. To which part of the Wiltshire Housing Site Allocations Plan does this representation relate?

Policy:	Paragraph:	Table: 6.2	Figure:
Site:		Other: Proposed amendments to the settlement boundary for Warminster	

4. Do you consider the Wiltshire Housing Site Allocations Plan is:

(i) Legally compliant	Yes:		No:	
(ii) Sound	Yes:		No:	X
<i>If you have entered <b>No</b> to 4 (ii), please continue to Q5. In all other circumstances, please go to Question 6.</i>				

5. Do you consider the Wiltshire Housing Site Allocations Plan is **unsound** because it is not:

(1) Positively prepared	
(2) Justified	X
(3) Effective	
(4) Consistent with national policy	

6. Please give details of why you consider the Wiltshire Housing Site Allocations Plan is not legally compliant or unsound. Please be as precise as possible.

**If you wish to support the legal compliance or soundness of the Wiltshire Housing Site Allocations Plan, please also use this box to set out your comments.**

<p>1. The proposed lines now shown on the map, page 28 of the WCATP, do not show the current planning status accurately. They exclude the Core Strategy, the proposed SHLAA sites referred to in our earlier comments, and extant planning and completed permissions.</p> <p>2. The omission of the Core Strategy boundaries might prejudice the Appendix D Assessment Criteria, which are the basis for many of the SHLAA site selection process decisions. These could declare the process flawed, if the settlement boundaries are not correct, in particular the exclusion criteria set out in table D2 stage 2A questions 1 &amp; 2. Further issues occur when assessing any SHLAA site on the basis of its separation from the boundary, or not being adjacent to it (see sites 2091, 1007 and 1030 for example)</p> <p>3. The new Core Strategy Areas represents a considerable expansion of the Town and Settlement Boundary, and even if the exact line cannot be currently defined (due to house positions not being agreed) then due regard must be made as if the boundary line is the same as the Core Strategy's allowance. This line can then be tightened up later.</p>
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4. Refer to the schedule of specific comments in section 7 below, based upon the same grid reference table A1 on page 29 of the WCATP. For convenience we have started at the same grid reference point G9, G10. All proposals in the WCATP table are accepted, these are:

- excluding existing recreational spaces
- following curtilages of existing properties
- excluding physical features such as roads, e.g. transferring the existing line to the other side of the road
- including newly built residential and commercial developments
- Including existing properties physically related but not necessarily directly attached to the existing settlement
- Excluding land more closely related to the countryside

We have also added our further comments where the principles used in the table have not been consistent throughout the boundary review.

We would invite WC to meet with WTC and review the proposals and discuss and assess each comment individually with larger scale drawings.

*(Continue on a separate sheet/expand box if necessary)*

7. Please set out what change(s) you consider necessary to make the Wiltshire Housing Site Allocations Plan legally compliant or sound, having regard to the test you have identified at 5 above where this relates to soundness. You will need to say why this change will make the Wiltshire Housing Site Allocations Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any proposal or text. Please be as precise as possible.

ITEM NO.	MAP GRID REFERENCE	PROPOSED AMENDMENT OR CORRECTION
1	G9, G10	Agree with exclusion of the Warminster Common and Allotments.
2	F11, G11	Refer to section 1 of our response. We do NOT accept the use of SHLAA sites 1032 and 302 for residential housing.
3	G11 AND 12	The existing commercial Biogas site should be included as a detached site including its extant planning for commercial employment expansion.
4	J10	The newly developed extension to Damask Way should be included within the boundary.
5	I8	The proposed line should include the Football Club car park and clubhouse within the new green space.
6	N9	The small area alongside Boreham Road and rear of Rock Lane houses is currently subject to a planning application for which WTC has recommended refusal, but not yet determined by WC.
7	09 & 010	The SHLAA site refer 304 recently approved by Secretary of State and included in the WCATP should be included linked to the existing Boreham Road properties.
8	010	The newly built housing development (ex. Bus Depot) should be included as a detached site.
9	P8 & P9	The SHLAA site ref 603 included in the WCATP (accepted in section 1 of this response) should be included and attached to the existing line.
10	05	Why is this MOD building included with a narrow access line? Why has this MOD area been included, for the first time, together with all of the military barracks and ABRO workshops? This area has a barbed wire fence line and is not available to the public.
11	M5 to 03	This area is all military residential areas and accessible to the public, hence accepted as a detached site.
12	L3 to M4	This area is also an extensive military residential area and accessible to the public, and should also therefore be accepted as a detached site.
13	N4 to Q1	All the military units (inc. residential housing) are much more extensive over the grid N4 to Q1, and we question what policy or logic has been applied in order to understand why only part of this considerable area has been identified for inclusion with the new settlement boundary and others not included.
14	K4 & K3	The inclusion of the residential units along Elm Hill has been accepted, but the policy has not been applied consistently around the town boundary on similar properties.
15	G2, H2 & H3	The far north east end of the Warminster Business Park (access from Furnax Lane) goes right up to the railway lines, and is mostly built on. These are existing employment areas.



16	G4	This site has also planning permission, and is part of the Warminster Business Park.
17	H5	We recommend including the Minster Church car park with the churchyard boundary.
18	G5 & H5	We believe that it would be beneficial to include the Warminster School main grounds including the pool, workshops and Furneaux House as well as the hard sports courts within the new boundary. This would, however, exclude the green area sports field and pitches.
19	G4	Include the perimeter of the recently approved Traveller settlement at the corner of Bath Road and Coldharbour Lane.
20	F3 & G4	Include properties known as the White House and 109 Bath Road to be consistent with the policy of existing "built development physically related to the settlement". These properties are to be fully enclosed by the Core Strategy West Urban Extension.
21	E/F3 to B/C9	The new Wiltshire Core Strategy – Warminster West Urban Extension (WWUE) extends from the Bath Road, grid F3 to B8, on the north side of Victoria Road. This settlement boundary extension will need to be added at some time in the future when the full detailed site layout is approved. Noting that there will be extensive use of buffer zones along the A36 as well as internal to the new site.
22	B8 & D9	The southern side of Victoria Road contains the remaining part of the WWUE, and consists of three separate sites:  <ul style="list-style-type: none"> <li>- The Redrow site (known as Tascroft Rise) is already with full approval and under construction. The new boundary can therefore be extended from St Andrews Road and Folly Lane.</li> <li>- The Persimmon Site (known as Bugley Farm) has not yet been approved, but an application is under review. The site will enclose the Bugley Barton Farm House which therefore should be included within the new boundary.</li> <li>- The remaining site (known as Folly Farm) does not as yet have any planning proposals, but remains within the designated WWUE.</li> </ul>
23	C9	The Rugby Club and grounds will be surrounded by the WWUE, but should be excluded from the settlement.
24	E6 to G5	This area known as SHLAA 1007 Grovelands is subject to a current planning application (exception site), with 17 acres set aside as open space. If this site is approved the settlement boundary will need to be adjusted accordingly.

*(Continue on a separate sheet/ expand box if necessary)*

8. If your representation is seeking a change, do you consider it necessary to participate at the oral part of the examination?

	<b>No</b> , I do not wish to participate at the oral examination	x	<b>Yes</b> , I wish to participate at the oral examination
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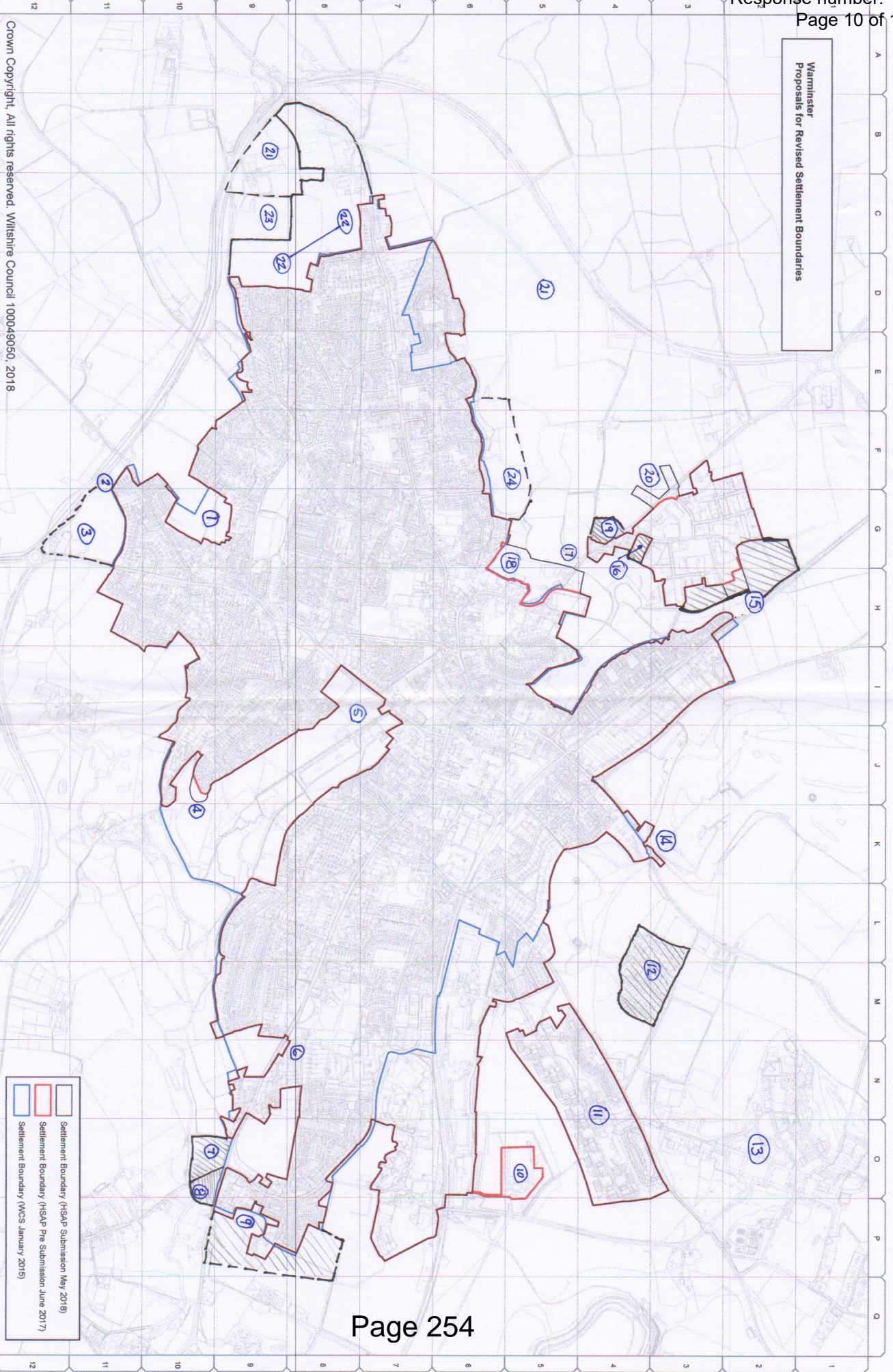
9. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary.

<p>Councillor Tony Nicklin has been nominated to speak on behalf of the Council and the Neighbourhood Plan Policy Review Group.</p> <p style="text-align: right;"><i>(Continue on a separate sheet/ expand box if necessary)</i></p> <p><b>Please note</b> the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.</p>
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Signature:	Fiona Fox	Date:	20/09/2017
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Warrminster  
Proposals for Revised Settlement Boundaries



	Settlement Boundary (HSAP Submission May 2018)
	Settlement Boundary (HSAP Pre Submission June 2017)
	Settlement Boundary (MCS January 2015)

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**From:** [Shelley Parker](#)  
**To:** [Spatial Planning Policy](#)  
**Subject:** Wiltshire Housing Site Allocations Plan - MANP \*REF: 11 - printed\*  
**Date:** 11 June 2018 10:12:49

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Dear Spatial Planning Team

**Consultation: Wiltshire Housing Site Allocations Plan - Marlborough Area Neighbourhood Plan (MANP)**

At their meeting on 31<sup>st</sup> May, members of the Marlborough Area Neighbourhood Plan Steering Group considered a response to the above consultation. MANP would like to make the following comments:

- As raised in the 2017 consultation, it was not clear why Manton, part of the parish of Marlborough rather than a standalone village, was not included within the settlement boundary for Marlborough.
- Also raised in the 2017 consultation, Mildenhall is again not listed as a village in the table at 2.3 of the *Community Area Topic Paper for Marlborough - 2018*. (Mildenhall is not listed anywhere in the current WCS either)
- The Settlement Boundary may change through the Neighbourhood Plan process

With best regards

Shelley

Shelley Parker

Town Clerk (on behalf of MANP)

Marlborough Town Council

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## Laverstock & Ford Parish Council Incorporating Hampton Park & Old Sarum

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Tel: 01722 411847  
Email: [parish-clerk@laverstock-ford.co.uk](mailto:parish-clerk@laverstock-ford.co.uk)

Spatial Planning  
Economic Development & Planning  
Wiltshire Council  
County Hall  
Bythesea Road  
Trowbridge  
Wiltshire  
BA14 8JN

11 June 2018

Dear Sir or Madam

### **Consultation on the Proposed Changes to the Wiltshire Housing Site Allocations Plan – Draft Laverstock and Ford Parish Council Response**

Laverstock and Ford Parish Council are unable to provide a formal response until it has been agreed by resolution at its next Parish Council meeting on 18 June 2018. However, it understands that it is acceptable to provide a draft response prior to 12 noon Monday 11 June 2018 as an interim measure pending a resolution on 18 June. The Laverstock and Ford draft response identifies 2 objections.

#### **Inclusion of OM003 The Yard, Hampton Park.**

The Parish has been subjected to some 2600 units being either built, or planning permission granted to be built, over the last 15 years. Furthermore, the Parish Council supported a planning application for development at Longhedge for 673 dwellings – 223 more than called for in the Core Strategy. The Parish Council, therefore, believes that it is un-reasonable to consider any further development within the Parish boundaries and is disappointed to note the inclusion of OM003 The Yard, Hampton Park in the May 2018 amendment. The Parish Council objects to its inclusion.

#### **Settlement Boundary in the vicinity of Old Sarum and Longhedge.**

The developed areas both north and south of The Portway are identified as part of the Salisbury Settlement Area. The Council objected in its submission to the Pre-submission Draft Housing Site Allocation Plan in September 2017 to the inclusion of the Old Sarum area within the Salisbury Settlement Area. It is felt that this cannot be correct as this settlement falls both within the Parish of Laverstock and Ford as well as the Southern

Wiltshire Community Area. Old Sarum forms an 'island' which is well separated from the main body of Salisbury Settlement Area and, therefore, it is not logical for it to form part of this.

The recent proposed changes now include Longhedge in this 'island'. This overall settlement should be identified within the Southern Wiltshire Community Area Topic paper. The document already identifies boundaries for 7 separate settlements and an Old Sarum/Longhedge settlement should form the 8<sup>th</sup>. Therefore, the Council objects to both Old Sarum and Longhedge being included within the Salisbury Settlement Area.

**Corrections to Appendix D to the Salisbury Community Area Topic Paper.**

The Council is pleased to note that the errors in the data for 2 SHLAAs (S119 Old Sarum and 3381 Land at Manor Farm Road, Ford), which were identified by the Council in its September 2017 submission, have now been corrected.

Yours faithfully

Andrew Prince  
Clerk to the Parish of Laverstock and Ford

## **RESPONSE FROM HILPERTON PARISH COUNCIL TO WILTSHIRE COUNCIL'S REVISED HOUSING SITE ALLOCATION PLAN**

Hilperton Parish Council congratulates Trowbridge Town Council for its work on its Housing Site Allocations Plan Alternative Submission.

The Parish Council endorses the Resolutions agreed by the Town Council at an Extraordinary meeting of its Policy and Resources Committee held on the 5<sup>th</sup> June, 2018, and especially E, F, G and I.

The Parish Council wishes to formally object to the following suggested Wiltshire Council allocations as they are clearly contrary to Wiltshire Council's adopted Core Strategy, specially paragraph 5.150 on page 181 reproduced below:-

*It is recognised that the villages surrounding Trowbridge - particularly Hilperton, Southwick, North Bradley and West Ashton - have separate and distinct identities as villages. Open countryside should be maintained to protect the character and identity of these villages as separate communities. The local communities may wish to consider this matter in more detail in any future community-led neighbourhood planning.*

**263/297/293 (part) – Hilperton Gap**, located in Hilperton parish. Hilperton Parish Council policy is to oppose development in the Hilperton Gap in order to prevent its coalescence with Trowbridge.

**298 North Bradley Gap**, located in North Bradley parish..

**3565 Southwick Court Gap**, located in Southwick and North Bradley parishes.

None of these suggestions would maintain open countryside between the town and the villages, nor would they protect the character and identity of these villages as separate communities.

Furthermore, Hilperton Parish Council is confused as to why Wiltshire Council has now 'recommended' that 355 houses could be constructed on the land west of Elizabeth Way. This increase from the original suggestion of 205 (which allowed for landscaping etc.) would indicate that the spatial planning team at Wiltshire Council is far from competent in seeking suitable housing sites in the Trowbridge Community Area and too easily changes its stance to suit the suggestions of developers.

**Resolved by Hilperton Parish Council  
at an Extraordinary Parish Council  
Meeting dated 7<sup>th</sup> June, 2018**



## **Revised Salisbury Transport Strategy Refresh**

Thank you for the opportunity to respond to the Salisbury Transport Strategy Refresh.

Salisbury City Council was disappointed to see that previous representations made to Wiltshire Council in relation to earlier iterations of the Salisbury Transport Strategy appear to have been ignored; namely relating to the need for an integrated transport hub for rail and bus users and improved light rail access from Salisbury to Wilton, Porton (particularly in light of increased Government investment) and Amesbury (see Appendix) as well as inconsistencies regarding the housing allocation and the environmental impact this will have on routes within the city.

SCC has the following requirements to ensure that the Salisbury Transport Strategy Refresh is meaningful and fit for both the long and short term viability of Salisbury.

### **1 Churchfields**

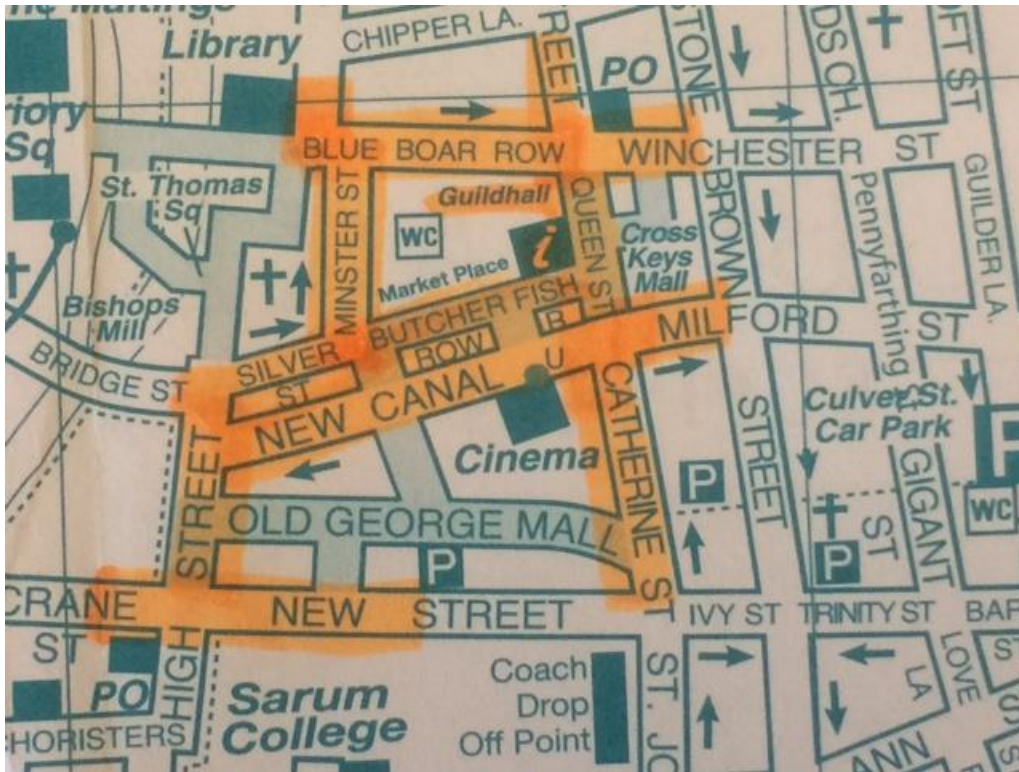
Whilst SCC note that the possible redevelopment of the Churchfields Industrial Estate has been deferred until after 2026 as referred to in Appendix 2 of the Wiltshire Housing Site Allocations PC16, it is recommended that the housing allocation should read the same in both documents. SCC remains extremely concerned that heavy goods vehicles will continue to travel through Salisbury and would ask that a provision made to move the HGV MoT site away from the Churchfields area, and that height and weight restrictions be applied to Crane Bridge Road and other key routes into the city during peak traffic flows in an attempt to reduce congestion and pollution in the City.

### **2 Pedestrianisation**

SCC is keen to see increased pedestrianisation within the city centre, and considers that over the last decade the pedestrianisation of certain areas of the city have been widely successful, helping local business, shops and leisure outlets to expand. Further pedestrianisation would need careful thought to ensure that the needs of residents those with disabilities are met and allowing loading and unloading for local businesses and access for public transport. This could be implemented more easily if access for buses and taxis were permitted through the redeveloped Maltings (Fisherton Street to Castle Street) This would allow other city centre streets (for example Silver Street or Minster Street) to become properly pedestrianised, allowing people to explore the medieval heart of the city more easily, attracting more visitors and tourists and bringing more money into the local economy.



### Map of Proposed Extent of Pedestrian Area



### 3 Walking and Cycling Links

A considerable amount of work has been done by the Salisbury Area Greenspace Partnership (SAGP) and SCC supports the ongoing work of the SGAP looking at connectivity and green linkages, particularly peripheral and radial greenways which should link new developments around the city, allowing safe traffic-free access for non-car modes of transport, including electric bikes. Please see appendix 2. It is essential that infrastructure must be of high quality for the entirety of the route in order to encourage people to walk and cycle. On road routes with busy traffic are unlikely to attract the sort of modal shift which is needed as the city expands. Proposed routes will need to be protected and it is likely that funding for pedestrian and cycling schemes will need to be increased to ensure high quality routes are provided.

#### **4 Park and Ride**

SCC wishes to see more use made of P&R in conjunction with rail travel, by introducing a number of Park and Ride routes that pass through the Railway Station and ensuring that these are well advertised. Extended opening hours for Park and Ride services would assist, as well as better publicity about those bus services which can serve Park and Ride sites 'after hours' if requested to do so. This would increase the use of the Park and Ride and would reduce the need for additional parking spaces at the Railway Station in Salisbury, therefore helping to reduce car dependency and making this an integrated transport hub. SCC would like to reiterate that there is a real need for a link from the Britford Park and Ride to the Hospital Site; this would not be difficult to implement but would be beneficial for all.

#### **5 Air Quality within the City**

SCC remains deeply concerned about the issue of air quality within the City.

The current AQ Action Plan (AQAP) for Wiltshire states that one of the actions (S02) is implementation of the Salisbury Transport Strategy (STS) measures that provide the opportunity to improve the air quality within the city. The current AQAP indicates that the estimate is that implementing the transport strategy for Salisbury could ensure that 45% of new trips to the city centre are made by sustainable modes in 2026, compared to 20% by sustainable modes if the strategy was not adopted. There are also estimates [AQAP, Salisbury 9] for how changes in vehicle emissions might improve between 2008 and 2026 based on improved fuel & vehicle technology.

**Point 1:** The importance of the STS to the AQAP remains, estimates of the impact of the transport strategy on % of trips made by sustainable modes and improvements in AQ need to be updated a) to reflect actual progress from 2008 – present and b) to reflect estimates for the remaining period to 2026.

These estimates need to come from the Transport Strategy and feed into the AQAP. The current themes (page 6, Salisbury Transport Strategy) are derived from eight objectives, and in some areas poorly represent key requirements of a transport strategy for the city.

**Point 2:** The themes need to be modified as follows:

- the theme to 'improve the accessibility and attractiveness of the city centre' should be expanded to include 'and other key service centres' (which was present in an early draft presented to Stakeholders). It is important these other service centres (e.g. Wilton, Laverstock & Ford) are included in order to reduce the need to travel.
- a theme should be added to 'ensure transport interventions result in air quality across the area being within legal limits'. This stresses the importance of air

quality, and the fact is that AQ issues are increasingly occurring outside the city centre on the approach roads to Salisbury and resolving these problems is not covered in the current theme which only refers to the 'attractiveness' of the city centre

- a theme should be added to 'reduce the need to travel and improve the infrastructure for non-car modes'.

The previous transport strategy linked each objective to a metric, and metrics are required to measure the effectiveness of interventions, and to assist in the prioritisation of schemes.

**Point 3:** Measures are needed which indicate the effectiveness of any steps implemented from the last Transport Strategy and the likely impact of proposed interventions.

Next steps – the only steps identified in paras 7.14 & 7.15 relate to some modelling results.

**Point 4:** Further work also needed to identify metrics, prioritise schemes, develop a Local Cycling & Walking Infrastructure plan, calculate contributions from developments to date on S106 & other transport funding and how this will be spent etc.

**Improved Air Quality and Noise Pollution** – Where there is traffic there is noise and air pollution and where the traffic moves slowly or not at all the situation becomes worse. Reducing City Centre vehicle movements by preventing through traffic, being restrictive with delivery vehicle access couple and the related removal of redundant traffic light stops would radically improve the situation on both counts.

**Removal of non-essential traffic** – There is a feeling that to avoid the congestion on the Ring Road a significant amount of traffic is going through the City Centre causing the related congestion and air quality issues.

**Health and wellbeing** – Open spaces encourage walking and cycling and having pleasant environment would encourage both

## **6 Light Rail Infrastructure to support Neighbouring Towns**

At a time of growing concern over the level of traffic congestion this could provide an extremely useful link for commuting from the north of the city. In Europe light rail is proven to be the most efficient way to get people out of their cars and onto public transport. It would make Salisbury a far more attractive city. It would enable Salisbury to develop as a tourist city as most trips to Stonehenge are currently from London via

the A303. The link would encourage more people to come to Salisbury by public transport. The use of some vintage trams in summer would make the line an attraction in its own right (please refer to appendix 1 – this was produced 20+ years ago and would need updating in a number of respects, but it does offer some interesting thoughts into how light rail could be delivered to serve the expanding communities of Amesbury and Bulford.)

## **7 Economic Recovery Plan**

Salisbury is in competition with Bath, Winchester, Bournemouth and Southampton and to pull in new business and attractions, and to re-launch itself as an International tourist destination after recent events in March 2018, there needs to be a comprehensive overhaul of the City Centre to complement what is arguably the finest provincial Market Square and historic surrounds in the Country. This strategy should not impede the work of the Recovery Coordinating Group and where, possible, the strategy should reflect the emerging priorities of this recovery work.

There has been, is currently and are further being proposed, large scale housing developments both within and on the outskirts of the City and slightly further afield with the Army rebasing program all of which will generate increased numbers of residents who, for the economic viability of the City, need to spend their money in Salisbury.

To realise this aspiration a large chunk of City Centre expanding outward for the Market Square should be pedestrianised and while at this point it is not proposed to try and address what is necessary on achieve this on the ground, that is the next piece of work, a sensible starting point is to look at the results for what a successful pedestrianisation program would achieve.

## **Outcomes**

**Maintain the vibrancy of the City Centre** – As and when the Maltings is built out the developers will naturally wish to showcase their new Mall and push / pull people toward their new site. To maintain the vibrancy of the City Centre it needs to be reinvented and rejuvenated thus increase its economic viability by becoming a much more person friendly environment with a focus on leisure, lifestyle and independent businesses and away from “high pressure” West Quay style shopping centres.

**A nicer place to visit** – As the impact of on-line shopping increases the pressure on the high street, especially affecting the larger department and chain stores the City Centre needs to adapt to be a much more relaxed and visitor friendly environment for people to come and spend their money. The streets will also be easier to keep

clean, become much more attractive with increased flowers and greenery and require far less repair and maintenance with the much-reduced vehicle use.

**Encourage more Leisure, Cultural and Tourist activities and attractions.** – The City already has the Market Square and next door the Guildhall Square in which to hold events and attractions, as well as the Cathedral. However, the City's market has a Charter giving it the right to use the Square on every Tuesday and Saturday throughout the year and while the Market is an attraction in its own right it also prevents the City Centre hosting other events for a period any longer than three days and we have evidence from a number of groups that would like to come but don't because they need longer to set up and market themselves. More space would allow for other events to be hosted in the City on the same days as the market giving visitors more than one reason to stay and would allow for a much expanded events calendar.

**Ease of Pedestrian Flow** - At present pedestrians are confined to narrow pavements hemmed in by busy roads with lots of narrow gaps to squeeze through while transiting from one part of the City to the next via any number of pedestrian crossings. This makes for a pressured "start/stop" environment as there is always something in the way of where one wants to go with the consequence being visitors and shoppers end up going somewhere else. The want is for people to have a more relaxed experience where they can wander around see all the places they want to see in their own time without being herded down certain sections of the Centre and therefore missing all the other shops and attractions going on around them.

**Low Carbon City** – As part of the redevelopment of the Maltings, SCC supports micro hydro energy proposals at the Bishop's Mill site, such as those put forward by Salisbury Community Energy Limited, as discussed with Wiltshire Council. SCC consider that this proposal would contribute to three important priorities for this area:

- bring new investment to the Maltings
- transform the Bishops Mill and create a new tourism attraction for Salisbury, signalling that the city is clean, green and forward-looking;
- help Wiltshire Council to achieve its strategic objective of becoming a low carbon authority.

**Example of a new-generation "Zuppinger Wheel"**



**8 Other Concerns include:**

- The Wiltshire Housing Site Allocations Plan includes plans for an additional 840 dwellings to the west of Harnham, with additional windfall sites, (for example application 18/04067/OUT) – the majority of the traffic leaving these sites will use the Harnham gyratory and Exeter Street roundabout. The refreshed Transport Strategy merely states that modifications to these two important routes will be required, but fails to give any details, design, costing or timescales; it is vital that this work be carried out before the proposed development takes place. The refreshed Transport Strategy does not appear to address the issue of seasonality; traffic loadings across the city are highly season dependent. Peak loadings, especially during summer months and school holidays should be reported and considered. If this data is not currently collected this should be undertaken immediately. SCC believe it essential that all proposed infrastructure improvements are vigorously and robustly tested and modelled in order to validate the expected outcomes in terms of capacity and other traffic flow parameters specified, i.e., that the required mitigation measures and improvements needed to accommodate additional development will indeed be achieved.
- The short amount of time allowed for comments, lack of access to supporting background documents, for example modelling.
- Sustrans National Cycle Network cycle routes through Salisbury should be covered, as should the need for better cycling routes serving the area as well as in the area

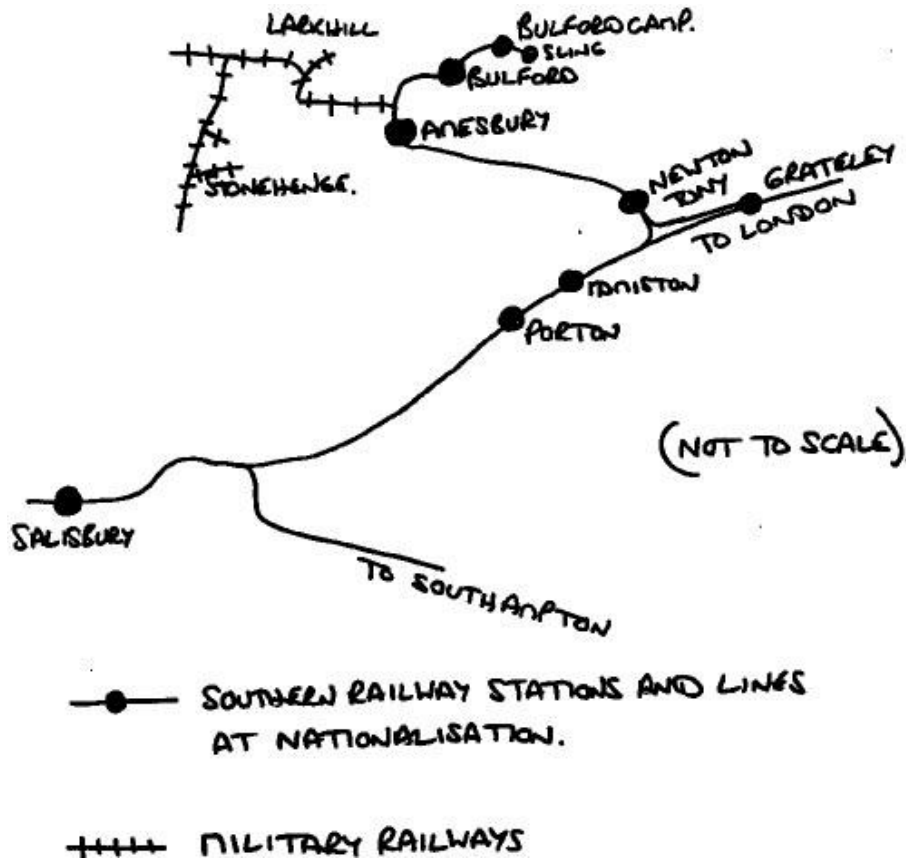
- Inaccurate housing numbers have underestimated the impact of some developments (e.g. Old Manor, Longhedge).
- Clarification needed of the contribution of through traffic to overall traffic in Salisbury
- The impact of interventions on attractiveness and timing of journeys by foot and bicycle would be helpful. A transport model which covers these modes might assist.

SCC is grateful for the opportunity to comment on the Revised Salisbury Transport Strategy and believes in partnership, a number of SCC's priorities can be implemented in the short to medium term.

Yours sincerely

**Councillor Jeremy Nettle**  
Chair of Planning and Transportation

## Appendix 1 – Light Rail by Colin Hall



## By Rail to Stonehenge – Colin Hall

The problem with all the recent proposals to enhance the environment around Stonehenge is that they are all road based. At present, and for the foreseeable future, the only way to get to Stonehenge is by road. Very little of this is encouraged by public transport. Tourist coaches may reduce the amount of cars coming in but raises the doubt as to whether all using these would otherwise seek out Stonehenge if it was not on the itinerary. The more intrepid tourist arrives in Salisbury by train and then visits the stones via the Wilts & Dorset bus service from the station. This is the only true public transport link and as some of these services also serve Amesbury and Shrewton they are important locally. This shows how tourist revenue can help support rural transport when developed together. The question we must now ask ourselves is why depend on road transport for the future and what could be the alternative.



In 1902 a branch railway line opened from a junction with the main Salisbury to London line near Newton Tony to Amesbury and Bulford. During the First World War a military railway was built from Amesbury station to Larkhill and other camps in that part of Salisbury Plain. The military railway was wound down in stages during the 1920's until final closure in 1928. The branch line to Bulford continued to be extensively used but following the end of the Second World War the passenger service was withdrawn due to intense bus competition in 1952. However, the line continued for freight until 1963.

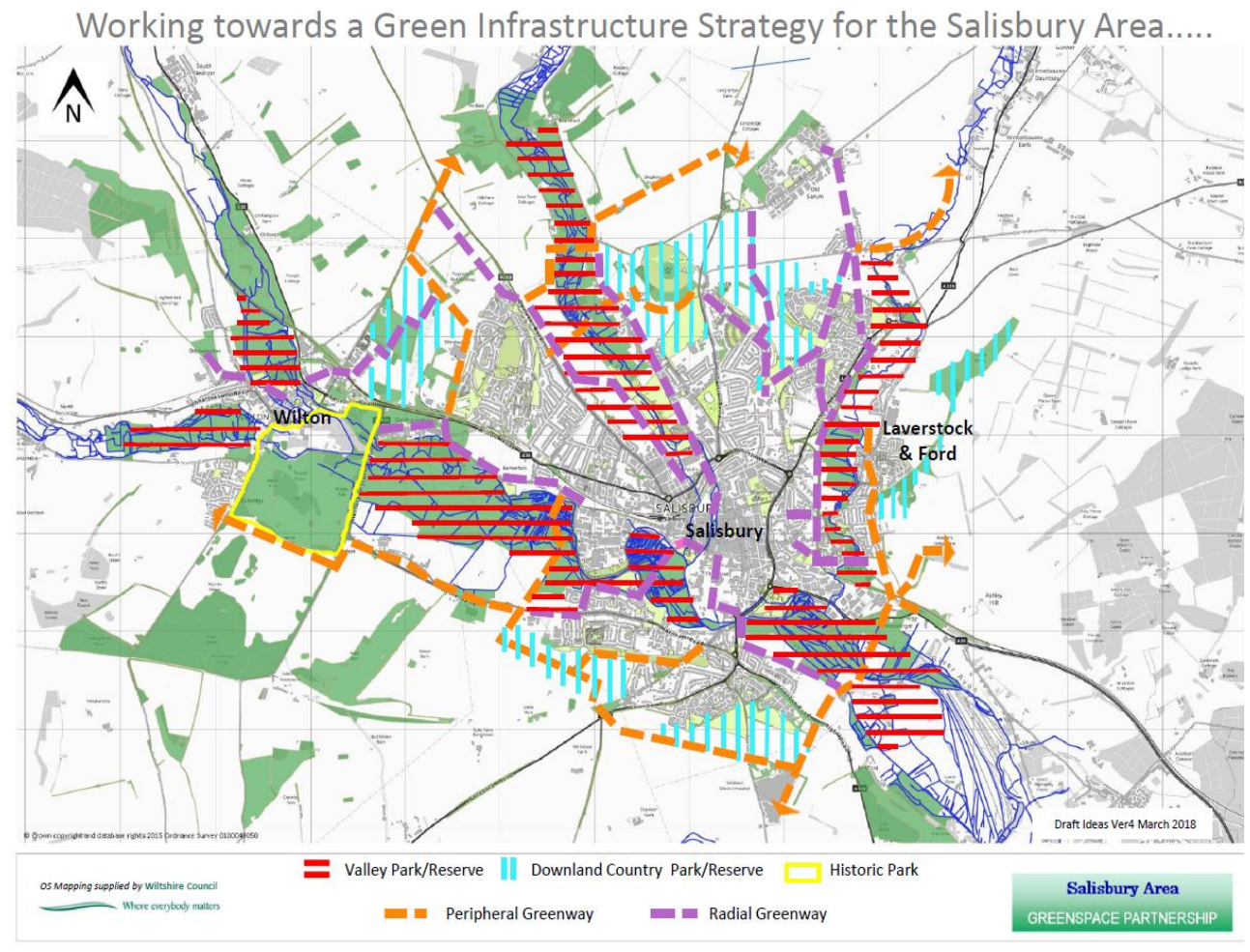
Although the course of these old railway lines has been interfered with by some recent development they are largely still clear. Reopening as a full rail link is out of the question due the high cost but there is potential with light rail. This means a service using modern trams. With their light axle weights and ability to go round sharp curves the cost of rebuilding the line is greatly reduced. Obstacles can be circumvented by stretches of road and street running which also means they can better serve the community by accessing parts a conventional railway cannot. Stations can serve Newton Tony, Amesbury, Bulford, Durrington, Larkhill and Stonehenge. Furthermore new stations can be sited on the main line into Salisbury at Idmiston, Porton, Gomeldon, the Winterbournes and Bishopdown. In Salisbury, by reversing in the railway station and using the remains of the old market railway, this service could terminate in the central car park at the back of Tesco's giving an important boost to the city centre.

The economics are favourable since a sometime failing of public transport due to the high cost of providing for commuter peaks does not apply here. The demand for journeys to and from Stonehenge virtually all year round would provide a high level of usage throughout the day balancing commuting, school and shopping trips.

Funding from the private sector could come from a consortium such as existing local transport operators, Railtrack, the construction industry, banking institutions and pension funds. Public sector funding would come from the local authorities and central government.

Rural and inter urban light rail systems are common in Europe particularly in Austria, Germany and Switzerland with old systems being modernised and new ones built. In Britain trams have already returned to the streets of Manchester, Sheffield and Croydon with considerable success. Closer to home a proposed link between Fareham and Portsmouth is gathering momentum. What better way to celebrate the new millennium than with a new way of looking at transport problems and their solution.

## Appendix 2 - Working towards a local Green Infrastructure Strategy in the Salisbury area



The attached plan illustrating ideas for a local green infrastructure strategy is work in progress.

It is based on surveys that identified what & where our green (& blue spaces ie. rivers) are & how well they are connected, & further work is needed to incorporate the connectivity information for Laverstock & Ford, & Wilton.

Looking at the bigger picture, it is possible to see the potential for & value of establishing a range of dedicated routes or greenways for people on foot & cyclists -

peripheral & circular routes, as well as radial greenways making use of the valley corridors & connecting people with schools, local facilities, the city centre, the community hub, the hospital & work places around the area. It is important that these potential routes are safeguarded & protected from development

In addition, the green spaces, & particularly those associated with the river valleys & with the high ground in the area, provide the distinctive landscape setting for Salisbury. They also provide important vantage points for extensive views connecting the urban areas with the countryside beyond & are important for wildlife. Again, there is potential to extend the idea of Downland Country Parks/Reserves to the higher ground in the area eg. Lime Kiln Down & Rowbarrow, & to create Valley Parks/Reserves in the river valleys. This would safeguard & protect important landscapes & valuable wildlife corridors such as Britford Meadows from development in the longer term.

Further work is needed to develop these ideas more fully & to share them with the parish councils in the area as well as with Wiltshire Council. A high quality multifunctional GI network would help to deliver a number of Local Plan (formerly Core Strategy) policies; it is an important consideration in the preparation of neighbourhood plans & should also be an important element in the transport strategy & the master plan for the Salisbury area.

*Salisbury Area Greenspace Partnership March 2018*

**From:** [Clark, Ernie](#)  
**To:** [Spatial Planning Policy](#)  
**Subject:** Draft Wiltshire Housing Site Allocations Plan \*REF: 16\*  
**Date:** 11 June 2018 17:27:24

---

Hi,

For some reason the following email failed to transmit this morning. Please confirm receipt.  
Change PC43

You propose to amend Policy H2 to replace 205 dwellings in Table 5.3 for Elizabeth Way, Hilperton (it is NOT in Trowbridge) with 355 dwellings.

Your justification for the original figure was due to the amount of work that would be needed to make the proposed houses acceptable, hence the low density.

You have accepted the submissions of various developers to increase the allocation whilst ignoring the many cogent reasons put forward by other parties to remove the policy altogether. As the elected Wiltshire Councillor for Hilperton Division I wish to formally object to the following suggested Wiltshire Council allocation as it is clearly contrary to Wiltshire Council's adopted Core Strategy, specially paragraph 5.150 on page 181 reproduced below:-

***It is recognised that the villages surrounding Trowbridge - particularly Hilperton, Southwick, North Bradley and West Ashton - have separate and distinct identities as villages. Open countryside should be maintained to protect the character and identity of these villages as separate communities. The local communities may wish to consider this matter in more detail in any future community-led neighbourhood planning.***

**263/297/293 (part) – Hilperton Gap**, located in Hilperton parish. It should be noted that Hilperton Parish Council policy is to oppose development in the Hilperton Gap in order to prevent its coalescence with Trowbridge.

This suggestion would **NOT** maintain open countryside between the town and the village, nor would it protect the character and identity of the village as a separate community.

Ernie Clark,

Wiltshire Councillor for Hilperton Division,  
Independent Group leader, Wiltshire Council.

[www.ernieclark.org.uk](http://www.ernieclark.org.uk)

3 Stonelea,  
Hilperton,  
Wiltshire, BA14 7QQ.

0794 120 1995

01225 769940

**From:** [Deborah Lawrence](#)  
**To:** [Spatial Planning Policy](#)  
**Subject:** RE: Briefing Note 355 - Wiltshire Housing Site Allocations Plan - DEFERRAL OF DECISION \*REF: 16\*  
**Date:** 12 June 2018 16:13:30  
**Attachments:** [image001.jpg](#)  
[image003.jpg](#)

---

Good afternoon

At the Council meeting held on Monday 11<sup>th</sup> June 2018, the Council made no comment regarding the above briefing note.

Regards

## Debbie

Deborah Lawrence, PSLCC  
Parish Clerk  
Purton Parish Council  
Station Road  
Purton  
Wiltshire , SN5 4AJ  
01793 771066



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**From:** Spatial Planning Policy [mailto:SpatialPlanningPolicy@wiltshire.gov.uk]

**Sent:** 22 May 2018 10:14

**To:** clerkpurton

**Subject:** FW: Briefing Note 355 - Wiltshire Housing Site Allocations Plan - DEFERRAL OF DECISION

Dear Ms Lawrence,

Thank you for your email in respect of the above.

In recognition of the fact that your relevant committee will not meet until 11 June, can you please send us your draft response as soon as possible and then confirm the formal response on the **12 June**.

Yours sincerely

Georgina Clampitt-Dix  
Head Spatial Planning

Economic Development and Planning  
Wiltshire Council | County Hall | Trowbridge | Wiltshire | BA14 8JN  
Telephone: 01225 713223  
Website: [www.wiltshire.gov.uk](http://www.wiltshire.gov.uk)

---

**From:** Democratic and Member Services  
**Sent:** 18 May 2018 09:22  
**To:** Spatial Planning Policy  
**Subject:** FW: Briefing Note 355 - Wiltshire Housing Site Allocations Plan - DEFERRAL OF DECISION  
\*HC to GW\*

---

**From:** Deborah Lawrence [<mailto:clerk@purtonpc.eclipse.co.uk>]  
**Sent:** 17 May 2018 18:19  
**To:** Democratic and Member Services <[Committee@wiltshire.gov.uk](mailto:Committee@wiltshire.gov.uk)>  
**Subject:** RE: Briefing Note 355 - Wiltshire Housing Site Allocations Plan - DEFERRAL OF DECISION  
Good evening

This briefing note has a deadline for comment of 11<sup>th</sup> June 12 noon, however our Council meeting isn't held until then, can I ask for an extension of a few days to allow comment ?

Regards

## Debbie

Deborah Lawrence, PSLCC  
Parish Clerk  
Purton Parish Council  
Station Road  
Purton  
Wiltshire , SN5 4AJ  
01793 771066



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**From:** Democratic and Member Services [<mailto:Committee@wiltshire.gov.uk>]  
**Sent:** 17 May 2018 17:32

**To:** undisclosed-recipients:

**Subject:** Briefing Note 355 - Wiltshire Housing Site Allocations Plan - DEFERRAL OF DECISION

**Importance:** High

Good Afternoon,

Please find attached a copy of Briefing Note no. 355

Note: this Briefing Note has been circulated to Parish & Town Clerks at the request of the author.

Many thanks,

**Democratic Services**

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**From:** McLennan, Ian  
**Sent:** 09 June 2018 12:04  
**To:** Clampitt-dix, Georgina  
**Subject:** Consultation on site allocations for housing, within the core strategy

Georgina

Apologies, I am just off on holiday and remembered I have not input to the consultation, as members were asked.

I have many new homes allocated and built, as you know, in my ward/parish. However, there is one new site and that is the site known to Spatial Planning as 'The Yard' at Hampton Park/Bishopdown Farm, in Laverstock & Ford Parish.

Although in Cllr Derek Brown's ward, it impacts on my ward, as you would recognise.

I fully support this allocation of 14 dwellings. It was 'omitted' when this particular land was not sold to Barratt's for their 500 homes. I understand that this is why it would eventually reappear.

The documentation states entry via Neal Close, in Hampton Park. I suggest that the entrance should be via the shared road which will also be the entrance to the country park. The PC and Mr Pearce agree to a re-sited entrance on Roman Road, rather than use the existing entrance. This will provide better vision in both directions. Mr Pearce can then fund, via the development!

[REDACTED]

I ask that you input my thoughts to the consultation.

Many thanks

Ian

Cllr Ian McLennan  
Laverstock, Ford & Old Sarum

[REDACTED]



**From:** [REDACTED]  
**To:** [Spatial Planning Policy](#)  
**Subject:** Winterslow Settlement boundary \*Printed\*  
**Date:** 09 June 2018 10:20:01

---

I am writing to raise an objection to the proposed revised Settlement Boundary adjacent to 1, Witt Road, Winterslow, Salisbury, SP5 1PL. This revision has been instigated by Kent Oak Ltd in order to build a small housing estate on a rural lane on a plot which currently sits outside the present boundary. This revision is not supported by Winterslow Parish Council who recently reviewed the boundaries during the drafting of the Neighbourhood Plan

I'm objecting as the revision is being proposed by the landowner and their developers and not by the Parish Council who represent Winterslow village through the NP consultative process

Regards

[REDACTED]

From: [REDACTED]  
To: [Spatial Planning Policy](#)  
Subject: WINTERSLOW: Development Proposal Outside Village Boundary \*Printed\*  
Date: 10 June 2018 09:29:54

---

Dear Sir/Madam,

I write to express my very serious concern regarding a proposed development adjacent to 1 Witt Road, Winterslow, Salisbury, SP5 1PL.

My objection is on the grounds that this proposal falls outside the village boundary. Allowing a development outside the village boundary would I believe act as the setting of a very serious precedent and could have significant repercussions on many other village communities.

Specifically I would like to draw your attention to the Wiltshire Core Strategy Plan that states:


*"At Large Villages settlement boundaries are retained and development will predominantly take the form of small housing and employment sites **within** the settlement boundaries. ... ..Development outside the settlement boundary will be strictly controlled. Relaxation of the boundaries will only be supported where it has been formally reviewed through a subsequent DPD or a community-led neighbourhood plan, which includes a review of the settlement boundary to identify new developable land to help meet the housing and employment needs of that community."*

I do not believe that this development proposal meets the criteria and should therefore be refused.

Yours faithfully

[REDACTED]

[REDACTED]

From:   
To: [Spatial Planning Policy](#)  
Subject: WINTERSLOW: Development Proposal Outside Village Boundary \*Printed\*  
Date: 10 June 2018 13:38:59

---

Dear Sir/Madam,

I write to express my very serious concern regarding a proposed development adjacent to 1 Witt Road, Winterslow, Salisbury, SP5 1PL.

My objection is on the grounds that this proposal falls outside the village boundary. Allowing a development outside the village boundary would I believe act as the setting of a very serious precedent and could have significant repercussions on many other village communities.

Specifically I would like to draw your attention to the Wiltshire Core Strategy Plan that states:

*"At Large Villages settlement boundaries are retained and development will predominantly take the form of small housing and employment sites **within** the settlement boundaries. ... ..Development outside the settlement boundary will be strictly controlled. Relaxation of the boundaries will only be supported where it has been formally reviewed through a subsequent DPD or a community-led neighbourhood plan, which includes a review of the settlement boundary to identify new developable land to help meet the housing and employment needs of that community."*

I do not believe that this development proposal meets the criteria and should therefore be refused.

As an adjunct to this, Witt Rd is a single track width road and we already suffer from frequent hold ups due to deliver and builders lorries. This proposed development can certainly be classed as "over development"

Yours faithfully



From: [REDACTED]  
To: [Spatial Planning Policy](#)  
Subject: The Red Line, Witt Road, The Common, Winterslow, SP5 1PL \*Printed\*  
Date: 10 June 2018 21:30:54

---

Dear Sirs

I write to object to all the land adjacent to number 1 Witt Road being included in the revised housing boundary together with any other boundary changes in Witt Road. I believe that neither the Neighbourhood Planning Steering Group nor the Parish Council have asked for these changes. I further understand that the Neighbourhood Planning Steering Group are on record as saying they will be retaining the boundary as it previously existed in Witt Road. I am a resident of Witt Road and do not wish the boundary to be altered.

Yours faithfully

Sent from Samsung tablet.

**From:** [REDACTED]  
**To:** [Spatial Planning Policy](#)  
**Subject:** Objection to changing Settlement boundary in Witt Road \*Printed\*  
**Date:** 10 June 2018 23:09:57  
**Attachments:** [South HMA Southern Wiltshire CA - Winterslow A3L.pdf](#)

---

Hi

It has been brought to our attention that there has been a proposal to change the Settlement boundary in Witt Road around 1 Witt Road and around Juniper in Witt Road as detailed in the attached pdf.

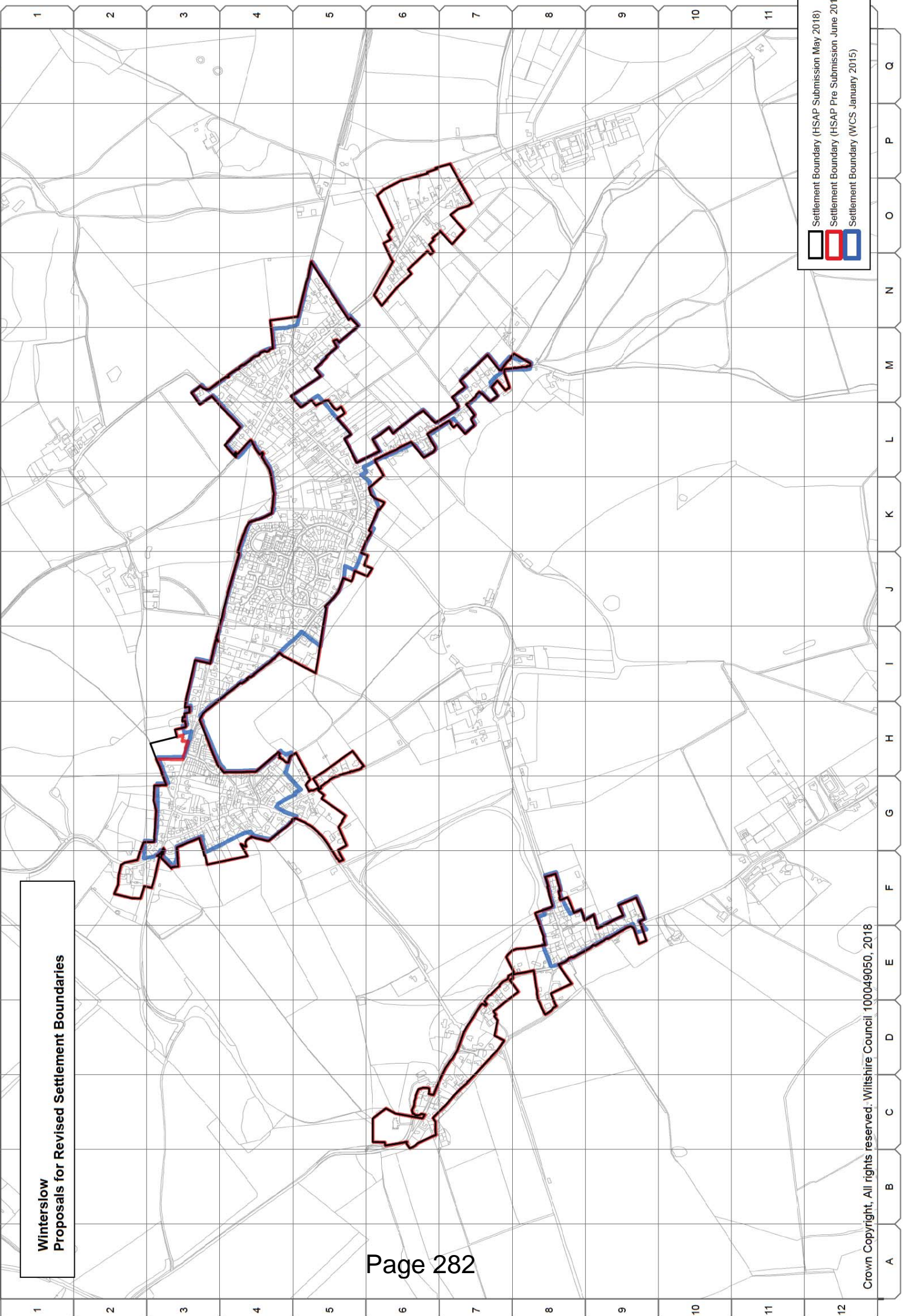
We would like to register an objection to this as Witt Road is a single track road and is unable to sustain any further access, especially at the start of Witt Road where visibility is poor.

Also the road is susceptible to flooding and further development would increase the risk of flooding towards the end of the road.

Thanks

[REDACTED]

**Winterslow  
Proposals for Revised Settlement Boundaries**



Legend for Settlement Boundaries:

- Black line: Settlement Boundary (HSAP Submission May 2018)
- Red line: Settlement Boundary (HSAP Pre Submission June 2017)
- Blue line: Settlement Boundary (WCS January 2015)



**From:** [REDACTED]  
**To:** [REDACTED] [Spatial Planning Policy; Devine, Christopher](#)  
**Subject:** Proposals for revised settlement boundaries \*Printed\*  
**Date:** 11 June 2018 08:49:22

---

**URGENT ACTION REQUIRED.**

Dear spatial planning team,

I write reference a proposed amendment to the Winterslow boundary red line for development. I am off the understanding that this is at its final stages, I wish to make an objection to this in particular the change to the boundary at the start of Witt Road. Amendment to this will only benefit the landowner and the developers seeking to develop this site. There will be no benefit for the local community, vitality of the village and local community will not be improved one little bit. Winterslow has an abundance of homes for sale, and there is currently no requirement at this agricultural site, Winterslow has a neighbourhood plan which has preferred sites. There are already an abundance of potential sites that can provide Winterslow housing needs now and in the future.

As a resident of this road where any future development will severely impact my day to day life, why was I not made aware of this possible change by either council body? It is only by neighbourhood conversation and some research that I find this information. We chose to live in this road partly due to the settlement boundary red line restrictions.

I am curious to know how this site came about as a potential change to the plan as it is an exceptionally narrow single track and congested road, surely better sites and more appropriate ones exist?

Please can you confirm this email and my objection, and I request to be kept informed of next steps reference and proposed boundary change.

Regards

[REDACTED]  
[REDACTED]

**From:** [REDACTED]  
**To:** [Spatial Planning Policy](#)  
**Subject:** Settlement boundrey Winterslow \*Printed\*  
**Date:** 11 June 2018 09:00:25

---

I wise to object to the change to the settlement boundary relating to land adjacent to 1 Witt road. Winterslow sp5 IPL.

The land in question is not part of the residential domestic garden relating to 1 Witt road, it is under separate ownership and it is agricultural land. I believe that this proposed settlement boundary is driven entirely by developers in order to build houses in an inappropriate location.

Yours faithfully

[REDACTED]

[REDACTED]



**From:** [REDACTED]  
**To:** [Spatial Planning Policy](#)  
**Subject:** Proposed Housing Boundary change in Witt Rd, Winterslow Proposal for Revised Settlement Boundary (Ref L6) \*Printed HC\*  
**Date:** 11 June 2018 10:56:51  
**Attachments:** [South HMA Southern Wiltshire CA - Winterslow A3L.pdf](#)

---

To Whom It May Concern,

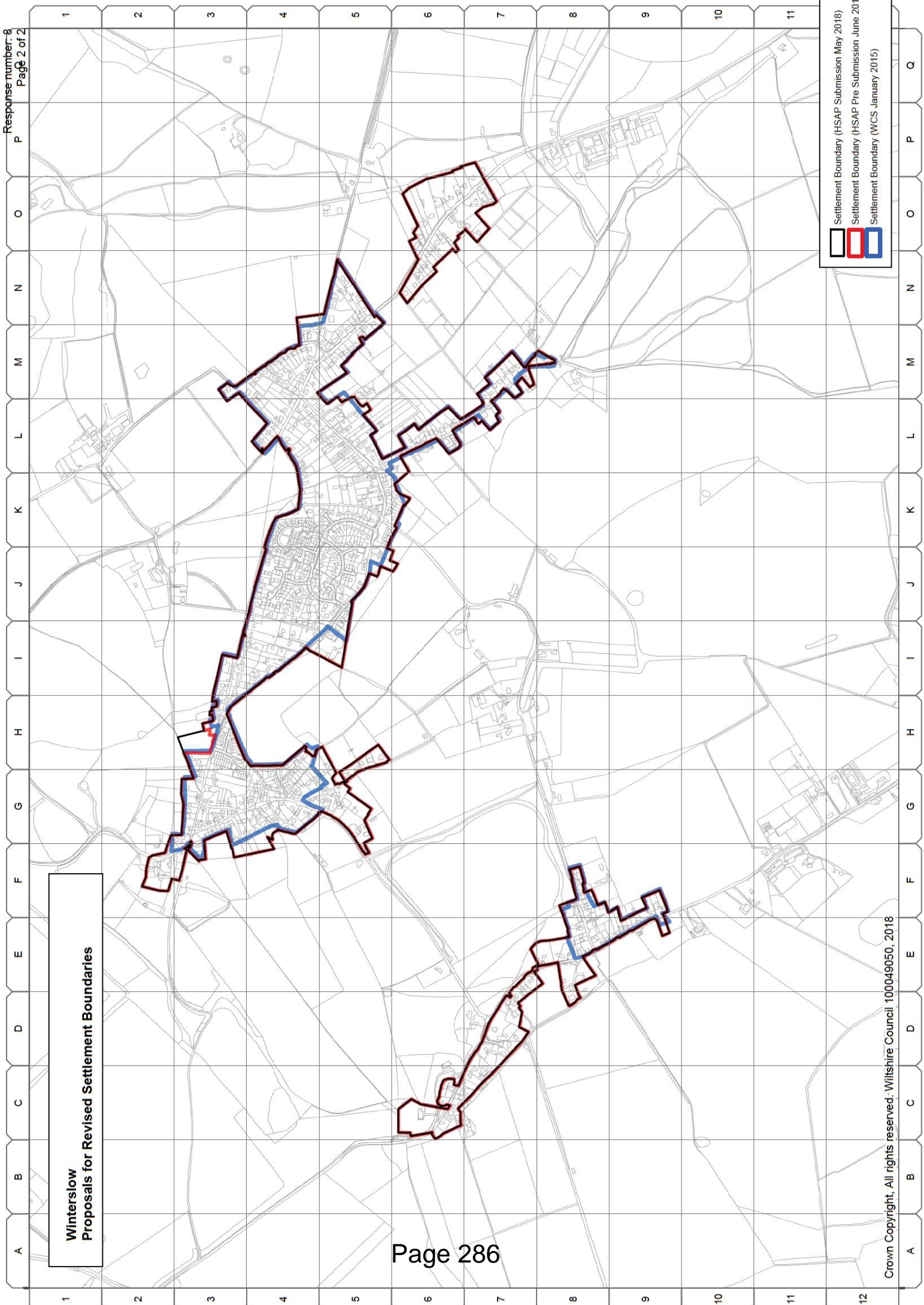
It was recently brought to my attention that there is a proposal to move the Housing Boundary in Witt Rd Winterslow (attached). I wish to strongly object to the Boundary being moved to include land adjacent to No.1 Witt Road and request that the line remains as defined in the WCS 2015 Map (this leaves the house, 1 Witt Road, inside the housing boundary but none of the surrounding agricultural land/open space).

Instigated by Winterslow NP Steering Group, the village voted on which plots of land it wished to see developed. All the land adjacent to No.1 Witt Rd was put forward by the owners but it was rejected by popular vote. A small estate and other small developments have recently been completed within the village, however these have been completed transparently and in line with the agreed Neighbourhood plan. This proposed boundary movement is not.

I believe the changing of the above boundary in Witt Rd will be unconstitutional and should not be ratified by Wiltshire Council.

Kind regards,

[REDACTED]  
[REDACTED]  
[REDACTED]



**Winterslow  
Proposals for Revised Settlement Boundaries**

Settlement Boundary (HSAP Submission May 2018)  
 Settlement Boundary (HSAP Pre Submission June 2017)  
 Settlement Boundary (WCS January 2015)

From: [REDACTED]  
To: [Spatial Planning Policy](#)  
Subject: Objection to Proposed Boundary Change \*Printed HC\*  
Date: 11 June 2018 10:59:07

---

Dear Sir/Madam,

Proposed Housing Boundary change in Witt Rd – Ref: Winterslow Proposal for Revised Settlement Boundary (L6)

It was recently brought to my attention that there is a proposal to move the Housing Boundary in Witt Rd Winterslow. **I wish to strongly object to the Boundary being moved to include land adjacent to No.1 Witt Road and request that the line remains as defined in the WCS 2015 Map** (this leaves the house, 1 Witt Road, inside the housing boundary but NONE of the surrounding agricultural land/open space).

Supporting Reasons:

1. The local residents have not requested this change.
2. Winterslow Parish Council has not requested this change.
3. Winterslow Neighbourhood Planning Group has not requested this change.
4. In addition I have it in writing from Winterslow NP 18mths ago that **“the NP Steering Group will be retaining the boundary as it is shown”** the map they enclosed clearly showed the above mentioned land OUTSIDE the Housing Boundary.
5. Instigated by Winterslow NP Steering Group, the village voted on which plots of land it wished to see developed. All the land adjacent to No.1 Witt Rd was put forward by the owners but it was rejected by popular vote, probably because of its location in a small single track rural road and because of the substantial distance from amenities in Winterslow (it is over a mile from school, shop and pub).
6. Documentation on the Wiltshire Council Website shows that it is the Agents for the land that have applied for this change, and also further boundary changes on this site.
7. In addition, Agents for the land have already applied for outline planning permission, suggesting the land is already available for development (even whilst the land is outside the Building Boundary and not supported within the NP)
8. No. 1 Witt Road and its surrounding land



used to constitute a small holding. Over recent years the owners have, without permission, taken in land and enclosed the barns within a hedge so as to make it appear that the house has a large garden. Recently the house was sold off with just a small strip of land immediately behind it. **The remained of the land behind the hedge is what the owner/devlopers are seeking to have included in the new Housing Boundary and have already applied to build on it.** This is contrary to a number Wiltshire Councils objectives, specifically item 2 in the Introduction and para 53 of the NPPF and the statements made in section 7.20, Conclusion, WWSA Topic Paper 2018.

<!--[if !supportLists]-->9. <!--[endif]-->There is high demand in the village for small plots of land for rural use but sadly owners will not sell or rent if they believe there is the remotest chance of future planning permission being granted, as is demonstrated in this case.

I and most villagers are not against development, a village has to evolve but it must be done openly and within the Neighbourhood Plan. We have just completed the building of a small estate and other small developments, which were agreed by our Neighbourhood plan. In addition and we are told by our Parish Council that we have met our current Government requirements for housing in Winterslow and we still have further developments in our plan agreed by the village.

For all the above reasons, I believe the changing of the above boundary in Witt Rd will be unconstitutional and should NOT be ratified by Wiltshire Council.

Yours faithfully,

A large black rectangular redaction box covering the signature area.

From: [REDACTED]  
To: [Spatial Planning Policy](#)  
Subject: Proposed Housing Boundary change in Witt Rd, Winterslow Proposal for Revised Settlement Boundary (Ref L6) \*Printed HC\*  
Date: 11 June 2018 11:10:16  
Attachments: [South HMA Southern Wiltshire CA - Winterslow A3L.pdf](#)

---

To Whom It May Concern,

I have been notified there is a fundamental change to the red line Housing Boundary in Witt Rd Winterslow (attached). As a home owner on this road; I wish to **strongly** object to the boundary being moved to include land adjacent to No.1 Witt Road and request that the line remains as defined in the WCS 2015 Map (this leaves the house, 1 Witt Road, inside the housing boundary but none of the surrounding agricultural land/open space). I fear the alterations and subsequent approval, will set a precedence not only in Witt Road, which will lead to others requesting inclusion and further planning permission, but also in the rest of the village.

Whilst I do not object to planning consent, or housing development, the village voted on which plots of land it wished to see developed. All the land adjacent to No.1 Witt Rd was put forward by the owners but it was rejected by popular vote. A small estate and other small developments have recently been completed within the village, however these have been completed transparently and in line with the agreed Neighbourhood plan. This proposed boundary movement is not. Furthermore, this land has been used many years for agricultural purposes and I understand the owners of 1 Witt Road tried to purchase the land for such purposes and were denied. Leading me to believe the current owners are merely interested in the process of making money and have not considered the voice of the village in their proposals to develop outside of this plan.

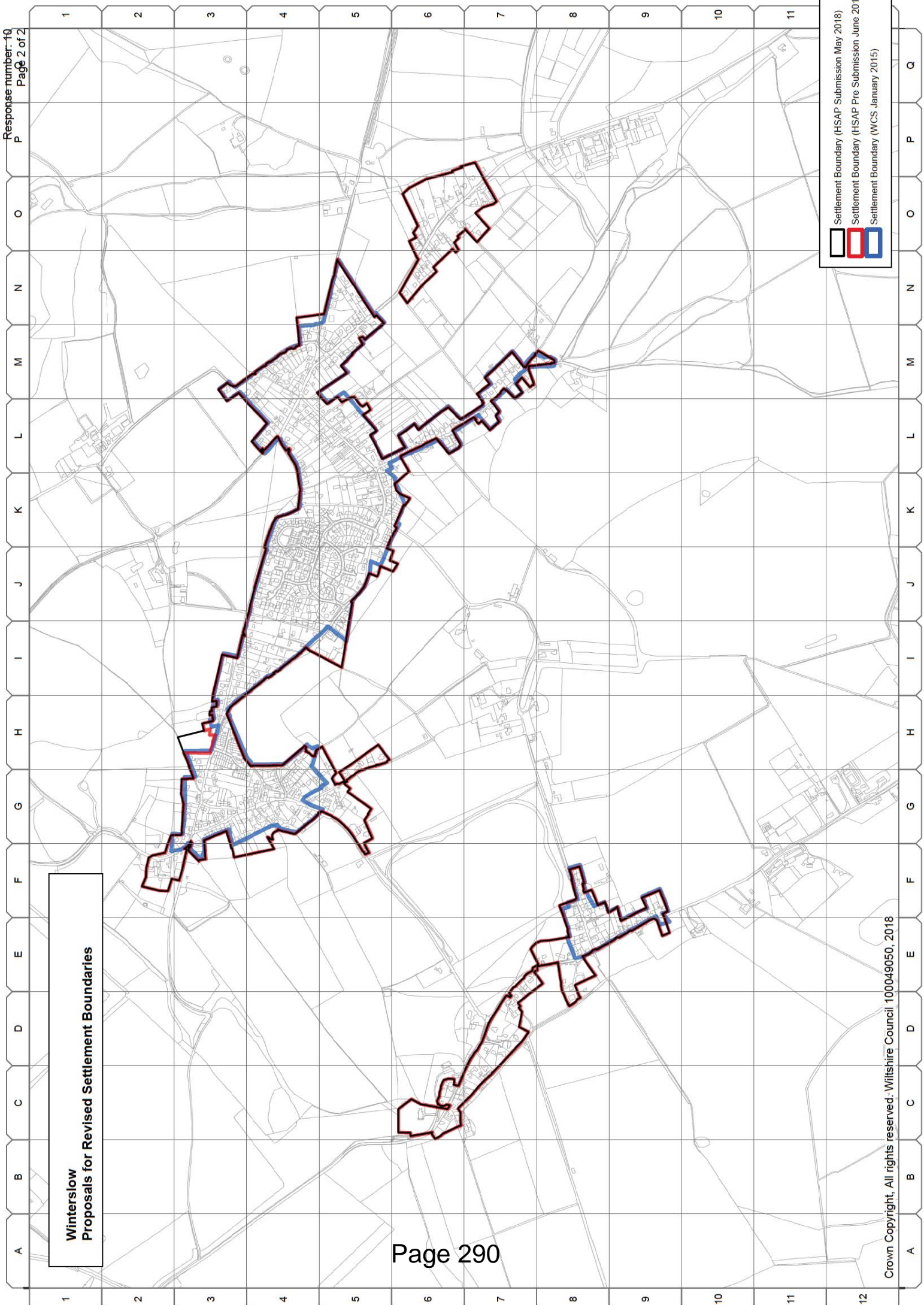
I believe the changing of the above boundary in Witt Rd will be unconstitutional and should not be ratified by Wiltshire Council.

Kind regards,

Ashley Bird

[REDACTED]

[REDACTED]



**Winterslow  
Proposals for Revised Settlement Boundaries**

Legend for Settlement Boundaries:

- Black outline: Settlement Boundary (HSAP Submission May 2018)
- Red outline: Settlement Boundary (HSAP Pre Submission June 2017)
- Blue outline: Settlement Boundary (WCS January 2015)



From: [REDACTED]  
To: [Spatial Planning Policy](#)  
Cc: [REDACTED]  
Subject: RE: Consultation on draft Wiltshire Housing Site Allocation Plan - SHLAA Site 3408 \*LL to GW\* \*Printed\*  
Date: 18 May 2018 17:40:10  
Attachments: [image001.png](#)  
[image002.png](#)

---

Dear Sir/Madam,

I note that the post consultation Wiltshire Housing Site Allocations Plan has now been submitted to councillors for approval (see minutes of meetings 15.05.2108) and the decision was deferred until the July meeting. There may therefore be a further opportunity for correcting errors in the documents submitted as supporting papers.

I further note with respect to SHLAA site 3408, Beechwood, Middleton, Winterslow, SP5 1RD, that the proposed settlement boundary is still shown as arbitrarily going across the middle of the established lawn, rather than respecting the actual residential curtilage/garden boundary. The actual boundaries of the residential curtilage are clearly represented to the north by the road; to the east by a line of trees separating SHLAA site 3408 from the neighbouring residential property; to the south by an evergreen hedge from agricultural land; and to the west by established woodland. The line shown on the current plan is not related to any existing physical feature and even appears to cross through the middle of an existing outbuilding, which has been present for at least 20 years and is clearly visible on aerial photographs, etc.

I have already pointed this out as a probable error during the consultation period, and subsequently (see below). I note that in similar cases elsewhere, the red line settlement boundary **has** been amended to relate to the existing boundaries of residential curtilages visible as physical features of the built environment, in accordance with the current 'Wiltshire Council Topic Paper 1: Settlement Boundary Review Methodology Paper'. If this error is not going to be corrected, then I would appreciate an explanation of why this has NOT been done.

As shown at grid reference G5 on the current 'Southern Wiltshire CATP May 2018 FINAL document, the actual position of the red line would be impossible to determine; the line scales out at around 20m wide on the plan and does not relate to any visible landmarks whatsoever. The following table A.7 provides justification for amendments to grid reference G5 (amongst others) as 'amend boundary to include built residential and community facility development physically related to the settlement', but this has not been done on the map. The entirety of SHLAA Site 3408 up to the current site boundaries has been in residential use since the 1960s, and as such, is obviously related to the existing settlement.

I appreciate that your team has been very busy with a huge number of consultation responses, but an early response would nevertheless be much appreciated, particularly as I

have only been trying to point out what seems to be a simple error. Or if it is not an error, then there should be an equally simple explanation for why the Council has chosen to define the settlement boundary in this way.

Many thanks

[Redacted signature block]

Sent from [Mail](#) for Windows 10

---

**From:** [Spatial Planning Policy](#)  
**Sent:** 15 January 2018 11:01  
**To:** [Redacted]  
**Subject:** FW: Consultation on draft Wiltshire Housing Site Allocation Plan - SHLAA Site 3408

Dear Dr Flindell,

Thank you for your email.

I can confirm that we have received your original email and that it is being treated as a response to the consultation. We are still in the process of reviewing consultation responses and preparing the formal submission to the Secretary of State, therefore no final decision has yet been taken on further changes to the settlement boundaries in advance of submission.

If you require any further information, please do not hesitate to contact us.

Kind regards,

[Redacted signature block]

**Economic Development and Planning**  
Wiltshire Council | County Hall | Trowbridge | Wiltshire | BA14 8JN  
Telephone: 01225 713223  
[Redacted]  
Website: [www.wiltshire.gov.uk](http://www.wiltshire.gov.uk)

Follow Wiltshire Council



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**From:** [Redacted]  
**Sent:** 10 January 2018 12:58



**To:** Spatial Planning Policy  
**Cc:** [REDACTED]  
**Subject:** RE: Consultation on draft Wiltshire Housing Site Allocation Plan - SHLAA Site 3408

Dear Sir,

Please could you confirm that the error on the original plan of the revised settlement boundaries in Winterslow (see below) has now been corrected in the formal submission to the Secretary of State.

I note that the correct plan of the boundary of site 3408, Beechwood, Middleton, Winterslow has now been included as an attachment on the consultation portal (see file: shela-2017-appendix-5.14-southern-wiltshire.pdf; attached), and that my note from 4-09-2017 pointing out the error has been included on the consultation website as a formal comment, (see file: site 3408 04-09-2017.docx; attached), but I have not (yet) been advised whether the error has been corrected in the formal submission to the Secretary of State, or at least provided with an explanation, as previously requested.

I would be grateful to receive acknowledgement of receipt of this email and attachment and a proper response to my enquiry as previously requested in my email of 4<sup>th</sup> September 2017, as copied below for your reference. I should perhaps point out that my submission to the consultation was not really a comment on any of the principles of the draft plan as such, but instead it was intended to point out an error in drafting the site boundaries, which had been drawn across the middle of the site for unknown reasons rather than around the actual site boundary.

Many thanks

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

Sent from [Mail](#) for Windows 10

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**From:** [REDACTED]  
**Sent:** 04 September 2017 19:56  
**To:** [spatialplanningpolicy@wiltshire.gov.uk](mailto:spatialplanningpolicy@wiltshire.gov.uk)  
**Cc:** [REDACTED]  
**Subject:** Consultation on draft Wiltshire Housing Site Allocation Plan - SHLAA Site 3408

Dear Sir,

I wish to point out what appears to be an error on the plan of revised settlement boundaries in Winterslow included as Figure A.76 of the draft consultation documents.

I attach my detailed explanation of why I believe this to be an error.

I would be grateful to receive acknowledgment of receipt of this email and attachment, and in due course, confirmation that this error has been corrected in the submission to the Secretary of State, or alternatively, if there is some reason for what appears to be an arbitrary division across the middle of the site, then I would be grateful for an explanation.

Many thanks

[REDACTED]

Sent from [Mail](#) for Windows 10

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**From:** [REDACTED]  
**To:** [Spatial Planning Policy](#)  
**Subject:** HDPD and Briefing Note 355 \*LL to VH\* \*Printed\*  
**Date:** 31 May 2018 16:04:13  
**Attachments:** [Housing DPD amend comments.docx](#)

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As advised in Briefing Note 355, I am sending you comments on your original report to Cabinet and the amended Housing Development Plan that was presented to the meeting. These are my personal comments.

Principally, it is my contention that the draft plan is not “sound” and I submit a number of reasons why I believe this is so.

I also have some comments on specific amended sections. In this case I have included the report sections to which I refer.

I ask the Council to take note of my views.

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

Comments on

## **Wiltshire Council**

### **Cabinet**

**15 May 2018**

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**Subject: Wiltshire Housing Site Allocations Development Plan Document - Proposed Submission**

**Cabinet Member: Councillor Toby Sturgis - Planning and Strategic Asset Management**

Item 1 - p40

#### **Proposals**

That having considered the outcome of the formal consultation, Cabinet:

- (i) **Endorses the draft Plan as sound and legally compliant, as set out Appendix 1;**

The draft Plan is not sound for the following reasons.

**Item 2** - The Housing Plan is perhaps one of the most important policies to be made by the Council and so should be a document understood and decided upon by the whole of the Council, not just by Cabinet. It is unbelievable that the report states:-

“The draft Plan has not been subjected to the Council’s Overview and Scrutiny function. It has been agreed that as the Environment Select Committee has not prioritised this item highly as a topic of interest, no Overview and Scrutiny engagement is to be undertaken at present.”

**Item 3** - The Plan does not take sufficient account of the “Consultation” which was intended to be a major step in developing the Plan. The report to Cabinet is 395 pages long. Comments were received from almost 1000 people and organisations. The section on the results of consultation amounts to 8 pages. Considerable weight is given to comments from developers, ecological and heritage aspects. Almost nothing is reported about comments from Town and Parish councils and members of the public.

**Item 4** - There is no mention in the plan about the character of Wiltshire that the community wishes to see. We may achieve the housing content but will our descendants wish to live in the environment left to them? Somewhere in the documentation there should be a discussion about site density, ie homes per hectare. Clearly there will be a range of densities. A block of flats would be expected to be denser than a rural site. Members should have a say in this. If it is available, it is not obvious.

The site density in many cases has increased by up to 65% (PC43) with minimal explanation.

I can find no discussion about the density of population in Community Areas; no discussion about the percentage of undeveloped land within Community Areas that should be left undeveloped to provide an interesting and attractive environment. One might expect that both of these measures would help to assess the future quality of Wiltshire. One should expect an environment designed on the principles of the Garden Cities.

Item 5 - Wiltshire Council are quite rightly having to allow for the Bechstein and other bats to thrive. However, the hedgehog appears to have been forgotten. Hedgehog habitats include private gardens. Many existing houses have gardens large enough to allow some space to be unkempt and provide for hedgehogs. With a very high density development, with little or no gardens, separated by solid fences, there will be minimal opportunities offered for hedgehog movement through them. In 2015 it was reported that four surveys were carried out in urban areas. The results showed a worrying decline. Hedgehog support organisations have also detected a fall in numbers of 30% in urban areas and 50% in rural areas since 2000. Hedgehogs are a protected species. The ecological aspects of the housing proposals should explain how hedgehogs will be safeguarded.

Item 6 - One of the he biggest problems facing the country is handling the extension in life expectancy. Accommodation for the elderly should be a significant part of this report. It is seriously lacking.

Item 7 - In the case of several sites around Trowbridge, development is proposed in direct contradiction of the Core Strategy policy to keep open space between Trowbridge and its surrounding villages.

Item 8 - The increase in numbers on many sites is so large that the proposals should go out again for consultation.

Amendments to Housing DPD

COMMENTS

Housing Allocation H2.1 Elm Grove Farm, Trowbridge					
PC33	Policy H2.1, Figure 5.5,	ID: 901939 / 901806 Rep: 1816	To amend site boundary and include adjoining land within the Council's ownership, but in trust by the National Playing Fields Association	Amend the boundary of the allocation as set out in Annex B; And first sentence of Policy H2.1 and paragraph 5.46 to read:	Minor

Appendix 2: Schedule of Proposed Changes to the Pre-submission Draft Plan (May 2018)

	Paragraph 5.46		(operating as Fields in Trust charity), to allow for the relocation of the primary school on this land and enhanced community recreational facilities as part of the wider development. The extended site will enable the delivery of the school early in the site's development consistent with the strategic priority identified in PC32.	"Approximately <del>44.32</del> or <u>17.78</u> ha of land at Elm Grove Farm..."	
PC34	Policy H2, Policy H2.1, Paragraph 5.46	ID: 901939 / 901806 Rep: 1816	To reflect the increase in site area consistent with PC33 and clarify the requirements for the use of the land, and associated provision of open space facilities. The increased site	Amend Policy H2 to replace 200 dwellings in Table 5.3 for Elm Grove Farm with 250 dwellings, and first sentence of paragraph 5.46.  Amend first bullet point of Policy H2.1 to read: Amend 4th bullet point of Policy 2.1 to read:	Main
				"A <u>significantly improved and</u> consolidated public open space area <u>incorporating and augmenting adjacent to</u> the existing Queen Elizabeth II Field <u>to provide a play area and junior level sports pitches for local community teams to utilise</u> ."	

Elm Grove Farm



PC35	Policy H2.1 6th bullet	ID: 901939 / 901806 Rep: 1816	Factual update to reflect the need for cycling and walking routes to integrate with the adjoining employment area. .	Amend the 6th bullet point to read:  <ul style="list-style-type: none"> <li>• " New cycling and walking routes through the site to link into the existing network and the proposed Ashton Park Strategic Allocation site, <b><u>and the White Horse Business Park.</u></b>"</li> </ul>	Minor
PC36	Paragraph 5.47	ID: 395940 Rep: 2967, 2968, 2969	Improve clarity.  Insert additional wording to address concerns raised by the Environment Agency, highlighting the need to address flood risk and drainage for all development sites.	Insert additional text at the start of paragraph 5.47:  <b><u>"Proposals to develop the site will need to be supported by a Flood Risk Assessment (incorporating an assessment of the predicted effects of climate change) and comprehensive drainage strategy."</u></b>	Minor
PC37	Paragraph 5.50		In response to comments from Heritage England to ensure the setting of assets is considered and to recognise in accordance with national policy, further detailed assessments of heritage would likely be required to guide layout and design at the planning application stage.	Amend paragraph to read:  "Access to the site would need to be holistically planned with upgrades required to Drynham Lane, along with the construction of a connection to the A363 designed as a through-route anticipating future traffic growth. New and improved walking and cycling routes to existing and planned local services would encourage future residents to use sustainable forms of transport. The site has a medium potential for archaeological remains. Therefore any subsequent planning application should be informed by an archaeological assessment. In addition, development will need to minimise the potential to harm the significance of the Grade II Listed Drynham Lane Farmhouse <b><u>and, where appropriate, its setting.</u></b> Measures may also be necessary to prevent potential noise pollution from the existing main road and railway. These considerations should be addressed through the process of detailed design and layout which should be informed <del>through a Heritage Impact Assessment.</del> <b><u>by detailed assessments (including heritage) to support any subsequent planning application."</u></b>	Minor

Page 258

## Comments

- 1 PC33 and 34 are such extensive changes that this site should go out again for consultation.
- 2 From the point of view of North Bradley residents a woodland buffer should be planted against the A363 to mask the side of Matalan in the Spitfire Retail Park.

Land off A363 at White Horse Business Park

Housing Allocation H2.2 Land off the A363 at White Horse Business Park, Trowbridge						
Page 259	PC38	Figure 5.6 Paragraph 5.52	ID: 1114350 Rep: 18 -  ID: 1115490 / 1115452 Rep: 21  ID: 1120664 / 1115452 Rep: 131  ID: 1125881 Rep: 723 ID: 403859 Rep: 1457  ID: 1130978 / 1130975 Rep: 1832	Factual update.  Amend site boundary to reflect land ownership and also to exclude site that has now been developed.	Amend the boundary of the allocation as set out in Annex C;  And first sentence of paragraph 5.52 to read:  "Approximately <del>25.62</del> <b>18.96</b> ha of land off the A363 south-west of the White Horse Business park is allocated for the development ...."	Minor
	PC39	Policy H2, Table 5.3; Paragraph 5.52	ID: 8090227 / 1132859 Rep: 3074  ID: 1137984 / 1130975 Rep: 3142-	Improve clarity.  To maximise efficient use of land consistent with heritage and ecological constraints increase the number of dwellings to approximately 225 units.	Amend Policy H2 to replace 150 dwellings in Table 5.3 for Land off the A363 at White Horse Business Park, Trowbridge with 225 dwellings.  And amend first sentence of paragraph 5.52 as follows:  "...land off the A363 south-west of the White Horse Business park is allocated for the development of approximately <del>460</del> <b>225</b> dwellings, as identified on the Policies Map."	Main

Page 260	PC40	New para after 5.56	ID: 403792 Rep: 1642	In response to comments from Heritage England. To reflect the Heritage Impact Assessment undertaken by the Council and ensure appropriate consideration is given to heritage assets and their settings consistent with national policy.	Insert new paragraph after paragraph 5.56 to read:  <b><u>"As identified in the Council's Heritage Impact Assessment, the site is an historic agricultural landscape and comprises a cluster of historic farmsteads where the farm houses and ancillary buildings may be susceptible to setting change. This includes Kings Farmhouse (Grade II listed), Willow Grove (Grade II listed), Little Common Farm (non-designated asset), Manor Farmhouse (Grade 2 listed) and Woodmarsh Farm (non-designated asset). An area of the site also includes a Baptist cemetery with an ornamental gateway structure (Grade II listed) and curtilage listed perimeter walls. The archaeological potential of the site is likely to be high. At the planning application stage, the layout and design of the site would need to give great weight to conserving the significance of these heritage assets and their setting in order to minimise harm."</u></b>	Minor
	PC41	Existing Paragraph 5.56	ID: 395940 Rep: 2967, 2968, 2969	Improve clarity.  Insert additional wording to address concerns raised by the Environment Agency, highlighting the need to address flood risk and drainage for all development sites.	Amend paragraph to read:  "Proposals would need to provide for a high quality, sustainable development that enhances a key gateway approach to the town, whilst protecting the integrity of North Bradley as a village. <b><u>In addition, any subsequent planning application will need to be supported by a Flood Risk Assessment (incorporating an assessment of the predicted effects of climate change) and comprehensive drainage strategy to help inform matters such as layout and design.</u></b> "	Minor



### 3. H2.2- Land off the A363 at White Horse Business Park, Trowbridge

- 3.1 In a similar vein to the proposed Southwick Court site, the proposed allocation H2.2 presents a challenge in terms of managing the risk of harm to the significance of heritage assets and their respective settings. The HIA assesses such matters in a robust manner. Five heritage assets are identified as being sensitive to change and would potentially be affected if development proceeds:
- Baptist burial ground – Grade II listed gateway and perimeter walls (curtilage listed);
  - Kings Farmhouse – Grade II listed building and associated agricultural connections;
  - Willow Grove – Grade II listed building and associated agricultural connections;
  - Little Common Farm – non-designated, but closely related in agricultural terms to neighbouring farmsteads; and
  - Manor Farm – Grade II listed building to the south of proposed site with potential for development to lead to setting changes
- 3.2 The HIA considers that the current landscape structure of relatively large fields enclosed by hedgerows would offer few easy options for mitigating harm to these heritage assets. However, the assessment concludes that development of whole allocation would result in less than substantial harm to the four designated heritage assets. That said, the level of change that would be introduced by development proceeding would be significant and thereby capable of eroding the legibility of the relatively intact post-medieval agricultural landscape, which in turn informs the character of North Bradley.
- 3.3 As the designated assets are essentially clustered in the south-eastern half of the site, the report considers that development should be concentrated in the north-east end of the site. Such an approach would help conserve the relationships between the local farmsteads and still deliver a reasonable developable area.
- 3.4 Moreover, and as outlined in the draft WHSAP, with the application of appropriate urban design measures, including significant bolstering of existing green infrastructure to help support protected bat species, a sensitively planned development could minimise harm to the significance of heritage assets and character of North Bradley village.
- 3.5 In addition, development would likely deliver significant public benefits (e.g. the delivery of housing locally, a boost to affordable housing, habitat creation, generation of Community Infrastructure Levy etc) capable of satisfying the test set out in paragraph 134 of the Framework and thereby significantly outweigh the less than substantial harm to heritage assets.

#### Comments

- 1 PC39 is such an extensive increase in numbers that it should go out again to consultation.
- 2 Discussions should take place with North Bradley Parish Council to reach a compromise that will allow the North Bradley Neighbourhood Plan to proceed with its ambition to leave a green landscape gap between North Bradley village and the WHBP.
- 3 The redevelopment of the ex-Virgin car park (brown site) should be promoted to replace the use of the fields (green site). Flats could be considered with a high density to match the proposed change of use from office to residential.
- 4 The parish Council clearly knows the area well, possibly better than the officers and consultants who only make site visits. The Parish Council's expertise should be used.
- 5 Para 3.3 should be explained in terms of a plan, rather than just words.

## Ecology

- 2.3.3 In terms of addressing in-combination effects, Natural England agrees that a strategic approach is capable of addressing residual effects. With regard to this, significant progress is being made with the Trowbridge Recreation Management Mitigation Strategy, now confirmed as the **Trowbridge Bat Mitigation Strategy (TBMS)**. A specialist consultancy has been engaged and is working to progress the following:
- A map showing zones where development would have a high or medium risk of adverse effects for features of the bats SAC (i.e. greater horseshoe, lesser horseshoe and Bechstein's bats) and where recreational pressure is likely to lead to in-combination effects
  - Standards for assessing developer proposals to retain, protect, buffer and maintain key bat habitats within application sites
  - Principles for mitigating loss of habitat on greenfield sites, including an offsetting metric to determine size and quality of offset habitats to be created within allocations, and if necessary offsite
  - Measures for offsetting effects of recreational pressure, taking into consideration latent capacity at existing non-woodland recreational sites and standards for new open spaces created within allocations
  - An implementation plan for long term management and oversight arrangements for measures being implemented off site
- 2.3.4 The strategy will be sufficiently advanced during the examination to allow the Council to demonstrate that the plan is sound and will have no adverse effects on the SAC.
- 2.3.5 In light of submissions from prospective developers to increase housing density and the government's ambition to make the best use of development land, the Council has tested the capacity of the allocations to accept further housing. As a result, housing at the following allocations in Trowbridge has been increased.

Table 1: Proposed capacity at site allocations

Site Ref	Site Name	Current proposed capacity	Proposed capacity Approximate number of dwellings
H2.1	Elm Grove Farm, Trowbridge	200	250
H2.2	Land off A363 at White Horse Business Park, Trowbridge	150	225
H2.3	Elizabeth way, Trowbridge	205	355
H2.5	Upper Studley, Trowbridge	20	45

## Comments

1 The Plan is clearly premature. It is anticipating a suitable Mitigation Strategy but this presumably will be subject to consultation and a suitable result is not ensured. For example, the effects of the plan on the hedgehog population in the Wiltshire Council area has not been considered.

## Heritage

### 6. Considerations

- 6.1 The degree of harm to the significance of heritage assets brought about by developing each of the six sites appraised through the HIA is considered to be less than substantial. However, in the case of the four sites detailed above, the scale of likely harm associated with such development would nonetheless be of a more severe nature. In the light of this evidence consideration needs to be given to how the Council proceeds.
- 6.2 One option would be to bolster the policy considerations already set out in the draft WHSAP through a set of proposed changes that will then be considered through the independent Examination process. A second option would be to simply recommend to the appointed Inspector that the Council wishes to remove the proposed allocations in question on heritage grounds alone and thereby not consider the benefits that would undoubtedly accrue from development.
- 6.3 If the four proposed site allocations are recommended for removal prior to the examination, the net effect will be to weaken the draft WHSAP and thereby undermine one of its purposes, namely – the timely delivery of housing to maintain local supply. In this circumstance, the Council will likely need to provide contingency measures to address the loss of housing.
- 6.4 Whilst a case could be made to recommend the deletion of all four sites, a counter case will undoubtedly be made by the proponents of these sites. In this context, the HIA is a helpful piece of work in terms of furthering our understanding of heritage constraints. Indeed, based on the evidence gathered to date through the site assessment process, including that provided by the proponents of the sites through representations, the level of harm to the significance of heritage sites that may result through development proceeding is recognised as being a significant concern.
- 6.5 However, it is important to note that the assessments for all six sites essentially concludes that the potential scale of harm that would be generated because of development proceeding would be less than substantial. Therefore, the advice set out in paragraph 134 of the National Planning Policy Framework ('the Framework') would be engaged.
- 6.6 As defined by paragraph 134 of the National Planning Policy Framework, where a proposed development would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of development proceeding.

## Comments

1 Whether the proposals are considered less than substantial depends on the viewpoint. To an authority anxious to boost housing numbers "less than substantial" is satisfactory. However, local residents might well argue that the effect will be very substantial. Surely it is the viewpoint of the local resident who lives with the situation day after day rather than the consultant who might spend an hour or less on site which should take precedent.?

Comments

Road Conditions

Warminster					
PC53	New paragraph under 5.87	ID: 903251 Rep: 2396	Improve clarity.  Highways England has raised that there may be cumulative impacts on the A36 arising from proposed housing allocations at Warminster and this requires consideration.	Add new paragraph under 5.87 as follows:  <b><u>"Developments will be required to address any direct or indirect cumulative impacts on the A36."</u></b>	Minor
PC54	Paragraph	ID: 706891	In response to comments from	Amend paragraph 5.87 as follows:	Minor

Comments

1 Highways England has commented that there could be a cumulative impact of traffic increase on A36. There does not appear to be any similar comment from the Highways section of Wiltshire Council on the effects of traffic generated by Elm Park Farm and the A363 WHBP development on A363 and other roads in the Trowbridge network. Is the Council not interested in potential worsening of congestion along Bradley Road?

**From:** [REDACTED]  
**To:** [Spatial Planning Policy](#)  
**Subject:** The Farmyard on the draft Wiltshire housing allocation list at Laverstock and Ford Salisbury \*Printed\*  
**Date:** 08 June 2018 08:10:04

---

Dear Sir or Madam,

I am writing in connection with this proposed development over which consultation ends on June 11<sup>th</sup> 2018.

I wish to object most strongly to the possibility that this planned development should have any access or egress onto Roman Road (Ford Lane).

The clue is in the name of the road from Old Sarum through Ford. I suspect the most recent development of Roman Road took place just before the last Romans left to return to Italy. It is a rural lane already heavily used and abused by modern traffic with traffic volume and speeding through Ford now at almost critical level. The lane has several accesses already and has very narrow areas, poor forward visibility, sharp bends and humpback bridges amongst other features unsuited for even existing traffic volumes. With the future prospect of access to this lane from wished for development on the Old Sarum airfield this narrow rural lane is really quite unsuited for a large volume of modern traffic as all traffic has to funnel through the hamlet of Ford. Ford Lane is much used by pedestrians, horse traffic and cyclists for which physically it is most suited. Because of its narrowness and parlous conditions with much of the road edges destroyed with abundant potholes, the route really cannot be upgraded for heavier traffic. Already in times of problems on the A30 and A345 the lane is heavily used as a relief route in times of stress. If this development is approved, all its ramifications should be contained in the already heavily developed Bishopdown Farm and particularly Neal Close where access to this housing is best afforded.

I should be most grateful if this objection could be recorded.

Yours faithfully,

[REDACTED]



## Wiltshire Cabinet Meeting 15<sup>th</sup> May 2018.

### Agenda Item 7. Wiltshire Housing Site Allocation.

My name is [REDACTED]. I am, with three other family members, the freeholder of SHLAA site 3268 known as: Land, The Spring, Market Lavington within housing papers.

I am attending this morning's meeting to specifically answer the Wiltshire Conclusion that this land is inappropriate for small scale residential development. I heard about the Cabinet meeting on Saturday afternoon; I apologise in advance for a hastily made submission.

Within the Wiltshire Housing Site Allocation Plan, Sustainability Appraisal Report the land at P 363 is regarded as More Sustainable with other sites over Wiltshire but is excluded from the Assessment of Policies at P 365 which has a note at the head of the schedule saying that certain sites have been chosen from the schedule above it.

I have to explain that, as a policy of complete support in our Neighbourhood Plan Committee and our Parish Council, we have chosen to offer our field to this plan and have only been in touch with Wiltshire to answer questions when they have arisen from within public documents. If an approach to the County would be welcome I would like to provide further and better information from existing sources and demonstrate sustainability benefit in relation to our land.

In submitting this land to the village for inclusion within the Neighbourhood Plan we have made it clear that we want to provide old peoples' dwellings as to part of the development objects, ideally as Affordable Homes; this village is a working community therefore containing middle aged and elderly inhabitants, many of whom are not well off.

Our land is the nearest to the retail centre of the village of all the sites that have reached the later stages of the selection process yet geographically the best by far in having unimpeded road links from the parish. Development of the site will cause virtually no additional congestion on The High Street; unlike other sites proposed it is within walking distance.


Our site only extends to 1 Hectare and meets the public desire for the Neighbourhood Plan to provide housing in small sites rather than to permit Fiddington to enlarge by perhaps 40% which large size does not settle well in a rural setting where access to modern recreation opportunities and integration into the small community are both difficult.

I have to answer the Wiltshire Conclusion summary in regard to three matters;

1. Site storm water drainage. I have with me a copy of the letter prepared by Cole Easdon, our hydrological consultants, provided in September 2017 to Wiltshire in response to the request for submissions on last year's housing document which demonstrates completely that the perceived 'surface water flooding' is so easily

dealt with that it just is not a major issue. In addition the natural falls can readily be returned as of right to completely remove any ponding in the field caused by a modern embankment which carries a school road at the Western end.

2. This site substantially lies below the level of the B3098 public highway by virtue of the clay abstraction from the land a couple of centuries ago and so buildings upon it would be, rather surprisingly, unobtrusive. Furthermore the wood and wild strip along the Southern boundary screens the land from the scarp of Salisbury Plain. The land quality is poor due to previous disturbance, the area does not contribute to the surroundings owing to its contouring yet provides the opportunity for a very discreet residential scheme.
3. Our absolute commitment to the village is that most people will be pleased with the work we do. The nature of the position encourages ready integration with the historic environment. Our site is not on the far edge of the developed land with other post war build; we understand that we should use our responsibility to enhance our rural village.

 14<sup>th</sup> May 2018.

## A response to the Consideration of Wiltshire Housing Site Allocations Development Plan Presented to Cabinet on 15<sup>th</sup> May 2018.

### SHLAA Site 3268 The Long Field, The Spring, Market Lavington.

I was asked by Cllr T.Sturgis on the 15 May at Cabinet to amplify my remarks for the Spatial Planning Team who are seeing [REDACTED] and myself, [REDACTED] with [REDACTED] the MD of Feltham Properties on the 20<sup>th</sup> June. We are very grateful for the offer of discussion and too for the help received in arranging the meeting.

For purposes of recap and convenience I attach to this response to the Plan which is to be with Wiltshire council on the 11<sup>th</sup> June a record of my remarks on the 15<sup>th</sup> May. I also have used a Wiltshire plan for purposes of easy plot identification; the SHLAA numbers are two paragraphs down.

I have to ask forgiveness for the length of this submission however I have two worries to overcome which really can only be achieved by detailed reference to the Housing Site Allocation Plan.

Arising from the Devizes Community Area Remainder Sustainability report at P 4657 SHLAA 3268 reached equal assessment standing with other alternative development proposals at Market Lavington. This land became an Omission Site and has been further assessed under Stage 4a Site Landscape Assessment. I have not seen the equivalent assessments which have no doubt been completed for SHLAA 1089, 2055, 530, 3443 which are other Market Lavington locations.

#### PART ONE

In first presenting this land to the village of Market Lavington for proposed development we envisaged a slightly quirky proposal which was amended but which very much holds to the policy of providing homes which complement our two very large estates at Fiddington, mainly built for the MoD in the 1960's and Grove Farm built in the 1980's/90's

Since 1949 the population increase has been from 950 people to some 2,250 today. This remarkable growth at a rural parish has been welcome for a great number of reasons not least the sustainability of services in the village and the employment provided.

This expansion should continue because we provide a marginally different way of life to urban living but it has to be created in as friendly way as possible so that new residents reach out and use those things that this particular community has to offer. This paragraph can be tendered in relation to any group of dwellings but we are a Rural Centre where the outlook from the community needs to be extrovert, Can Do and accommodating. I am absolutely sure that is what Market Lavington and also Wiltshire Council are aiming for.



A plan Showing the built area of Market Lavington parish. SHLAA sites are coloured Yellow.

The B 3098 runs nearly due West from the cross roads at the village centre and SHLAA 3268 fronts onto the road on the South side.

Wiltshire Council: Wiltshire Housing Site Allocations Plan: Sustainability Appraisal Report

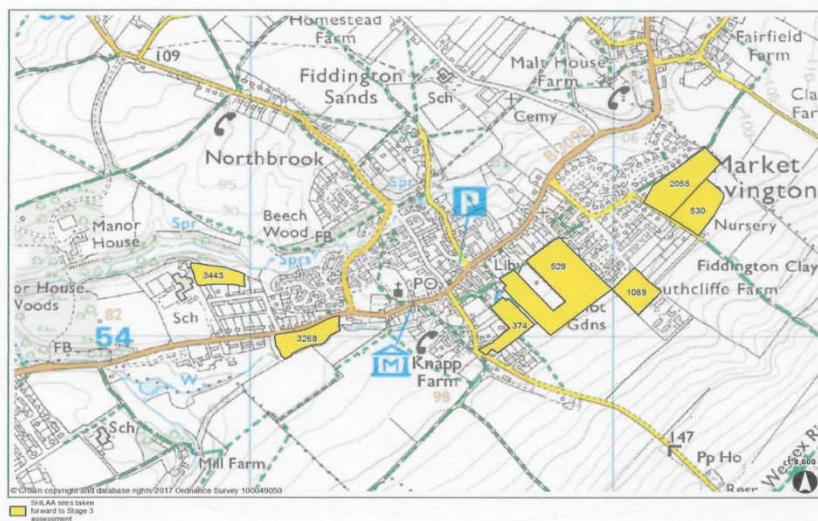


Figure 7.8. Market Lavington

I am sorry but the choices made under the Allocations Plan have no regard to this aspect of Town & Country Planning and make a horrible mistake in seeking to extend onto the foot slopes of The Plain an estate which was first conceived to house families who had a traditional lifestyle linked to a military profession which did not need integration with the local community. Adding to the estate at a modern density two more developments is bad for existing occupiers because the 'urban' boundaries grow and is worse for new people popped between cereal cropping and deeply established housing estate living

There are so many reasons why placing new housing behind existing single use development would normally be considered bad policy that I will not elaborate save to remind about 19<sup>th</sup> C. development in the wool and cotton towns or 20<sup>th</sup> C. housing in London as T & C P policy struggled into existence.

The Grove Farm estate is far more successful because its' position belongs with the village and there are naturally good road and footpath communications running through it.

The Market Lavington people understand all this which, I expect, is why they asked for small development sites yet the Allocation Plan ignores this intention choosing an alternative to that in the Neighbourhood Plan documentation.

The guidelines used in the preparation of the Housing Allocation Plan take a very valid component of Planning expertise and use it beyond its appropriate place within the way that the environment should be evaluated.

Planning is about land and Planning is about people; not just the residents of newly created homes but also, metaphorically, the people who live next door already. Present Planning thinking puts extraordinary weight on the technical suitability of land for its change of use – you understand – view from footpaths nature of the sub-soil, colour of the bricks, shelter belts, density, nature matters; the land must pass these tests before its suitability for human occupation is considered; even worse if the land meets the technical standards, well yes, humans will be safe and happy. Everyone understands the cost of this regulation, targets led process, is mental and physical health problems, social insecurity.

I have explained above why Wiltshire and Market Lavington have not quite seen eye to eye on the future of the parish. The centre needs to be stronger, for example improved parking, before a distant estate expansion is encouraged.

I have always thought the Southcliffe scheme is sensible because of the land use to the South but by my own argument the site should be rejected as contributing little to the village but just helping to meet County housing requirement alone.

Our land lying immediately adjacent to the 19<sup>th</sup> C. built community is overlooked by the modern Community Hall, St Mary's Church with the Old School (a PCC owned facility). Even the Surgery at the other end of the village is less than 1 Km away, the shops and The Green

Dragon, serving food, are 500 m distant. Time and again one hears how fortunate one is to live in Market Lavington.

## PART TWO

I have to say that The Wiltshire Housing Site Allocations Plan has not incorporated to the proper extent at all the People side of Planning. There is lengthy reference to factors which are relevant but the application to SHLAA sites I have not seen.

I would be grateful please if you would look at the Wiltshire Site Allocation Plan presentation page 6601 Stage 4a Site Landscape Assessment by Wiltshire Council and The Environment Partnership.

It is unfortunate that the outside firm chosen to make this Landscape Assessment for inclusion within the Allocation Plan have a conflict of interest as I am advised, not over the whole of the County but at Market Lavington, because The Environment Partnership have Persimmon as their clients as well as Wiltshire Council. In a sector where the choice of expert is limited and where there are a multitude of interests a clash is inevitable somewhere; the interest just has to be notified in the relevant document at the point where the conflict occurs. To conceal the conflict is a serious duplicity and unworthy of the organisation.

Discovering this matter as I finished preparing this submission I have looked again at their work and better understand.

I find now that I have to make detailed remarks on the Stage 4a Site Landscape Assessment Paper. This is an entirely different aspect of the Town and Country Planners brief requiring a balanced judgement with the duties of Planning work outlined above. In this instance the investigation is deliberately limited to look at the interaction at present between SHLAA 3268 and both the countryside and the built environment alone. The study seeks to measure and report but in the end is based on an entirely empirical opinion on a slippery set of features.

I refer to the schedule in this Advice at P10. I seek to answer and comment on the report's findings. I must advise that it would be best to read my comments please with the questions and answers printed in the Allocations Plan.

## Element

### Key features of landscape character area

Market Lavington is at the extreme Western end of the Pewsey Vale and the village is dominated by the scarp of Salisbury Plain, there is no valley at Market Lavington.

The vale is a very high quality farming area. The Avon rising at Rushall, properly in the Vale, runs to Salisbury but our brook resulting mainly from the flow from the Salisbury Plain aquifer is part of the Avon catchment to Bristol.

### Site Description

This land lies relatively wet all year because the natural drainage was badly damaged when the causeway, carrying the access road to Lavington School playing field lying directly South of the Western end of SHLAA 3268, was made 40 years ago. The stream and the drain inverts were installed at the wrong levels. I have rights to rectify when required.

The surface of this paddock was taken a couple of centuries ago for its clay mostly at the Western end of the field. Top soil depth is minimal. Housing referred to as adjacent is on and above the North side of the B3098 comprising one late 20<sup>th</sup> C, house and six of pre-war construction. There are two cottages at the roundabout. To the immediate South of the land at the Western end is the School playing field and to the South East, next to the playing field is a single large arable field, the Rec used to be there. The bungalows fronting onto the B 3098 are about 20 meters from the site.

The strip of trees and less good scrub on the South side of the stream belongs with the field the whole extending to 1.1 Ha; we intend that management of the scrub and woodland for natural benefit will devolve onto the land owners jointly in the fullness of time when development is complete. Expert guidance has already been initiated and Planning direction will be desirable.

### Landscape Character

#### 'Attractiveness'

The land cannot be said to be 'attractive'; it is burdened with rushes and presently lies cold and wet because of the clay abstraction and because of the height of drainage inverts.

### Consistency

The land is entirely inconsistent with either the build environment on three sides or with the Chalk based arable land on the South side of the riparian strip. The reasons are above.

### Settlement Edge

'Some features' are said to contribute to the present settlement setting. The only one I would subscribe to is the woodland strip which will be an important aspect of any built development.

### Remoteness

I doubt if house frontagers onto the B 3098 would regard the road as 'peaceful'. I believe that there are traffic count results for the centre of the village. How can a location with a well used highway on one side, an access road and playing field to the West and South and more housing with the Community hall to the East be regarded as peaceful? Seclusion perhaps.

### Evaluation

The houses fronting onto the South side of the B 3098 do not 'nestle behind mature riparian vegetation' this is simply wrong. The unfortunately dominant Shires Close group are on made up higher ground arising from the earlier garage land use which was single storey. No other buildings are near riparian growth.

The B 3098 (The Spring) Northern frontage from the Market Lavington Sign is either developed as school space or is in residential use to the roundabout under the Community Hall. On the South side, the frontage is completely developed save for the subject site which occupies about 1/3<sup>rd</sup> of the total length.

This land has been spoiled in the past and cannot be regarded as making a quality contribution to the street scene or to the land running up to The Ridgeway. It is not peaceful meaning calm or tranquil because of the adjacent human influences.

### Views

#### Visual Prominence

The land is low lying and inconspicuous.

#### Mitigation

Riparian vegetation is not characteristic of the local landscape. The only length that exists in the parish is within this ownership and the strip South of Shires Close. There is huge potential for Mitigation by the use of high quality design, the care of the stream and the deep, sympathetic management of trees and scrub with complementary planting. I would expect and hope that this important site adjacent the village centre should be regarded as a

21<sup>st</sup> C. contribution to the village scene just as the pre-war 20<sup>th</sup> C. development does opposite.

Could I bring to your attention our own development at 25 The Spring as one way to minimise the influence of development on surroundings.

### Impact Assessment

#### Overall magnitude

Because of the land levels, the linear nature of the site and the natural background on the South side, the built area can be so easily be broken up, actually at no great loss of density or interference with surroundings. There is a fall of 3 m East to West from 81 m max AOD to 78 m min AOD.

#### Description of Impacts

This area is entirely at odds with all the various degrees of land use in the vicinity.

The benefit of the scheme will add greatly to the built environment. The whole team are committed to this within the special context of Market Lavington. There can be no assumption that completed residential housing will be other than of good architectural worth and a pleasing aspect of the village.

From where are views adversely affected? The field cannot be seen from the south; parts are glimpsed at from near the church and a small area is visible from The Community Hall.

This land benefits from a pavement along its length to protect pedestrians within the village from traffic. This village facility is the best place from which to look at the field and there is bus stop.

#### Private Views

The developed land is likely to be seen from the housing opposite along the north frontage of The Spring B 3098 but of course these forceful pre-war buildings stand above road and field levels as indeed do the well elevated units at The Ham.

There might be thought to be a special standard relating to small scale development such as ours and alternatively day to day applications. My own single storey extension at 25 The Spring received permission notwithstanding adverse comment from two owners North of The Spring opposite whereas the report regards the supposed detriment to views to house opposite the land as 'highly adverse' where they are higher and further from the site.

There are no views from the Shires Close development save via a severely oblique angle at the South eaves of the property adjacent the site; the other houses have a North/South

aspect, gardens are screened. Trees within the relevant end garden have just been lopped so that the aspect from the upper floor Westwards will minimally overlook the proposed development of which the owners are aware. The assessment is badly inaccurate.

Regarding the effect on the frontage development West of the site I do of course as indicated above have personal knowledge of this single building and its East facing gable window. If ever there was a remark that causes worry as to the guidance of the person responsible for the work, this is it. The description of 'Medium Adverse' is not well judged.

The reference to property at The Ham, one of the roads forming part of the Grove Farm estate, to the effect that a view is now a rural view to be spoiled is wrong because houses on the same Northern side of The Spring are seen in the foreground from the two houses and the view, I would judge from highway access only, extends to Salisbury Plain over our ground. Housing will be seen mid distance.

#### Mitigation and capacity to accept change.

I have to say that this summary is a wrongly judged assessment of the site partly because of Clay extraction workings on the land but also because of the setting within the village. I am sceptical of the ability of the report authors to balance the value of a view before and after development very especially when the site lies below all the surrounding land. The loss of open, wet grass and rushes is an unfortunate mistake; this is rough, ugly grazing not land I am sorry to say that will fatten lamb. It is no advertisement for the Pewsey Vale.

Most developers abandon sites so that their contribution to the surroundings is no more than an eyesore. I could have done likewise and what a glorious mess would have resulted in a couple of years.



10<sup>th</sup> June 2018.



Mrs G. Clappitt - Dix  
 Head of Spatial Planning,  
 Economic Development and  
 Planning.

County Hall,  
 Trowbridge,  
 Wiltshire, BA14 8JN.

By hand



7th June 2018.

Dear Madam,

re: Wiltshire Draft Housing Site Allocations Plan and  
 threat to Elm Grove Field off Wiltshire Drive, Trowbridge

1. I recently returned from holiday to see a report in the Wiltshire Times, of 18th May 2018, relating to claims that the Council had ignored hundreds of residents' responses to the Draft Plan in a report to a Cabinet Meeting held on 15th May, relating to the Draft Plan as it would affect Trowbridge. I understand that as a result a decision by the Council on the Draft Plan was deferred until a meeting in July for Council members to be given more time to assimilate the content of the 8000 pages of the report referring to those many responses, but summed up with three bullet points.
2. I assume the summary of the responses presented was undertaken by your department, because I was informed last October that the public responses to the Draft Plan would be compiled under various headings within your department in order to present a summary of the various issues to the Wiltshire Council. last October I made a complaint to you about the way my response letter of 29th August 2017 was published on the internet in my name, because my hand written letter was typed up by your department, but split up under your own headings, not the headings I had used, and in a completely different order. The letter started in the middle of a paragraph, which was extracted from the middle of my letter. It ended up as a



jumble of headings in no particular order with a mish mash of information about the various sites jumbled up, with no logical start or end to paragraphs, because of your insistence in presenting it under your headings, for your own internal convenience to summarise the objections in a particular way.

3. I accept that on my complaint you agreed to remove the typed version you had published on the internet without my consent, regarding the way it was shown in its altered format, and agreed to substitute a re-typed copy of my letter in its original format as set out by me, (allowing me to check the re-typed version before it was published on the internet). I stated in writing at the time that if that had not been done the logic of my arguments relating to the split up facts in my original letter would have been lost to the "Planning Officers offering advice to the Council on their deliberations for the Site Allocations Plan, by the dissection of those arguments and the information appertaining to them". I also stated that the same point would apply to the Government appointed Planning Inspector.
4. Your verbal response to that when we spoke on the telephone was that Planning Officers are well versed in dealing with letters which are re-presented in an amended format to help your internal consideration of responses by different people to planning applications. You appeared to be suggesting that Planning Officers are effectively super human, because they can make sense of a response reduced to gobbledygook, as mine was, by the separation of arguments from the original headings and separation from the facts and appropriate subject matter (which may be several pages away), under your own different headings and in a



completely different order within a letter, in my case consisting of 18 pages of A4!

5. That argument is ridiculous, and as I wrote at the time, "does not say much for the likely outcome and accuracy of your deliberations for the consideration of Wiltshire Council", in my letter of complaint of 10th October 2017. It appears that is precisely what has happened, namely all the details of respondent's comments, and the logic of their arguments have been conveniently "lost" in translation to your internal machinations by splitting up responses for your own ends. This is clearly very convenient as a method of defence of your original recommendations to the Wiltshire Council under the Draft Allocations Plan. You and your department wrote the Draft Plan and clearly you do not want it altered by the public. This demonstrates a disgracefully cavalier attitude by your department to the public consultations over this Draft Site Allocation Plan.
6. To make matters worse in the same Wiltshire Times of 18th May there was a report headed "School may go on playing field". This relates to Elm Grove Field, which was dedicated as a Queen Elizabeth II field in 2012, as part of a scheme to celebrate the Queen's diamond jubilee and to create a grassroots legacy after the London Olympics. The paper reported that "Coulston Estates are looking to build 200 homes at Elm Grove Farm, off Doylham lane, and Wiltshire Council's strategic planning officers have recently been talking to them about building a school on the nearby Elm Grove Field, to help with the town's primary school shortage". Elm Tree Farm is site 613 in the Draft Housing



Site Allocations Plan. This use of Elm Grove Field  
right next to site 613 was not mentioned in the  
Draft Plan, therefore no public consultation has  
occurred, even though it should clearly have been  
included at that time.

7. I cannot believe that your Department is speaking  
to developers about a possible change to site 613  
of the Draft Plan, when the consultation process  
has not been concluded by Wiltshire Council. Talk  
about counting your chickens before they are  
hatched! What is the point of this huge so called  
consultation over the Draft Housing Site Allocations  
Plan, if your Department is prepared to start  
talking to developers about amending one of the  
possible sites (ie site 613) before the Council  
has even considered the original Plan, which  
did not include a school on the site of the playing  
field. Yet another indicator of your department's  
Cavalier attitude. It appears there was no  
intention to seek the views of the public over this  
land grab of a public dedicated place.
8. This playing field was dedicated in perpetuity as  
a playing field, yet within a mere 6 years of the  
signing of the Deed of Dedication your department  
is considering allowing it to be built upon, without  
public consultation, and in clear defiance of the  
original intention. This is disgraceful.
9. As a local resident in the Doyaham Ward I  
object strongly to this ever being considered.  
There are 7 schools already within a one-mile  
radius of this site, so it is highly questionable  
whether yet another school is needed on this side of  
Trowbridge. Wiltshire Council would need consent  
from Fields in Trust for this to go ahead, and must



also provide an alternative piece of land with equivalent or better facilities in the same area.

10. It appears from the press report that the developers wish to swap the playing field for another piece of land in their control, which presumably would be part of proposed site 613 of the Draft Plan, because there is no other land nearby that they would own. Site 613 was intended, if included in the Draft Plan when it is considered by the Council, for house building, and it appears from the newspaper report that the developers are trying to obtain easier access to site 613 directly from Wiltshire Drive for that purpose under the guise of offering a school as part of site 613 under the Draft Plan.

11. We do not need or want a school on this site, which is a dedicated playing field, and large open green area for Drynham residents, the only one of any size left in our area. There are many objections to site 613, in any event, to which I have referred in my letter relating to consultations over the Draft Plan in August. Putting a school on this playing field is no more worthy than building houses on it after its dedication as a playing field under the "Fields in Trust" scheme, although the developers might think this more persuasive than the original planning for houses alone. Their entreaties should not have been entertained by your department at all before the Draft Plan was considered, especially without any public consultations, bearing in mind the huge public response to the Draft Plan still awaiting a decision, which you have known about for months.

12. I would like this letter to go before the Cabinet or Council meeting in July when the Draft Plan is considered.

Yours faithfully

**Comments on Wiltshire Housing Site Allocations Plan  
from [REDACTED] Salisbury (Consultation ID [REDACTED])**

**General Points**

The time allowed for consultation (from 15/5/2018 Cabinet meeting to 11/6/2018 consultation closure) is very short, particularly given that nearly 100 documents are being submitted to the Council meeting on 10/7/2018. The consultation does not appear to have been flagged up on Wiltshire Council’s Consultation Portal, nor on the existing webpages which relate to Housing Site allocations.

The responses given in Appendix M to the representations received need further work and clarification. Grouping the representations together and then providing a response seems to have resulted in key points which have been raised being overlooked. As an example, in Part 29 on ‘Implementation and Monitoring’ the point has been raised that Annual Monitoring Reports have not been produced: these are needed to monitor the effectiveness of the Core Strategy. This point is recorded in para 21.134. However the ‘Council’s response to the themes/issues raised [para 21.136] does not address this point.

Similarly, the comment (no. 785) regarding the lack of a Green Infrastructure strategy has been combined with another 132 comments on a variety of topics (Table 21.1). The Council’s response to the issues raised, from para 21.18 – 21.23, makes no reference to the failure to produce this document, and the proposed changes are ‘no changes proposed’. This is not an adequate response to the concerns which have been raised.

**Detailed comments on changes**

Change Ref No.	Comments
PC15/PC16	<p>It is unclear why the entirety of the Churchfields site is being deferred to ‘beyond 2026’ when self-contained parts of this site are currently vacant. Specifically, the Engine Shed site, to the north of Lower Road, is currently available for redevelopment: in 2014 this site was earmarked for imminent redevelopment of a Custody suite for the Wiltshire Police. Nothing came of that particular redevelopment, but it did transpire that the site was owned by Wiltshire Council which should make sale and development relatively easy.</p> <p>The environmental value of this land is still to be properly assessed, but the use of the Engine Shed site would comply with NPPF policies to promote the use of brownfield site [NPPF Para 111: <i>Planning policies and decisions should encourage the effective use of land by re-using land that has been previously developed (brownfield land), provided that it is not of high environmental value.</i>]</p> <p>Since the Engine Shed site is so convenient for the railway station and also for the City Centre and other amenities it would be a prime candidate for a high-density development which is particularly encouraged in the current revisions of the NPPF. [NPPF Draft text for consultation, March 2018, paras 122-123]</p>
PC74	<p>At the time of writing these comments (6/6/2017) the Salisbury Transport Strategy refresh is not completed. The 3 May 2018 document submitted with the other documents is labelled as ‘Draft Salisbury Transport Strategy Refresh’. A number of comments have been raised in respect of the draft Salisbury Transport Strategy, including the lack of metrics which can be used to measure success or otherwise of the transport interventions proposed. It will be</p>

	necessary to have the final version of the Salisbury Transport Strategy available to see whether these have been addressed.
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The right is reserved to make further comments both on the changes proposed and the manner in which representations to date have been dealt with when there is an appropriate opportunity for the public to do so, with sufficient time being allowed for documents to be read and comments to be made.



From: [REDACTED]  
To: [Spatial Planning Policy](#)  
Cc: [REDACTED]  
Subject: Schedule of Proposed Changes to the Wiltshire Housing Site Allocations Pre-submission Draft Plan (May 2018) - PC30 \*Printed HC\*  
Date: 11 June 2018 11:50:19

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Dear Sirs – on behalf of the Landowners ([REDACTED]) and the Developer ([REDACTED]) of the Long Field, Market Lavington (SHLAA Site 3268), we write in response to the Schedule of Proposed Changes to the Wiltshire Housing Site Allocations Pre-submission Draft Plan (May 2018) (the Draft Plan). These Representations should be read in conjunction with our Representations submitted at the Pre-sub submission draft Stage (15<sup>th</sup> September 2017).

The Proposed Changes provided the Council with an opportunity to address the fundamental conflict between the draft Market Lavington Neighbourhood Plan (NP) and the Draft Plan, a conflict that we had drawn attention to in our pre-submission representations. That conflict has been amplified since the Pre-submission consultation because of the considerable progress that the NP has made and the delay in progressing the Draft Plan. The conflict is now very serious and if not resolved will fatally undermine the NP – destroying that principle of the primacy of Neighbourhood Planning (a principle that the Draft Plan purports to espouse). The failure of the Proposed Changes to address this conflict (by holding any additional allocations at Market Lavington in reserve (to be released only should the NP fail to delivery an adequate level of housing) as we had proposed; or otherwise) means that the Draft Plan remains **unsound**.

In relation to the Proposed Changes, we **object** to the proposed increase in the size of Housing Site Allocation H1.2 (Underhill Nursery) (PC30) for the following reasons:

1. The pre-submission draft plan (July 2017) proposed that the Underhill Nursery site allocation should accommodate 50 dwellings (Policy H1). The Plan at Annex A of the Draft Plan shows that the Proposed Change (PC30) increases the size of the allocated site area by about 50% - and yet Table 4.4 (at Paragraph 4.28) still indicates that the allocation will accommodate approximately 50 dwellings. That is clearly non sensical. The Proposed Change will increase the capacity of the site – to accommodate at least 75 dwellings.
2. The increase in the size of this proposed allocation is directly contrary to the clearly expressed views of the Community; namely that further growth at Market Lavington should be accommodated in a few small sites dispersed around the village, rather than concentrated on a single large site. Increasing the size of the Underhill Nursery Allocation will also exasperate further the environmental impact that will be caused by an urban extension in this area (a level of impact that the site selection process has failed to properly assess). In particular, in our opinion the larger site will result in a “high to medium adverse” landscape and visual impact. We note that the Stage 4a Site Landscape Assessment (June 2017) did not assess the impact of developing the larger site that is now proposed. The larger site will also result in greater traffic impact on the village centre.
3. We also believe that the revised proposed site access (now to be achieved by demolishing one half of a pair of semi detached dwellings fronting on to Stirling Road) will have a severe and unacceptable impact on the residential amenity of the retained dwellings on either side. The proposed change to the Draft Plan, to provide an alternative access, is a clear acknowledgement that the site cannot be satisfactorily accessed from Fiddington Hill (as had been originally proposal). Whilst the revised access may be acceptable in terms of highway engineering, it would have an unacceptable impact on neighbouring dwellings. The conclusion is therefore clear – a satisfactory access cannot be provided to the Underhill Nursery site.
4. We assume that the Council is satisfied that this site is deliverable (ie is achievable and available now) with the revised access arrangement (notwithstanding our comments above).

Please acknowledge receipt of these Representations.

Regards

[REDACTED]

[REDACTED]

Director

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▶ [REDACTED]  
Planning Officer

Development Services  
Wiltshire Council  
County Hall  
Bythesea Road  
Trowbridge  
Wiltshire  
BA14 8JN

[REDACTED]

[REDACTED]

Reference [REDACTED]

Date: 13<sup>th</sup> April, 2018

[REDACTED]

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Dear [REDACTED]

Cleeve House, Vicarage Lane, Upavon - Proposed additional dwelling.

I am writing in response to your letter of 28th March.

I note your comments concerning the site and that it may have been segregated at some unspecified point in the past. As far as we are aware that is not in recent history and does not surely bear any relevance in this issue. The review of the settlement boundary needs to be urgently reconsidered to include Vicarage Lane; it is illogical that it is not. Vicarage Lane is part of Upavon village, and has clearly been part of the village for in excess of 100 years. We, along with other residents on Vicarage Lane pay taxes to the Council, including the Parish Council tax. We have never been aware of any consultation by Wiltshire Council of the settlement boundaries or we would have written in. The omission of Vicarage Lane from the settlement boundary is a serious omission by the Council and must surely be rectified. If you are able to raise these concerns with your Local Plan team that would be very much appreciated.

You refer to the absence of a housing needs assessment, though I'm sure you will appreciate that as a private resident we would not have the resources to commission such an assessment, however, you are fully aware that we have been directly approached by an elderly resident who has a need for suitable accommodation in the village, hence us making this enquiry to you. We are prepared to agree to a mechanism within the S106 agreement that the property will only be occupied by someone over the age of fifty five. The buyer has agreed to such a limitation.

I cannot agree with the comment that the proposals would extend development along Vicarage Lane as both Cleeve House and Stable Cottage are located farther along the Lane and you have already observed that a building would have limited visual impact and your Conservation Officer has concluded it

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would not harm the Conservation Area.

The proposed property will have adequate parking and turning as well as meeting the requirements of parking. Any new access would be need to be well designed to ensure the earthworks and landscaping maintains the rural feel along the lane.

I note your comments concerning drainage. I am well aware of the importance of these in the proposals.

The principle of the development is important as the requirement of the property is to meet the need for downsizing. Also for the occupier to be able to live in a property that meets their need in later years and not to be too large or difficult to maintain is important. We are working in conjunction with the buyer to design and build a property that will not only meet their requirement but also to be a blueprint for future generations that will give them their own space, not to be too onerous to maintain but within their means and to give them privacy in a very pleasant location.

Concerning your comment about the location, there are several elderly people in Vicarage Lane and also in Avon Square and Watson Close who do not have problems in getting to the village, which is less than 5 minutes walk. As a matter of correction, there is street lighting in Vicarage Lane and the absence of a footpath does not present any issues as the Lane has few vehicle movements and provides a good surface for people to walk on.





I appreciate the comment that the proposed property would not have a negative impact on the character and appearance of the conservation area. As this is our intention as is the buyer's to have a house which fits in and does not detract from the character of the conservation area. This is one of our prime motivations. I understand the Council's policy stance but would hope that you would agree the omission of Vicarage Lane from the settlement boundary is anomalous and reasonably a dwelling in such a location would be acceptable. Furthermore, as you have identified a small dwelling would have limited visual impact, would not harm the conservation area and would not extend existing built form on the lane. There is an identified need for this self build dwelling for an elderly resident and the property can be retained with such a restriction going forward. There is no identified harm arising from this project and we would ask that you give further consideration on this basis in order to provide appropriate accommodation for the prospective occupier.

Yours sincerely,



**Seend  
Proposals for Revised Settlement Boundaries**





Page 327

-  Settlement Boundary (HSAP Further Proposed Changes June 2018)
-  Settlement Boundary (HSAP Submission May 2018)
-  Settlement Boundary (HSAP Pre Submission June 2017)
-  Settlement Boundary (WCS January 2015)



**Winterslow  
Proposals for Revised Settlement Boundaries**

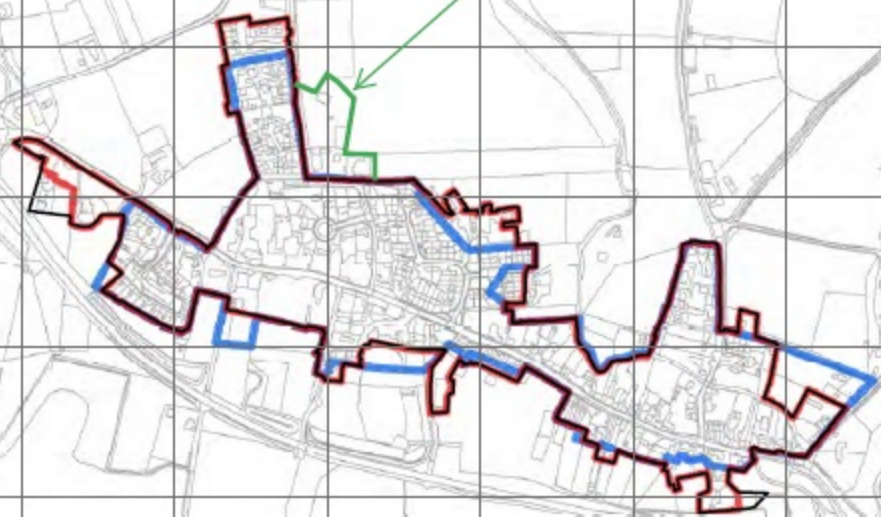
Page 328





-  Settlement Boundary (HSAP Further Proposed Changes June 2018)
-  Settlement Boundary (HSAP Submission May 2018)
-  Settlement Boundary (HSAP Pre Submission June 2017)
-  Settlement Boundary (WCS January 2015)



**Codford  
Proposals for Revised Settlement Boundaries**

Page 329



-  Settlement Boundary (HSAP Further Proposed Changes June 2018)
-  Settlement Boundary (HSAP Submission May 2018)
-  Settlement Boundary (HSAP Pre Submission June 2017)
-  Settlement Boundary (WCS January 2015)

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**Wiltshire Council**

**Cabinet**

**3 July 2018**

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**Subject: Local Government and Social Care Ombudsman  
Complaint**

**Cabinet Members: Councillor Jerry Wickham - Adult Social Care, Public  
Health and Public Protection**

**Key Decision: No**

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## **Executive Summary**

The Local Government and Social Care Ombudsman considers complaints from members of the public that they have suffered injustice as a result of maladministration and/or service failure by local authorities and other bodies within its jurisdiction. The Ombudsman has extensive investigation powers and can make findings based upon a balance of probabilities test, similar to the civil courts.

The Ombudsman published a report on 27 April 2018 finding maladministration against the Council that caused injustice to the complainant, Mrs. N, regarding the provision of respite care and travel support for her son Mr. P.

Where the Ombudsman reports that injustice has been caused to a person in consequence of maladministration, the relevant body, in this case the Cabinet, must, within three months of the publication of the report, consider the report and notify the Ombudsman of the action which the Council has taken or proposes to take.

The Council must also make arrangements for the publication and inspection of the report as set out in the relevant legislation.

Following consideration by Cabinet, the report will also be referred to the Overview & Scrutiny Management Committee and the Standards Committee.

## **Proposals**

**Cabinet is recommended to:**

- a) Note the findings and recommendations in the Ombudsman's report published on 27 April 2018;**
- b) Confirms the Council's acceptance of the Ombudsman's findings and recommendations and the actions to remedy the injustice as set out in the report.**
- c) Authorise the Director of Adult Care Services in consultation with the Cabinet Member for Adult Social Care, Public Health and Public Protection to take the necessary steps to address the issues raised in the Ombudsman's report.**
- d) Require that a progress report is made to the Standards Committee and to the Health Select Committee within 6 months.**

## **Reason for Proposals**

To enable the Council to consider the Ombudsman's report and formally confirm its response to the Ombudsman as required by law.

**Ian Gibbons, Director of Legal & Democratic Service and Monitoring Officer**

**Tracy Daszkiewicz, Director of Adult Services**



## **Wiltshire Council**

### **Cabinet**

**3 July 2018**

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**Subject: Local Government and Social Care Ombudsman  
Complaint**

**Cabinet Members: Councillor Jerry Wickham - Adult Social Care, Public  
Health and Public Protection**

**Key Decision: No**

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### **Purpose of Report**

1. The purpose of the report is to inform Cabinet of the findings and recommendations in the report of the Local Government and Social Care Ombudsman (“the Ombudsman”) published on 27 April 2018 and to confirm the Council’s response to the report.

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

2. The issues raised within the Ombudsman’s report are integral to the Wiltshire Council Business Plan 2017 – 2027. They highlight the need to ensure protection of the most vulnerable in our community. This is achieved through a balanced and collaborative approach to empowering and safeguarding families and individuals, whilst ensuring there is a joined-up approach to health and care integration.

### **Background**

3. Mr. and Mrs. N have an adult son, Mr. P, who has complex needs that are eligible for support. He has always lived at home with his parents. Mr. N is disabled and Mrs. N is the carer for both Mr. N and Mr. P. At her request, the Council pays her via direct payments to be Mr. N’s carer.
4. Mr. P has attended a day care facility on weekdays and the same respite centre for many years. The Council has provided transport for him to day care and residential respite care. The family lived in a house about 10 miles from the day care centre. In late 2015, Mr. and Mrs. N relocated within the County being keen that the existing care package should remain.
5. In June 2016, Mr. P’s transport funding was reduced, with a request that Mrs. N undertake two journeys per week between the home and the day centre or alternatively, fund the trips at a cost of £30.00 per trip. A decision was also taken to reduce respite care from 104 nights per year to 68 nights per year.
6. Mrs. N complained, initially under the Council’s Complaints Procedure, both in relation to the transport, as she was also required to care for her husband and to undertake the journeys would result in her husband being left

unaccompanied for up to 6 hours. Mrs. N also complained in relation to the reduction of respite care provision. Mrs. N subsequently complained to the Ombudsman.

### **Ombudsman's conclusions**

7. A copy of the Ombudsman's report is attached at Appendix 1. The Ombudsman's conclusions are set out at paragraphs 66-99 of the report.
8. The Ombudsman concluded that the Council was at fault in the way in which it reduced the level of respite and transport provision. The request that transport be provided or funded by the family, was not based upon an assessment of need and therefore, in breach of the requirements of the Care Act.
9. The Ombudsman further concluded that the Council was at fault in the use and application of the Matrix Assessment Tool and for introducing the reduction in respite care, as quickly as it did. The Matrix Assessment Tool involved a four-stage assessment process, that assisted in the assessing of needs and allocation of available resources.
10. The Ombudsman also concluded the Council was at fault for having processed the complaint, by way of a two-stage complaint process, as opposed to a one stage complaints process, in accordance with the statutory scheme for adult care complaints under the 2009 Regulations.

### **Ombudsman recommendations**

11. The Ombudsman's recommendations are set out in paragraphs 101-103 of the report. These include a requirement for the Council to consider the report and confirm, within three months, the action it has taken or proposes to take. The recommendations are as follows:
  - Apologise to Mrs N.
  - Restore the previous level of respite care pending a reassessment compliant with the Care Act 2014.
  - Confirm it will offer her 24 days' respite care, to be taken at a time of her choosing, in recognition of the respite care wrongly withdrawn.
  - Pay Mrs N £747.50 in recognition of the money she paid the Council for transport.
  - Pay Mrs N £500 in recognition of distress and time and trouble.
  - Review its policy and procedure on respite care, to reflect the requirements of the Care Act 2014.
  - Review other files for evidence of use of the Matrix Assessment Tool. It should write promptly to anyone similarly affected and review their cases.
  - Review the files of anyone whose transport was cut, to ensure these cuts were compliant with the Care Act.
  - Inform the Ombudsman of the numbers of people involved and undertake to review all cases, within a further three months.
  - Ensure all staff receive training in the requirements of the Care Act and the relevant guidance.
  - Review all relevant documents to ensure they reflect the current law.

## **Main Considerations for the Council**

12. The Council has considered and accepted the conclusions and recommendations of the Local Government and Social Care Ombudsman.
13. To address the recommendations, an action plan has been developed (Appendix 2) which is supported by a tracking tool to ensure all actions are completed, within the suggested time frame, by the end of July 2018.
14. Additional resources have been provided from colleagues, in other Adult Social Care teams, to ensure actions are prioritized and delivered. A total of 142 customers have been identified as needing a review and all have been allocated a worker. Approximately 30% of these reviews have now been completed and all are scheduled to be carried out before the end of July. Of those completed, there have been no significant financial implications for the Council, as a result of this activity.
15. As part of the adult care transformation programme, all policies and procedures relating to assessment and support planning have been reviewed and are in line with Care Act guidance. In addition, Care Act training for all social care staff, from induction through to regular updates, has been provided, with additional training sessions being implemented with the Learning Disability Teams. This specifically includes training, with regard to support planning and the use of respite care to meet eligible need.

## **Overview and Scrutiny Engagement**

16. It is proposed that progress in implementing the agreed actions on this matter is reviewed by the Council's Overview and Scrutiny Management Committee after 6 months.

## **Safeguarding Implications**

17. The actions that are to be taken in response to the Ombudsman's Report will strengthen the approach of Wiltshire Council to safeguarding the interests of services users.

## **Public Health Implications**

18. The public health implications of this report, relate to services users, their carers and wider families. The adoption of the conclusions and recommendations of the Local Government and Social Care Ombudsman will further ensure a positive impact upon individual health and wellbeing.

## **Procurement Implications**

19. The report does not contain or result in procurement implications.

## **Equalities Impact of the Proposal**

20. The equalities impact of the adoption of conclusion and recommendations of the Local Government and Social Care Ombudsman further enhance the provision of services delivered by Adult Social Care.

## **Environmental and Climate Change Considerations**

21. There are no environment and climate change implications associated with this report.

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

22. The Council has accepted the conclusions and recommendations of the Ombudsman's report. Failure to implement the recommendations would result in customers and families potentially not receiving the appropriate amount of care to meet their needs. There would also be legal and reputational risks to the Council.

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

23. None identified.

## **Financial Implications**

24. It is not anticipated that this process will incur significant increased costs to the Council,

## **Legal Implications**

25. The Local Government and Social Care Ombudsman considers complaints from members of the public that they have suffered injustice, as a result of maladministration and/or service failure by local authorities and other bodies within its jurisdiction. The Ombudsman has extensive investigation powers and can make findings, based upon a balance of probabilities test, similar to the civil courts.

Where the Ombudsman reports that injustice has been caused to a person, in consequence of maladministration, the relevant body, in this case the Cabinet, must, within three months of the publication of the report, consider the report and notify the Ombudsman of the action which the Council has taken or proposes to take.

The Council must also make arrangements for the publication and inspection of the report as set out in the relevant legislation.

**Directors : Ian Gibbons, Solicitor to the Council and Monitoring Officer,  
Tracy Daszkiewicz, Director of Adult Services**

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Date of report 6<sup>th</sup> June 2018

## **Appendices**

1. Local Government and Social Care Ombudsman Report 12<sup>th</sup> April 2018:  
16015946
2. Recommendation Action tracker

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**Report by the Local Government and Social  
Care Ombudsman**

**Investigation into a complaint against  
Wiltshire County Council  
(reference number: 16 015 946)**

**12 April 2018**

## The Ombudsman's role

For 40 years the Ombudsman has independently and impartially investigated complaints. We effectively resolve disputes about councils and other bodies in our jurisdiction by recommending redress which is proportionate, appropriate and reasonable based on all the facts of the complaint. Our service is free of charge.

Each case which comes to the Ombudsman is different and we take the individual needs and circumstances of the person complaining to us into account when we make recommendations to remedy injustice caused by fault.

We have no legal power to force councils to follow our recommendations, but they almost always do. Some of the things we might ask a council to do are:

- > apologise
- > pay a financial remedy
- > improve its procedures so similar problems don't happen again.



## Investigation into complaint number 16 015 946 against Wiltshire Council

### Contents

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Section 30 of the 1974 Local Government Act says that a report should not normally name or identify any person. The people involved in this complaint are referred to by a letter or job role.

### Key to names used

Mrs N – The complainant acting on behalf of her son

Mr N – Her husband

Mr P – Their son, an adult in need of specialist care

## Report summary

### Adult Care Services

Mrs N cares for Mr P, her son. She complains the Council has wrongly cut the respite care provided for her son and has wrongly asked her to pay towards the cost of her son's transport between home and day care.

### Finding

Fault found causing injustice and recommendations made.

### Recommendations

The Council has accepted our recommendations. The Council will consider the report at its full Council or Cabinet or other appropriately delegated committee of elected members and confirm within three months the action it has taken or proposes to take. We will require evidence of this.

In addition to the requirements set out above the Council has agreed to take the following action to remedy the injustice identified in this report. The Council will:

- Apologise to Mrs N;
- Restore the previous level of respite care pending a re-assessment compliant with the Care Act 2014;
- Confirm it will offer her 24 days respite care to be taken at a time of her choosing in recognition of the respite care wrongly withdrawn;
- Pay Mrs N £747.50 in recognition of money she paid the Council for transport;
- Pay Mrs N £500 in recognition of distress and time and trouble;
- Review its policy and procedure on respite care to reflect the requirements of the Care Act 2014;
- Review other files for evidence of use of the Matrix Assessment Tool (MAT). It should write promptly to anyone similarly affected and review their cases;
- Review the files of anyone whose transport was cut to ensure these cuts were compliant with the Care Act;
- Inform the Ombudsman of the numbers of people involved and undertake to review all cases within a further three months;
- Ensure all staff receive training in the requirements of the Care Act and the relevant guidance; and
- Review all relevant documents to ensure they reflect the current law.

## The Complaint

1. Mrs N and her husband care for their disabled adult son, Mr P. Mrs N complains the Council has wrongly cut Mr P's respite care and she was wrongly asked to pay towards the cost of his transport to and from his day care centre.

## Legal and administrative background

2. We investigate complaints about 'maladministration' and 'service failure'. In this report, we have used the word fault to refer to these. We must also consider whether any fault has had an adverse impact on the person making the complaint. We refer to this as 'injustice'. If there has been fault which has caused an injustice, we may suggest a remedy. (*Local Government Act 1974, sections 26(1) and 26A(1), as amended*)
3. The Ombudsman may investigate matters coming to our attention during an investigation, if we consider a member of the public who has not complained may have suffered an injustice as a result. (*Local Government Act 1974, section 26D and 34E*)
4. When investigating complaints, if there is a conflict of evidence, the Ombudsman may make findings based on the balance of probabilities. This means that during an investigation, we will weigh up the available evidence and base our findings on what we think was more likely to have happened.

## Social care

5. The Care Act 2014 introduced a requirement that local authorities should promote 'wellbeing' and '*signifies a shift from existing duties on local authorities to provide particular services, to the concept of 'meeting needs'.... The concept of meeting needs recognises that everyone's needs are different and personal to them. Local authorities must consider how to meet each person's specific needs rather than simply considering what service they will fit into*'. (*Care and Support Statutory Guidance, Ch 1*)
6. Councils must also consider the importance of preventing or delaying the development of needs for care and support among carers. Statutory guidance recommends 'tertiary prevention' methods such as respite care. (*Care and Support Statutory Guidance 2.10*)

## Needs assessment

6. A council must carry out an assessment of any adult who seems to need care and support. It must also involve the individual and where appropriate their carer or any other person they might want involved. (*Care Act 2014, section 9*)
7. Having identified eligible needs through a needs assessment, the Council has a duty to meet those needs. (*Care Act 2014, section 18*)
8. The Care Act sets out examples of different ways a council can meet eligible needs. Examples include accommodation in a care home, care and support at home, counselling and social work, and information, advice and advocacy. (*Care Act 2014, s 8*)

9. If a council decides a person is eligible for care, it must prepare a care and support plan. This must set out the needs identified in the assessment. It must say whether, and to what extent, the needs meet the eligibility criteria. It must specify the needs the council intends to meet and how it intends to meet them. (*Care Act 2014, ss 24 and 25*)
10. A council should revise a care and support plan where circumstances have changed in a way that affects the care and support plan needs. Where there is a proposal to change how to meet eligible needs, a council should take all reasonable steps to reach agreement with the adult concerned about how to meet those needs. (*Care Act 2014, s27(4) and (5)*)
11. The care and support plan must set out a personal budget which specifies the cost to the local authority of meeting eligible needs, the amount a person must contribute and the amount the council must contribute. (*Care Act 2014, s 26*)
12. The High Court has confirmed an individual's wishes are not the same as their needs and their wishes are not the paramount consideration. A council must have 'due regard' to an adult's wishes as a starting point, but social workers are entitled to exercise their professional skills and judgement in deciding how to meet eligible needs. (*R (Davey) v Oxfordshire County Council [2017] EWHC 354 (Admin)*)
13. A person with eligible care needs can have a council arrange their care. Or, if they wish, they can arrange their own care using a direct payment. (*Care Act 2014, s 31*)

## **Carers**

14. A council must consider whether to carry out a carer's assessment if it appears the carer has need for support. It must assess the carer's ability and willingness to continue in the caring role. It must also consider the results the carer wishes to achieve in daily life and whether support could contribute to achieving those results (*Care Act 2014, s10*)
15. The Act says the local authority can meet the carer's needs by providing a service directly. In these cases, the carer must still receive a support plan which covers their needs, and how they will be met. (*Care Act 2014, s 25*)
16. The Council can also provide a carer's personal budget, which must be sufficient to enable the carer to continue to fulfil their caring role. The Council should consider the carer's wishes for their day-to-day life. The Council should try to agree the personal budget and its use during the planning process. (*Care and Support Statutory Guidance 2014*)

## **Allocation of resources**

17. The Care and Support Statutory Guidance states:
  - a. *"It is important to have a consistent method for calculating personal budgets that provides an early indication of the appropriate amount to meet the identified needs to be used at the beginning of the planning process. Local authorities should ensure that the method used for calculating the personal budget produces equitable outcomes to ensure fairness in care and support packages*

regardless of the environment in which care and support takes place, for example, in a care home or someone's own home. Local authorities should not have arbitrary ceilings to personal budgets that result in people being forced to accept to move into care homes against their will." (Ombudsman's emphasis added. *Care and Support Statutory Guidance 2014, 11.22*)

- b. "There are many variations of systems used to arrive at personal budget amounts, ranging from complex algorithmic-based resource allocation systems (RAS), to more 'ready-reckoner' approaches. Complex RAS models of allocation may not work for all client groups, especially where people have multiple complex needs, or where needs are comparatively costly to meet, such as in the case of deaf-blind people. It is important that these factors are taken into account, and that a 'one size fits all' approach to resource allocation is not taken. If a RAS model is being used, local authorities should consider alternative approaches where the process may be more suitable to particular client groups to ensure that the personal budget is an appropriate amount to meet needs" (Ombudsman's emphasis added. *Care and Support Statutory Guidance 2014, 11.23*)

## Complaints procedure

18. Councils should ensure complaints are dealt with efficiently. (*Local Authority Social Services and National Health Service Complaints (England) Regulations (2009) reg 3*)

## How we considered this complaint

19. We produced this report after speaking to Mrs N. We asked the Council for its relevant files and documents. We gave the complainant and the Council two confidential drafts and invited comments. We took their comments into account before finalising the report.

## Investigation

### Background

20. Mr and Mrs N have an adult son, Mr P, who has complex needs. He has severe learning difficulties and epilepsy. He has always lived at home with his parents.
21. Mr P needs constant care. He is doubly incontinent, incapable of speech and has severe cognitive impairment. Mrs N says she sleeps lightly because of concerns about his epilepsy. He is often awake through the night. Mrs N describes herself as 'close to breaking point'.
22. Recently, Mr N has also become disabled. He can only walk short distances and had to take early retirement. Mrs N acts as carer to both Mr N and Mr P. At her request, the Council pays her via direct payments to be Mr N's carer.
23. Since leaving school, Mr P has attended a day care facility within the Council's area on week days. He has attended the same respite centre for many years. The Council has provided transport for him to day care. It also provides residential respite care. The family lived, until 2016, in a house about 10 miles from the day care centre.

## Council's transport duty

24. The Council must provide transport to adults in need of social care where this is necessary for them to receive care. It assesses eligibility for such transport according to the *Eligibility Criteria for Community Care Transport* document (2005). This states:
- *'The test of eligibility is 'Would the failure of the Council to provide transport result in an eligible need for services going unmet'*
  - *The Council would not normally provide transport for individuals in receipt of a Motability payment.*
25. For many years, the family has had a Motability vehicle to help with Mr P's transport. Nonetheless, the Council did not expect Mrs N to drive Mr P to and from day care.

## The Matrix Assessment Tool

26. The Council adopted its 'Matrix Assessment Tool' ('MAT') in 2007. Its stated purpose was to *'ensure limited resources could be fairly allocated to families based on need'*.
27. The Council's document *'The Matrix Assessment – How it Works'* (*'How it works'*) explains the process. There are four stages:
- a. **Stage one:** assess applicant's need for respite care. The MAT allocates a score in various categories to reflect the applicant's level of disability or need.
  - b. **Stage two:** assess the 'current provision of service'. This provides a second score which must be subtracted from the 'need' score.
  - c. **Stage three:** assess 'the carer's situation'. The 'carer's score' is then added to the previous total.
  - d. **Stage four:** The Council assesses those requiring respite care and lists applicants according to their scores. The Council then calculates the number of respite beds available. It then divides the number of beds available by the number of beds required. This calculation creates the 'coefficient'. The Council then multiplies the score of each service user by the coefficient. This produces a number which will be the number of nights' respite he will receive that year.
28. *How it Works* contains a specimen calculation; the Council has 1400 bed nights available and the demand is for 2750 bed nights. The Council has half the number of beds it needs which produces a coefficient of 0.5. With this coefficient in place, an applicant with a score of 160 would receive 80 nights respite care (160 multiplied by 0.5).

## Introducing reductions gradually

29. *How it Works* contains the following guidance; *'Some people will have allocated levels below their current level of service. To avoid causing sudden drops in service levels, it is intended that any gap will not be greater than 80% of the current level.'*

*For example*

*Current level = 75 nights*

*Assessed level = 59 nights*

*gap = (75 – 59) 16 nights*

*80% of 16 = 13*

*actual level = 59 + 13 (72) nights’.*

30. *‘Each year the level will be reduced by a further 20% until the assessed level is reached, or if individual needs change, a re-assessment indicates a new assessment level’.*
31. The wording used in *How It Works* is somewhat ambiguous. However, by following the calculations, it is clear that only 20% of any proposed reduction should be made each year.
32. Until 2016, the Council funded four consecutive nights of respite care every other week. (104 days respite care per year).
33. In 2013, the Council carried out a comprehensive assessment of Mr P’s needs. His eligibility level under the prevailing criteria were recorded as:
  - Managing behaviour and actions – critical
  - Managing personal care – critical
  - Access, mobility and transfers – critical
  - Nutritional needs – critical
  - Running and maintaining your home – critical
  - Keeping safe – critical
  - Making decisions and organising your life – critical
  - Community life, work and learning – critical
  - Family relationships – critical
34. The Council accepts Mr P’s needs have not changed since 2013.

## **Review 2015**

35. In April 2015, the Care Act came into force. The Council reviewed Mr P’s needs. The review took some time because Mr P was ill. The review document stated his needs could be met by an indicative budget of ‘£1000 to £2000 a week’. The Council has told me the indicative budget figure in the April 2015 review document was a misprint and should have read ‘£700 to £1000 a week’.

## **House move**

36. In late 2015, Mr and Mrs N decided to move. Mrs N was very keen that Mr P should keep his existing care package at their new home.

37. The Council's records show Mrs N emailed the Council in December 2015 saying; *'Good morning, my son uses adult care services in the [local town] area, receiving transport to and from [Mr P's] day care centre. Could someone make contact with me please as we have now sold our house and need to know if the house we are about to offer on is still [in] the catchment area.'*
38. A few days later, the Council wrote back saying the house was *'in our catchment area'*.
39. Mrs N wrote again saying *'we have tried to get some guide lines as to where we can move to whilst keeping [Mr P's] all-important care package and understood, as long as we didn't move to [local village] which we understood was the boundary, we should be fine'*. There is no record of the Council's response.
40. Mr and Mrs N bought the property. In January 2016, she contacted the Council to give the new address. The Council asked her to tell them when they moved. Mrs N then emailed back asking if he could keep the same escort *'to give [Mr P] some continuity when he most needs it'*.
41. Mrs N says she saw these conversations as assurances she would retain the same services at the new house.
42. The Council says Mrs N was not justified in this belief. It says; *'It is quite a different thing for the Council to say that Mr P would continue to receive support to whether Mr P would continue to receive support at a particular service'*.
43. *'None of the contemporaneous recordings support Mrs N's version of what was said. In the Council's view, what Mrs N asserts was said would be contrary to section 27 Care Act as a change of address would be a change of circumstances that would require a review of the care and support plan'*.

### **Review of transport/respice care**

44. In June 2016, Mrs N spoke to another parent at the day care centre who told her the Council had withdrawn or limited the transport provision of many of the centre's users. Mrs N contacted the Council to ask if it intended to cut Mr P's transport funding.
45. Not long afterwards, the Council told Mrs N it had decided to cut Mr P's transport funding and to ask Mrs N to provide two journeys a week between home and day care. She could either pay the Council £30 a trip or provide the transport herself.
46. The Council said it had also decided to cut respice care from 104 nights per year to 68 nights per year. The Council said it had calculated the new level using the MAT.
47. Mrs N complained about these decisions. With regards to the transport, she said she had to care for her husband. The round trip to and from the day care centre could take her three hours, including getting Mr P in and out of the car. This would leave Mr N at home, uncared for. The Council says Mr N does not require constant care.



## **Council's explanation for transport cut**

48. The Council said, *'the eligibility for transport explains we do not offer transport for anyone who has access to their own mobility vehicle. However, there is no expectation that a carer should have to drive more than 100 miles per week.... The cost of transport is approx £60 a day from your current home address. If your son was to return his mobility car it is likely the money he receives instead ... will only cover the cost of one day and the Council would have to provide transport for the additional 4 days. Therefore, as an alternative ... you could either provide one day of transport or purchase one day of transport instead. I understand the mornings can be a difficult time for you and as a solution I would suggest transport is provided two afternoons instead'*.
49. The Council now says the cost of transporting Mr P from the new house to the respite centre is £90 per day.

## **Assessment September 2016**

50. In September 2016, the Council conducted a review of Mr P's needs. In the summary, it said, *'all support needs are being met – no change required...., 'Mrs N is happy to continue as Mr P's main carer and for him to reside in the family home (respite, day care and transport arrangements need to remain unchanged to continue to support)'*.
51. Mr P's eligibility for services remained unchanged. His wellbeing outcomes remained unchanged. Mr P's indicative budget was, however, recorded as *'£700 to £1000 per week'*, a reduction from the level set at the previous assessment.

## **Respite care**

52. Mrs N said she needed the respite care to remain at its current level. She said she wanted to care for Mr P but could not do so without respite.
53. The Council said it had carried out a fresh calculation of the family's respite care entitlement. It said it had applied the provisions set out in the MAT. It had assessed Mr P's and Mrs N's needs against the MAT framework and awarded a score of 167.
54. It had then, it said, multiplied this figure by a coefficient of 0.5 to produce 68.47 thereby making the family eligible for 68 days respite care per year. (It had, in fact, used a coefficient of 0.41. It has done so ever since it introduced the MAT).
55. It said Mrs N had been receiving a level of respite care above that which it gave in similar cases. It said the change would be introduced 'gradually' and would be fully in place by April 2017
56. After a lengthy email exchange, and several meetings, during which a range of options, including options for Mr P's respite, were discussed, the Council informed her it would impose the changes to transport and respite.
57. The transport changes were introduced immediately. The Council said it would introduce the reduction in respite 'gradually' between December 2016 and April 2017.

58. In response to our enquiries, the Council wrote *'The support being offered to the family is in line with the individual's needs as assessed by Adult Care Services; is in line with the Council's policies and procedures; and in line with the Care Act 2014, the legislation that the Council is required to consider when assessing and meeting the unmet eligible needs of each person. The level of support being offered is in line with others who have similar assessed needs.'*
59. *'Mrs N has stated that she and [Mr N] have recently made decisions regarding where within [the council area] they live, ensuring they stay within the county boundary. However, they are residing in an area much further away from the services that her previous assessment noted, contributing to some of the increases in costs of the services Mr P receives. The Council believes it has tried to explore and offer a range of options to assist Mrs N and her family maximise the personal budget they are eligible to receive, but Mrs N has consistently refused to explore these options insisting that she and Mr P only receive the services in the way they have previously.'*
60. We asked the Council to restore respite care during our investigations into the case. It responded *'...The allocation of support being provided is at the top level...therefore I am not able to agree funding a person above the amount the council deems appropriate.'*

### **Current situation**

61. Mrs N says she wants to remain as Mr P's main carer. However, she believes she will not be able to do so unless her previous level of respite is restored.
62. The Council says it wants Mrs N to allow Mr P to attend day care in a facility closer to the new house. It says this will be cheaper. Mrs N refuses to allow this. She says the Council assured her she could move to the new house and continue to use the same day care centre. She says this is 'non-negotiable'.
63. Mrs N cares for her husband and says this has increased her need for respite at a time when the Council has cut it. She says she is exhausted as Mr P often keeps her up for hours. She says she sleeps poorly anyway as she is worried about the possibility of Mr P's sudden death from epilepsy. For this reason, she will not take sleeping pills.
64. Mrs N says she is being treated by her doctor for chest pains. She says she is frequently distressed, *'tearful and unsettled'*. She has been offered antidepressant medication by her GP but has refused it.
65. Mrs N was unhappy with the Council's responses to her complaint, so she complained to the Ombudsman

### **Conclusions**

66. The Council was at fault for the way in which it reduced both the level of respite care and the transport provision. The reasons why are set out below.

## **Funding limits**

67. The Council says the family is receiving care '*at the top level*'. This approach does not accord with the Care Act which requires councils to assess and meet eligible needs. The Council cannot set maximum budget levels. The Act says eligible needs must be met, no matter what the cost.
68. The Council says the indicative weekly budget set at the April 2015 review was wrongly recorded as £1000 - £2000 a week. It says it should have been £700 - £1000. This is immaterial. The only question is whether the Council is meeting eligible needs.
69. The Council has provided me with its bandings. It says Mr P's disability falls into a certain band and therefore his funding cannot exceed a certain level.
70. Again, this approach does not accord with the Care Act. The Council may use bandings as a guide but, as the Care and Support Statutory Guidance states, such systems are unlikely to work in complex cases like Mr P's.
71. The Council has provided evidence that the cost of transport from the new family home is much higher than before. It says there is alternative provision closer to the new house and it wants Mr P to go there. Mrs N is adamant this should not happen.
72. Mrs N cannot, in the end, insist on the location of care. Nor can the Council cap care on the basis of cost. The Council must use its professional judgment to decide where care is provided. Mrs N may have a strong preference for a certain day centre but the Council does not have to provide care at that centre.
73. The Council may, however, have created an expectation that Mr P's care and respite would continue unchanged if the family moved. This may give Mrs N grounds to resist any such change. We make no finding on this though please see paragraphs 96 and 97 for our views on the evidence

## **Decision to ask Mrs N to fund/provide one day of transport**

74. The Council's decision to ask the family to either fund or provide one day's transport per week appears to have been part of a general withdrawal of provision and a cost cutting exercise. It was not based on assessments of need and was therefore in breach of the requirements of the Care Act and was fault.
75. In Mrs N's case, asking Mrs N to provide the transport would have resulted in Mr N's needs going unmet. Mrs N is his carer too. Asking Mrs N to provide one day's transport per week for Mr P would result in Mr N being left alone for six hours.
76. The Council's guidance on transport says; 'The test of eligibility is 'Would the failure of the Council to provide transport result in an eligible need for services going unmet?'. Clearly, in this case, it would.

77. The Council also has a Care Act duty to consider the wishes of those involved; service users and carers. It cannot force an unwilling carer to provide care she reasonably states she cannot give.
78. The Council also relied on its rule, not contained in the policy, that no-one should have to drive more than 100 miles per week. The Council suggested Mrs N should drive 100 miles, not in a week, but in one day or two (two round trips of fifty miles).
79. There is no evidence the Council considered whether Mrs N, who complains of sleepless nights looking after Mr P, would be able to provide this transport. The Council was at fault, therefore, for failing to follow its own guidance, to comply with the Care Act and for applying an unwritten criterion with no basis in the assessment of eligible needs.
80. For the reasons given, the Council was at fault for the way in which it reduced the funding for transport. This fault has caused injustice. Mrs N has been required to pay £60 per week towards the cost of transport when she should not have been.
81. The Council has agreed to repay her for this but it argues this figure should be reduced by the Council's weekly transport contribution (payable by all users) multiplied by the number of weeks reduction.
82. The Council charges all transport users £3.70 a day (£18.50 a week). We accept this request as fair. The Council has agreed to repay Mrs N £747.50.

### **Use of the Matrix Assessment Tool (MAT)**

83. The MAT predates the Care Act. Its purpose is to ration available resources. The Care Act requires councils to meet eligible needs. It does not allow rationing for any reason. If a council cannot meet an eligible need, it must pay someone else to meet it.
84. The MAT is, therefore, incompatible with the Care Act. The Council is at fault for continuing to use it. If the Council has used the MAT in other cases, this will also be fault. We shall return to this point in our recommendations.
85. The Council was at fault in reducing the family's care as it did and Mrs N has suffered injustice. She says she cannot cope without the respite care and the cut has caused her great distress. She says she has been treated by her doctor for this.
86. The Council accepts it did not use the MAT as prescribed in its own guidance. It accepts its failure to recalculate the coefficient has reduced the MAT's effectiveness as a tool.
87. It maintains the MAT was effective in informing care and support planning but accepts the approach does not accord with the guidance and has agreed to stop using it.

### **Failure to apply MAT guidance on reducing care gradually**

88. The Council was also at fault for introducing the reduction in care as quickly as it did. The cut in care was calculated using the MAT and the MAT guidance is clear that only 20% of any respite reduction should be introduced each year. This should have meant a reduction of 6 nights in year one, from 104 nights per year to 98 nights per year.

89. In practice, the entirety of the reduction was made immediately. The Council cut the respite care by 36 days in year one and reduced her respite care from four days every two weeks to three days every two weeks with immediate effect. The family has had three days respite per week ever since.
90. Even if any reduction could be justified by the current law and guidance, it was not introduced in line with the Council's own guidance set out in *How It Works*. Nor was it introduced 'gradually' as the Council said.
91. The Council said, in response to the first draft of this report, '*the reduction had no connection to the possible uses of the MAT when it was introduced by the Council in 2006. The Council has never changed the coefficient that would lead to a deduction in support to all those using respite services*'.
92. This argument does not help the Council. The reduction was calculated using the MAT and, if the reduction was to be introduced, it should have been introduced at the rate set out in the MAT guidance. The failure to do so was fault.
93. Further, the Council never calculated the coefficient during the period it used the MAT. This too was fault. The coefficient was intended to represent the ratio of available beds to demand. Because the Council never calculated it, it did not do so. It should have been calculated at least once a year.
94. In any event, the MAT is incompatible with the Care Act. The Act states that the Council must assess eligible needs and meet them. It cannot ration care on the basis that it does not have sufficient capacity.
95. This fault caused Mrs N and her family additional injustice. Mrs N says she has not been able to cope and has suffered a great deal of distress because of the reduction in the respite care which was calculated erroneously and introduced immediately.

### **Assurances about moving to new house**

96. I find, on a fair reading of the Council's records, Mrs N was asking about retaining Mr P's current provision and not continuing to be eligible for support from the Council. She speaks of a desire for '*continuity*' and the '*need to retain the all-important care package*'.
97. Mrs N believes the Council assured her she would retain the existing care package if she moved. I find the notes support her claim. Whether knowingly or not, the Council created an expectation that Mr P would retain his existing service after moving.

### **Two stage complaints process**

98. *In December 2016, the Council responded to Mrs N's "stage two complaint". Since April 2009 The Local Authority Social Services and National Health Service Complaints (England) Regulations (2009) and the Department of Health Listening, Responding, Improving (2009) guidance require a "proportionate, achievable and cost-effective" investigation. This has been interpreted to mean a one stage, rather than a multi stage, procedure for all adult social care complaints.*

99. The Council's website says it uses a one stage process. The Council seems to have put Mrs N's complaint through two stages. The Council is at fault for failing to follow its own procedures, and for not complying with the intention of the regulations and guidance. The Council has accepted it was at fault.

## Decision

100. The Council was at fault both for reducing the respite care and for asking Mrs N to contribute towards the transport. This fault caused injustice. In particular it caused her stress and affected her wellbeing. We have suggested a remedy to reflect this.

## Recommended actions

101. We welcome the Council's agreement to our recommendations.
102. The Council will consider the report at its full Council or Cabinet or other appropriately delegated committee of elected members and confirm within three months the action it has taken or proposes to take. We will require evidence of this. (*Local Government Act 1974, section 31(2), as amended*)
103. In addition to the requirements set out above the Council has agreed to take the following action to remedy the injustice identified in this report. The Council will:
- Apologise to Mrs N;
  - Restore the previous level of respite care pending a re-assessment compliant with the Care Act 2014;
  - Confirm it will offer her 24 days respite care to be taken at a time of her choosing in recognition of the respite care wrongly withdrawn;
  - Pay Mrs N £747.50 in recognition of money she paid the Council for transport;
  - Pay Mrs N £500 in recognition of distress and time and trouble;
  - Review its policy and procedure on respite care to reflect the requirements of the Care Act 2014;
  - Review other files for evidence of use of the MAT. It should write promptly to anyone similarly affected and review their cases;
  - Review the files of anyone whose transport was cut to ensure these cuts were compliant with the Care Act;
  - Inform the Ombudsman of the numbers of people involved and undertake to review all cases within a further three months;
  - Ensure all staff receive training in the requirements of the Care Act and the relevant guidance; and
  - Review all relevant documents to ensure they reflect the current law.

The Council has already ceased using the MAT. It has also accepted that its complaints procedure was faulty in this instance.

LGO recommendations and Action Tracker (Appendix 2)	Action to date	Date completed
Apologise to Mrs N	Letter sent	1st May 2018
Restore the previous level of respite care pending a re-assessment compliant with the Care Act 2014	Level of care had never actually been reduced.	n/a
Confirm it will offer her 24 days respite care to be taken at a time of her choosing in recognition of the respite care wrongly withdrawn	Letter sent to family	1st May 2018
Pay Mrs N £747.50 in recognition of money she paid the Council for transport	Cheque sent	25th April 2018
Pay Mrs N £500 in recognition of distress and time and trouble	Cheque sent	25th April 2018
Review its policy and procedure on respite care to reflect the requirements of the Care Act 2014	The Matrix Assessment Tool has not been used since Autumn 2017. All relevant policies and procedures are fully compliant with Care Act guidance with regard to respite care.	October 2017 and ongoing.
Review other files for evidence of use of the MAT. It should write promptly to anyone similarly affected and review their cases	All customers and families who receive respite care as part of their care and support plan have been identified (142 families). All have been written to, informing them of LGO recommendations and plans to review care and support plan	letter sent 4th May
Review the files of anyone whose transport was cut to ensure these cuts were compliant with the Care Act	It is known that only one other family had cuts to transport which have been reinstated.	n/a
Inform the Ombudsman of the numbers of people involved and undertake to review all cases within a further three months	The Council will keep the LGO updated on the progress and number of reviews	ongoing

<p>Ensure all staff receive training in the requirements of the Care Act and the relevant guidance</p>	<p>All social care staff complete induction training and regular updates in Care Act guidance. This is supplemented by individual supervision and appraisal. Additional quality audit measures are being implemented through a performance management framework to ensure assessments and support plans are in line with guidance and this will inform future training. Additional training sessions have been undertaken with the Learning Disability teams on the specific guidance needed to reflect the LGO recommendations</p>	<p>ongoing</p>
<p>Review all relevant documents to ensure they reflect the current law</p>	<p>As part of Phase 1 adult care transformation, assessment and support plan documentation used by all social care staff has been reviewed and is in line with Care Act guidance.</p>	<p>Completed May 2018</p>



## Wiltshire Council

### Cabinet

3 July 2018

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**Subject: Draft Annual Governance Statement 2017/18**

**Cabinet member: Cllr Baroness Scott of Bybrook OBE - Leader of Council**

**Key Decision: No**

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### Purpose of Report

1. To ask Cabinet to consider a draft Annual Governance Statement for 2017/18 for comment before final approval is sought from the Audit Committee on 24 July 2018.

### Background

2. The Council is required, as part of its annual review of the effectiveness of its governance arrangements, to produce an Annual Governance Statement (AGS) for 2017/18. This will be signed by the Leader of the Council and the Corporate Directors after final approval by the Audit Committee on 24 July 2018. The AGS will form part of the Annual Statement of Accounts for 2017/18.
3. The format of the AGS follows recent advice from the Chartered Institute of Public Finance and Accountancy (CIPFA), with an onus on making it focused and readable.
4. The AGS for Wiltshire Council should demonstrate how the Council is meeting the principles of good governance adopted in its Code of Corporate Governance. These principles aim to ensure the Council is:
  - Behaving with integrity, demonstrating strong commitment to ethical values, and representing the rule of law.
  - Ensuring openness, transparency and comprehensive stakeholder engagement – delivering accountability
  - Defining outcomes in terms of sustainable economic, social and environmental benefits
  - Determining the interventions necessary to optimise the achievement of intended outcomes
  - Developing capacity, including the capacity of the Council's leadership and the individuals within it
  - Managing risks and performance through robust internal controls and strong public financial management.

5. The AGS is primarily retrospective. It reports on the assurance framework and measures in place for the financial year 2017/18, but must take account of any significant issues of governance up to the date of publication of the Statement of Accounts in July 2018. The AGS should outline the actions taken or proposed to address any significant governance issues identified.
6. The AGS is drafted by senior officers who have lead roles in corporate governance. The evidence for the AGS comes from a variety of sources, including service plans, relevant lead officers within the organisation, internal and external auditors and inspection agencies.

### **Main Consideration for the Council Draft AGS - Content**

7. A draft AGS for 2017/18 is attached at Appendix 1. The draft will be revised in the light of any observations of Cabinet and Audit Committee, as well as external audit (KPMG).
8. The Council's internal auditors have given an overall audit opinion of reasonable assurance on the effectiveness of the Council's control environment for 2017/18.
9. The final section of the draft AGS requires the Council to identify any significant internal control issues affecting the Council during the relevant period. CIPFA guidance suggests that an internal control issue is to be regarded as significant if:
  - the issue has seriously prejudiced or prevented achievement of a principal objective;
  - the issue has resulted in a need to seek additional funding to allow it to be resolved, or has resulted in significant diversion of resources from another aspect of the business;
  - the issue has led to a material impact on the accounts;
  - the audit committee, or equivalent, has advised that it should be considered significant for this purpose;
  - the Head of Internal Audit has reported on it as significant, for this purpose, in the annual opinion on the internal control environment;
  - the issue, or its impact, has attracted significant public interest or has seriously damaged the reputation of the organisation;
  - the issue has resulted in formal action being taken by the Chief Financial Officer and/or the Monitoring Officer.
10. At this stage it is proposed to include the following governance issues as areas for improvement:
  - Responding to the recommendations in peer reviews including the Corporate Peer, SEND and CQC reviews. This will include assessing the impacts on the

delivery of the Council's Business and Financial Plans of external factors including the Social Care green paper expected Summer 2018, changes to the Business Rates system and lessons learnt from the s114 issued at Northamptonshire County Council.

- Embedding improvements to data protection to be compliant with the new regulatory framework.
  - Responding to an event in March 2018 that occurred in Salisbury, the Council will seek to learn and share lessons surrounding the event, as well as assess the long-term impact and actions needed for the County, Council and Partners.
  - Ensuring the new waste contract is mobilised effectively in line with current plans for July 2018.
  - Improving the Council's counter fraud framework including greater awareness and response.
  - There will be a review of the inter-relationship between key polices to improve clarity and consistency of processes including: Anti-Fraud and Corruption, Whistle Blowing, complaints and some staff policies, such as Registering interests, gifts and hospitality.
  - How the Council collects general feedback from individuals and communities to assess improvements in approach and reviewing the arrangements for the governance of partnership working.
  - Reporting of finance and performance and risk management will be more closely aligned. A review of the relevant Corporate Performance Strategy and Risk Management Strategy will take place to ensure a focus on links between the use of resources and the outcomes being achieved. Alongside this there will be a focus on delivery of comprehensive plans for change for council services and a review of council commissioning, procurement and contract management.
11. The governance of the Council will continue to be monitored by Cabinet, other councillor committees and the Council's Corporate Leadership Team. That will include the areas to address identified above.
12. The Council's external auditors, KPMG LLP, have been consulted on the draft AGS and their comments will be reflected in the final draft to be presented to Audit Committee 24 July 2018.

### **Safeguarding Implications**

13. Safeguarding issues have been highlighted in Section 2 of the draft AGS.

### **Public Health Implications**

14. There are no public health implications arising directly from this report.

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

15. There are no environmental or climate change considerations arising directly from this report.

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

16. There is no impact on equality arising from this report.

### **Risk Assessment**

17. Ongoing review of the effectiveness of the Council's governance arrangements is an important part of the Council's risk management strategy.

### **Financial Implications**

18. There are no financial implications arising directly from the issues covered in this report

### **Legal Implications**

19. The production of the AGS is a statutory requirement.

### **Proposal**

20. Cabinet is, therefore, asked:
- a. to consider the draft AGS as set out in Appendix 1 and make any comments or changes as they see fit;
  - b. to note that the draft AGS will be revised in the light of any comments by Cabinet before final approval by the Audit Committee and publication with the Statement of Accounts at the end of July 2016.

### **Reason for Proposal**

21. To prepare the AGS 2017/18 for publication in accordance with the requirements of the Audit and Accounts Regulations.

### **Ian Gibbons**

Director, Legal and Democratic Services

**Ian Duncan**

Interim Director, Finance and Procurement

**Robin Townsend**

Director, Corporate Services and Digital

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**Background Papers**

The following unpublished documents have been relied on in the preparation of this report: None

**Appendices**

Appendix 1 Wiltshire Council's Draft Annual Governance Statement 2017/18

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# Wiltshire Council's Annual Governance Statement 2017/18

## 1 Introduction

1.1 Wiltshire Council is a local authority that is responsible for providing services to nearly half a million residents, tens of thousands of varied businesses and over a million visitors per year. It secures funding from national government, local taxation and charges. So as a public body it needs to have a strong governance framework that ensures that its business is conducted to the highest standards, ensuring:

- resources are directed in accordance with agreed policy and according to priorities;
- there is sound and inclusive decision making, conducted in accordance with the law and proper standards;
- there is clear accountability for the use of those resources in order to achieve desired outcomes for service users and communities; and
- public money is safeguarded and properly accounted for, and continuous improvement in the way in which its functions are exercised is secured, having regard to economy, efficiency and effectiveness.

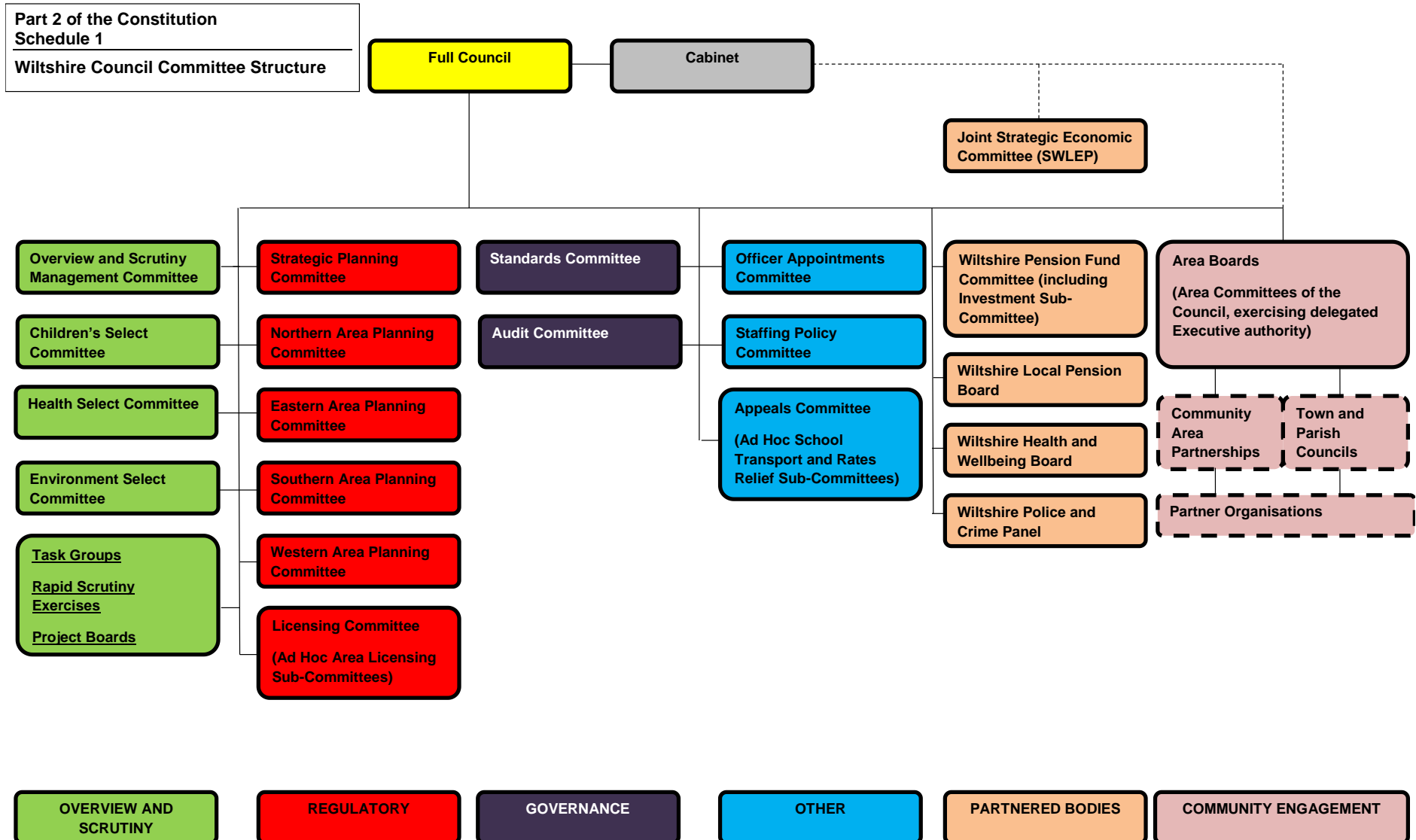
1.2 Ensuring good governance fits with the principles of the Council's current Business Plan 2017-27 which states that the Council will deliver its vision of strong communities by working according to the principles set out under eight key themes:

<b>Community Involvement</b> Robust decision making which is open, inclusive, flexible and responsive	<b>Commercialism</b> An efficient, commercial and long term approach with an increase in trading of our services and £45m savings by 2021.	<b>People</b> An outstanding workforce with a can-do attitude - supported through clear career paths, talent management and learning and development	<b>Change</b> Transforming services through systems thinking, underpinned with a rigorous programme approach.
<b>One Wiltshire Estate</b> Shared estate with public partners and a strategic, commercial approach.	<b>Digital</b> Use of dynamic, digital technology and shared records with partners.	<b>Performance</b> A focus on customers and delivering good outcomes	<b>Delivering together</b> Designing services with communities; considering new delivery models and joint commissioning with partners

- 1.3 Elected members are collectively responsible for the governance of the Council. The full Council's responsibilities include:
- agreeing the Council's constitution, comprising the key governance documents, including the executive arrangements, and making any necessary changes to ensure that the Constitution remains fit for purpose and reflects legislation and best practice.
  - agreeing the budget and policy framework, including key strategies
  - appointing the head of paid service
  - appointing members to committees responsible for overview and scrutiny functions, audit, standards and regulatory matters.
- 1.4 The Council operates a leader and cabinet executive model in accordance with the Localism Act 2011. Under these arrangements the Cabinet carries out all of the Council's functions which are not the responsibility of any other part of the Council. Cabinet meets monthly and its decisions in 2017/18 can be found [here](#).
- 1.5 The cabinet is held to account by overview and scrutiny committees whose function is to review and/ or scrutinise decisions made or actions taken in connection with the discharge of the Council's functions and assist with policy development.



1.6 The political structure of the Council is shown below:



- 1.7 The governance framework comprises the systems and processes, and culture and values, by which the Council is directed and controlled and the activities through which the Council accounts to, engages with and leads the community. It enables the Council to monitor the achievement of its strategic objectives and to consider whether those objectives have led to the delivery of appropriate, cost effective services.
- 1.8 The assurance framework and the system of internal controls are significant parts of the governance framework . They are designed to manage risk to a reasonable level. They cannot eliminate all risk of failure to achieve policies, aims and objectives and can therefore only provide reasonable and not absolute assurance of effectiveness. The assurance framework and the system of internal controls are based on an ongoing process that is designed to:
- a. identify and prioritise the risks to the achievement of the Council’s policies, aims and objectives;
  - b. evaluate the likelihood of those risks being realised;
  - c. assess the impact of the risks if they are realised;
  - d. manage the risks efficiently, effectively and economically.
- 1.9 The assurance framework also provides a mechanism for monitoring and implementing a system of continuous governance improvement. The governance framework has been in place at the Council for the year ended 31 March 2018 and up to the date of approval of the Statement of Accounts for 2017/18.
- 1.10 As part of ensuring the highest standards are set and maintained the Council regularly reviews its governance arrangements. This statement reflects how Wiltshire Council has met those standards in 2017/18 and the ongoing actions it is taking to maintain and improve its governance arrangements. Evidence of how we have assessed ourselves in line with good practice set out by the Chartered Institute of Public Finance and Accountancy (CIPFA) in its publication ‘Delivering good governance’, has been grouped into six sections:
1. Behaving with integrity, demonstrating strong commitment to ethical values, and representing the rule of law.
  2. Ensuring openness, transparency and comprehensive stakeholder engagement – delivering accountability
  3. Defining outcomes in terms of sustainable economic, social and environmental benefits

4. Determining the interventions necessary to optimise the achievement of intended outcomes
5. Developing capacity, including the capacity of the Council's leadership and the individuals within it
6. Managing risks and performance through robust internal controls and strong public financial management.

1.11 The following sections set out how Wiltshire Council delivers good governance, how it performed in that role in 2017/18 and what it is doing to continually improve its arrangements.

## **2. Behaving with integrity, demonstrating strong commitment to ethical values, and representing the rule of law.**

2.1 The Council's [Constitution](#) provides the framework within which the Council operates. It sets out how decisions are made and the procedures which must be followed to ensure that these are efficient, effective, transparent and accountable. The Constitution is reviewed on an ongoing basis and Full Council updated Parts 11A and 11B (relating to corporate parenting and safeguarding children) in May 2017 and Part 4 (council procedure rules) on recorded votes in October 2017. In 2017/18 specific reviews on parts 3D (3) (scheme of delegation specific to planning) and various changes to Part 2 (The Constitution), Part 3 (Responsibility for Functions), Part 9 (Finance Regulations and Procedures) and Protocol 11 (Governance Reporting Arrangements) have commenced. These will be assessed by the Standards Committee and considered by [Full Council](#) on 22 May 2018. This practice ensures that the Constitution remains fit for purpose and is updated for national and local changes in circumstances.

2.2 The Constitution includes at Part 13 the Members' Code of Conduct, which makes clear the obligation of elected members in promoting and maintaining high standards of conduct and ensuring the principles of public life (selflessness, integrity, objectivity, accountability, openness, honesty and leadership) are adhered to. Pecuniary and non-pecuniary interests are registered and published on the web site in accordance with the requirements of the Code of Conduct and the underlying legislation. There is a process for dealing with complaints under the code of conduct for unitary, parish, town and city councillors in Wiltshire. This process and its application is set by the Council and reviewed regularly by the Council's Standards Committee. Minutes from the meetings of this Committee can be found [online](#).

2.3 The Council has a policy and [register](#) of interests, gifts and hospitality for councillors. This is also reviewed regularly by the Council's Monitoring Officer. The registers are available for public scrutiny.

- 2.4 There is a strong culture operating in the Council of acting to the highest standards. This is rooted in the behaviours expected of councillors and staff, and upheld by the senior leaders. Where any resident feels the Council has not acted properly the Council has a corporate complaints [procedure](#). If residents are not satisfied with the response to their complaint they may complain to the Local Government Ombudsman. The complaints procedure is also subject to regular review.
- 2.5 The Council publishes and promotes both a code of conduct for its staff and a behaviours Framework that details what is expected of all employees. The behaviours framework forms a key part of the appraisal system to promote ethical awareness amongst the Council's staff.
- 2.6 The Council provided a comprehensive induction programme for newly elected councillors in May 2017, including training on the decision making framework, standards of conduct, safeguarding, overview and scrutiny and the discharge regulatory functions. Further training will be provided on an ongoing basis as the Council operates a protocol for Councillor-Officer Relations to ensure the respective roles of councillors and officers are fully understood. Joint communications are used (The Wire and Elected Wire) to ensure that officers and councillors have the same understanding of projects, plans and issues. These measures ensure that elected members have every opportunity to use their expertise.
- 2.7 The Council has established recruitment policies to ensure that appointments to the Council are fair and ethical and meet the requirements of equalities legislation takes account of the need to ensure diversity. Any applicant who has identified themselves as disabled and who meets the essential requirements of the person specification will be automatically shortlisted. This 'double tick' policy is part of the Council's wider Equality and Diversity Policy that ensures all appropriate decisions are taken with issues of equalities in mind.
- 2.8 Ethical considerations are also evident in the Council's [Procurement Strategy](#) where Social Value is a key feature. The Strategy describes a voluntary charter for suppliers asking for a commitment to local employment, skills, training and environmental issues.
- 2.9 The Council has an [Anti-Fraud & Corruption Strategy](#) which operates as part of the governance framework to ensure the Council recognises and responds to the threat of fraud and corruption. The Anti-Fraud and Corruption Strategy was reviewed and updated during 2017/18 and will be published together with awareness initiatives in 2018/19. During 2017/18 SWAP Internal Audit Services took on responsibility for counter fraud across the Council following the disbanding of the in-house

counter fraud team in late 2016/17. A Counter Fraud Plan for 2017/18 was developed and agreed by the Audit Committee, delivery being reported during the year.

- 2.10 The Council is reviewing its policies on Anti-Fraud and Corruption, Whistleblowing, Complaints and other Human Resources Policies to ensure that these are clear to staff and work effectively together.
- 2.11 The Council has independent external auditors (KPMG LLP) and internal auditors (SWAP Internal Audit Services, with the Council being a partner). SWAP's periodic update reports were considered during 2017/18 by the Council's [Audit Committee](#). No significant governance issues were raised.
- 2.12 The Council appoints an Independent Remuneration Panel when required to advise and make recommendations to the Council on the setting of member allowances in accordance with the Local Authorities (Member Allowances) (England) Regulations 2003. The Panel's latest review was considered by Full Council in [October 2017](#).
- 2.13 The Council is responsible for a number of partnerships, including:
- the [Health and Wellbeing Board](#), a committee of the council with a strategic leadership role in promoting integrated working between the council and the NHS;
  - the [Wiltshire Police and Crime Panel](#) which reviews and scrutinises decisions of the Police and Crime Commissioner. The Panel is a joint committee with Swindon Borough Council;
  - The Council is the lead authority for the Swindon and Wiltshire Local Enterprise Partnership ([SWLEP](#)). Following the Mary Ney national [review](#) of LEPs, the Council as the lead authority reviewed the [governance](#) and [assurance](#) frameworks underpinning the SWLEP (such as the Joint Strategic Economic Committee) during 2017/18 with input from internal Audit and DCLG. The governance arrangements were found to be operating effectively and were commended by DCLG. These will be kept under review to reflect further [best practice guidance](#) from central Government during 2018/19.
- 2.14 The Council is the Administering Authority for the Wiltshire Pension Fund, and the [Pension Committee](#) exercises its responsibilities in relation to investment management where it sets investment policy and appoints and monitors external investment managers. This has including participation in the Brunel Pension Partnership (as agreed by full council) and

continued operation of a Local Pension Board whose purpose is to assist the Council as Administrator for the Wiltshire Pension Fund and ensure the efficient and effective governance of the pension scheme. SWAP Internal Audit undertook an audit of key financial controls in relation to the Wiltshire Fund during 2017/18.

### **3. Ensuring Openness, Transparency and Comprehensive Stakeholder Engagement – delivering Accountability**

- 3.1 The Constitution sets out the legal and constitutional framework for good decision making, including the principles of decision making, schemes of delegation, recording of decisions and access to information relating to decisions. All Council, Cabinet and Committee report templates include a section on legal and financial considerations. These can be seen in all decisions made, see for example reports available to the public made by [Cabinet](#) during 2017/18.
- 3.2 The Council publishes a Forward Work Plan once a month giving details of all matters anticipated to be considered by the Cabinet over the following 4 months, including items which constitute a key decision.
- 3.3 The Council has established 18 area committees known as Area Boards. Each area board exercises local decision making under powers delegated by the Leader.
- 3.4 The Council's overview and scrutiny arrangements consist of an Overview and Scrutiny Management Committee supported by 3 select committees:
- Health (including the NHS, public health and adult social care)
  - Environment (including highways, waste and transportation)
  - Children (including education, vulnerable children, youth services and early years)
- 3.5 The management committee co-ordinates the work of the select committees and also covers internal services such as finance, performance, staffing and business planning. Most overview and scrutiny work is done by small groups of elected members who meet to review single issues in detail. Interested parties are often invited to contribute to this work. The group then produces a report presenting their findings and recommendations to the cabinet and others as necessary on how the issue or service could be improved. During 2017/18 49.5% of Cabinet decisions received Overview and Scrutiny input. No cabinet decisions were called in and considered by the Overview and Scrutiny Commission.

- 3.6 Rapid scrutiny exercises provide the opportunity to be able to react more readily to issues as they emerge. Scrutiny member representatives can also be appointed to boards of major projects to provide challenge. Partners and contractors also contribute to the scrutiny process.
- 3.7 These arrangements serve to hold the Cabinet, its Committees, individual Cabinet Members and officers to public account for their executive policies, decisions and actions and serves to make sure that decisions are taken based on sound evidence and are in the best interests of the people of Wiltshire.
- 3.8 In 2017/18 Scrutiny Committees consider a wide range of subjects and produced an [Annual Report](#) to the Overview and Select Management Committee on its work. In addition the Council carried out several public consultations to provide feedback to Cabinet as part of informing their decision making, including:
- [Car parking charges](#)
  - [Waste Management](#)
- 3.9 An electoral review committee was also established during 2017/18 to undertake detailed work on behalf of full council to inform a submission to the Local Government Boundary Commission for England for the electoral review of Wiltshire. Full council's submission emphasised the importance of the council's area boards for local accountability and delivery.
- 3.10 The Council consults appropriately in line with its [Consultation Strategy](#) and legal requirements in order to inform its decision making. Consultation also takes place with the Council's partners in particular partnerships such as the Health and Wellbeing [Board](#) and the Swindon and Wiltshire Local Enterprise [Partnership](#) to enable more effective partnership communication and consultation.
- 3.11 There has been no residents survey undertaken in Wiltshire for a number of years. The Council is aware a number of other local authorities and partners undertake such an exercise, and it will consider the need and format going forward as part of its assessment of its governance arrangements in 2018/19.
- 3.12 The Council makes available a range of important information on its website including its strategic aims and ambitions in its published [Business Plan](#) and via its [publication scheme](#). Further information is available on request and through the

council's arrangements for dealing with requests under Freedom of Information legislation. In 2017/18 there were 1,495 requests received, 97% were responded to within the legal compliance time.

#### **4. Defining Outcomes in terms of Sustainable Economic, Social and Environmental Benefits**

- 4.1 Wiltshire Council has operated a four year planning cycle in line with its electoral cycle, as such in 2017/18 the Council agreed a revised and updated Council's [Business Plan](#) 2017 – 2027. It continues to build on and extend the vision, goals and achievements from the previous business plans and has been prepared to reflect both the significant external challenges and changes that the council will have over the coming years as well as the changes to the way the council will have to operate to manage these challenges.
- 4.2 Part of the building of communities involves capital developments of buildings, highways and other such infrastructure. The Council sets out a four year [Capital Programme](#) tied into its Business Plan. During 2017/18 a hub was completed in Devizes, building on a health and wellbeing centre in Pewsey began and centres in Calne, Cricklade and Melksham had their revised budgets [approved](#) in Dec 2017 and have now progressed to design phase. This aims to bring communities together in one location to enable them to connect, seek services and take on more responsibility. In addition, the Council is applying the learning from the recently completed devolution of assets to Salisbury City Council to other parts of Wiltshire. The Council's decision-making framework has ensured that all of these decisions are reported through Cabinet. This is seen as a key strand of the future delivery of the Council's business.
- 4.3 The Council's directorates and services plan their activity around these outcomes and review those plans on an annual basis. The performance against the Business Plan is reported every quarter to Cabinet and the final outturn for 2017/18 is on the same agenda as the Annual Governance Statement.
- 4.4 The actions arising from the Business and Service Plans must all comply with key procedures, including following the Council's procedures on project management, procurement, consultation and risk management. Regular reports are taken to senior management and councillors via the Corporate Leadership Team (CLT) and appropriate regular councillor meetings, for example Audit Committee.
- 4.5 Wiltshire communities are engaged with the delivery of the long-term aims of the Council through Local Area Boards. These Boards prioritise the Council's ambitions within local areas and help direct resources. The reach of the Local Area Boards extends beyond the physical meetings through the work of Community Engagement Managers and the virtual network *Our*



*Community Matters.* In 2017/18 there were 124 [Area Board](#) meetings, and all minutes and actions from these meetings are publicly available. Area Boards have been essential in delivering improvements in youth development and health initiatives such as rights of way and walk to school. The Council has also started initiatives such as the Legacy programme and the Big Pledge to improve the connectivity and health of its communities. More decision making and funding is now devolved at local area level. In addition to the funding grants and Highways (CATG) and youth activities, there is also funding for older people's champions and health and wellbeing projects

- 4.6 The Council receives reports on the combined economic, social and environmental impacts of its policies in the form of various reports including the Joint Strategic Needs Assessment ([JSNA](#)), and the Annual Statement of Accounts, as well as regular performance and financial updates to Cabinet e.g. [here](#) and [here](#).
- 4.7 The council continues to have a relentless focus on safeguarding improvement in Children's Services. An Improvement Board chaired by the Corporate Director with statutory role of Director of Children's Services (DCS) has continued to be in place during 2017/18 ([Link](#)). In early 2018 the LA and partner agencies were subject to an OFSTED Inspection focussing on Special Educational Needs and Disabilities (SEND) and High Needs. The [outcomes](#) of this review were very positive.
- 4.8 Similarly, the council received the [findings](#) of an LGA peer review on Outcomes Based Commissioning in adult social care in Wiltshire during 2017/18. This found that:
- It was clear to the team that there was strong political leadership for Adult Social Care.
  - There were improving relationships with partners.
  - The Council's Area Boards were widely viewed as a positive way of engaging with local communities and for ensuring that local needs were addressed.
- 4.9 The team also observed that:
- More could be done to increase the amount and profile of coproduction with service users.
  - The Council should encourage providers to work more collaboratively with each other and with the Council itself in addressing skills shortages.
  - There needs to be a clear 'front door' to accessing adult social care services.
- 4.10 These findings have been used to inform the development of an Adult Social Care Transformation [programme](#), building on the successful model established within children's services and using additional and time-limited adult social care funding to

deliver this. A system wide review of the health and wellbeing system was also undertaken by the CQC in March 2018, with the findings due to be released later this year. An action plan will be agreed with partners in the NHS to deliver this.

4.11 The council continues to engage in annual LGA peer reviews and in November 2017 it underwent its second Corporate Peer Review. The detailed [report](#) was presented to March Cabinet. The key findings were:

- The council has strong and accessible political leadership which sets a clear direction for the council and the place.
- Stakeholders are clear what the council stands for, how it goes about its business and what its plans are.
- The council benefits from a committed workforce. All staff that the Peer team met told them that Wiltshire Council is a great place to work; that they feel valued, are developed to undertake their roles and feel supported to progress their careers.
- The Council has a strong record in terms of financial management.
- There has been a very good recovery in Children's services since a disappointing Ofsted inspection in 2012.

4.12 There are a range of suggestions and observations within the main section of the report that will inform some 'quick wins' and practical actions, including:

- Building a shared understanding of the opportunities, investment and skill needed in the areas of commercialism and 'digital'.
- More closely aligning financial and budget planning to organisational priorities and underpin this with a more robust planning and performance management regime.
- Applying the same approach and commitment to the Adults Services Transformation plans as was afforded to the council's previous children services recovery plan.
- Ensuring that both the council and CLT themselves invest sufficient time in focussing on their development as a team.

4.13 An [action plan](#) is being implemented and overseen by CLT and Cabinet with the Overview and Scrutiny Management Committee monitoring progress on a six-monthly basis.

## 5. Determining the Interventions necessary to optimise the achievement of intended outcomes

- 5.1 In 2017/18 the Council also refreshed its [Medium Term Financial Plan](#) as part of a four-year financial settlement with the Department for Communities and Local Government (DCLG). As part of that and in setting the 2018/19 budget the Council has several key Programmes of activity it is managing to improve the outcomes of its residents, these have included the Campus Programme, with Devizes hub opening in 2017/18. The Campus programme has been the subject of various reports and programme management [updates](#) during 2017/18, and its financial progress [reported](#) to Cabinet.
- 5.2 Oversight of corporate projects is undertaken by the Corporate Leadership Team, supported with advice from Finance, Legal HR and Procurement Teams. The Corporate Directorate includes the Programme Office which manages projects and programmes on behalf of the Council and provides reports to the Council on ongoing work. During 2017/18 the majority of projects were delivered or progressed according to schedule. Monthly reports were provided to CLT with appropriate actions taken.
- 5.3 As part of the financial settlement for 2017/18 additional Adult Social Care grant was awarded. This was used to establish the transformation [programme](#) for adult social care within Wiltshire. Health partners are actively engaged in this Programme at a senior level through the Health and Wellbeing Board as well as operational representation on the programme board.
- 5.4 Regular Performance and financial updates are reported to senior officers and councillors, including scrutiny through the Finance and Performance Task Group which is a task group established by the [Overview and Scrutiny](#) Management Committee.

## 6. Developing capacity, including the capacity of the Council's leadership and the individuals within it

- 6.1 In order to deliver the council's priorities within a strong governance framework the Council requires a workforce that is appropriately skilled and qualified. Because of the shifting requirements of local government and the changing demands put on the Council it is essential that the capacity of the Council's workforce is reviewed and updated. Following the May 2017 elections, the council's Business Plan was refreshed and to aid the delivery of the outcomes a restructuring of Tier 1 and 2 of the council's management structure has taken place to ensure that directorates are aligned with the delivery of outcomes. A comprehensive induction programme was also put on for new councillors.

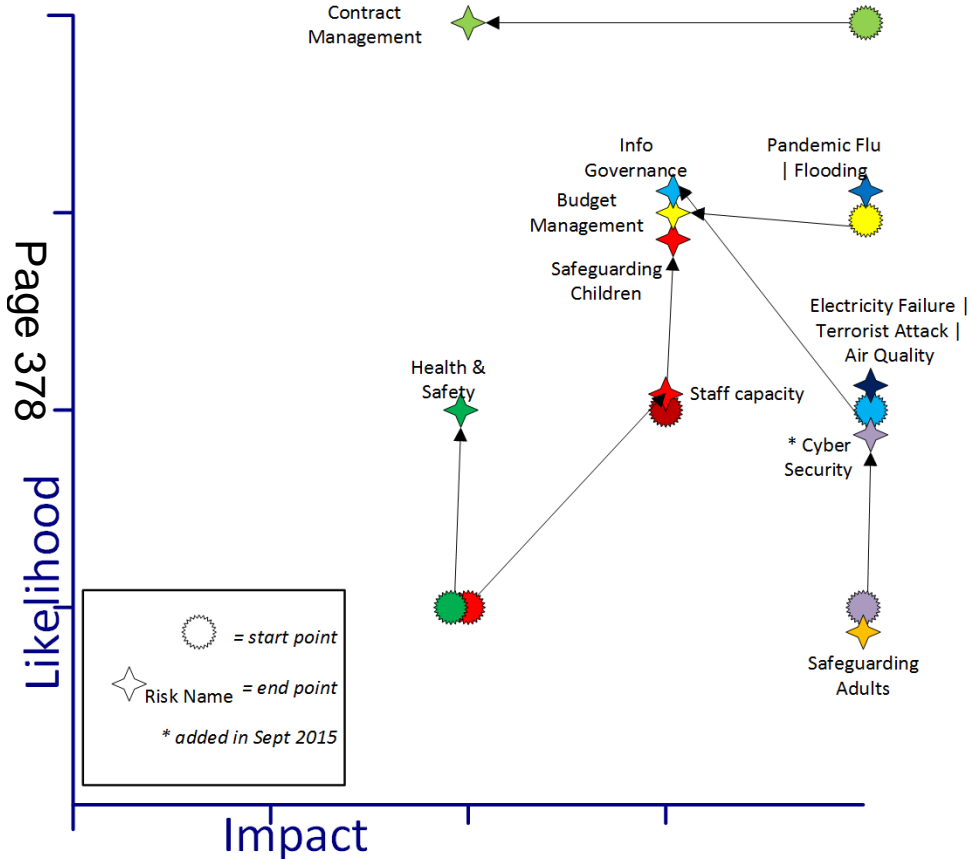
- 6.2 In addition to this, the Council takes an organisation wide approach to staff improvement and has, in the last year, updated its [People Strategy](#). The new strategy focuses on attracting the best people to work for the Council and engaging, developing and retaining existing staff. Full council also agreed a [pay policy statement](#) as part of the budget setting process and complies with reporting requirements on the gender pay gap.
- 6.3 The Council looks for good practice from other areas and other authorities in order to help improve its leadership and delivery. The Council also makes use of external reviews of its practice in order to deliver better outcomes. In 2017/18 several key peer reviews and inspection were completed and the findings of all are public:
- Ofsted [review](#) of SEND
  - LGA Corporate Peer Review [report](#)
  - Outcomes Based Commissioning for Adult Social Care peer review [findings](#)
  - CQC system review (results due for publication in 18/19)
- 6.4 In March 2015 the Information Commissioner's Office (ICO) carried out a voluntary audit of the Council's information governance arrangements. As reported in last two year's AGS this has been a key area for the Council to address, and with General Data Protection Regulations (GDPR) changes having come into force in May 2018 remains so. Actions have been taken and as well as the Senior Information Risk Owner [annual report](#) ongoing [updates](#) have been provided to the Audit Committee, which are content that significant improvement has and continues to be taken and made in this area.
- 6.5 Working in partnerships is increasingly important to the Council and is used as an additional method of improving and growing the skills base for delivering the Council's objectives.
- 7. Managing risks and performance through robust internal controls and strong public financial management**
- 7.1 Performance management is a key component of the Council's approach to achieving its stated outcomes. Part of this process involves identifying and, where appropriate, mitigating risks, ensuring that performance and risk management processes are in place throughout the organisation with additional rigorous processes to ensure sound financial management. Performance management follows the standard planning cycle (plan, do review, revise) and allows the

organisation to know what it wants to achieve, how it's going to achieve, whether it's achieving and what more could be done to achieve. [Performance reports](#) are a regular part of the Council's business. In addition to cabinet performance reports the Council updates a [Citizens' Dashboard](#) with statistics about Wiltshire for easy public consumption. The format of the dashboard will be reviewed during 2018/19 to ensure it reflects the new business plan and delivers maximum openness and transparency.

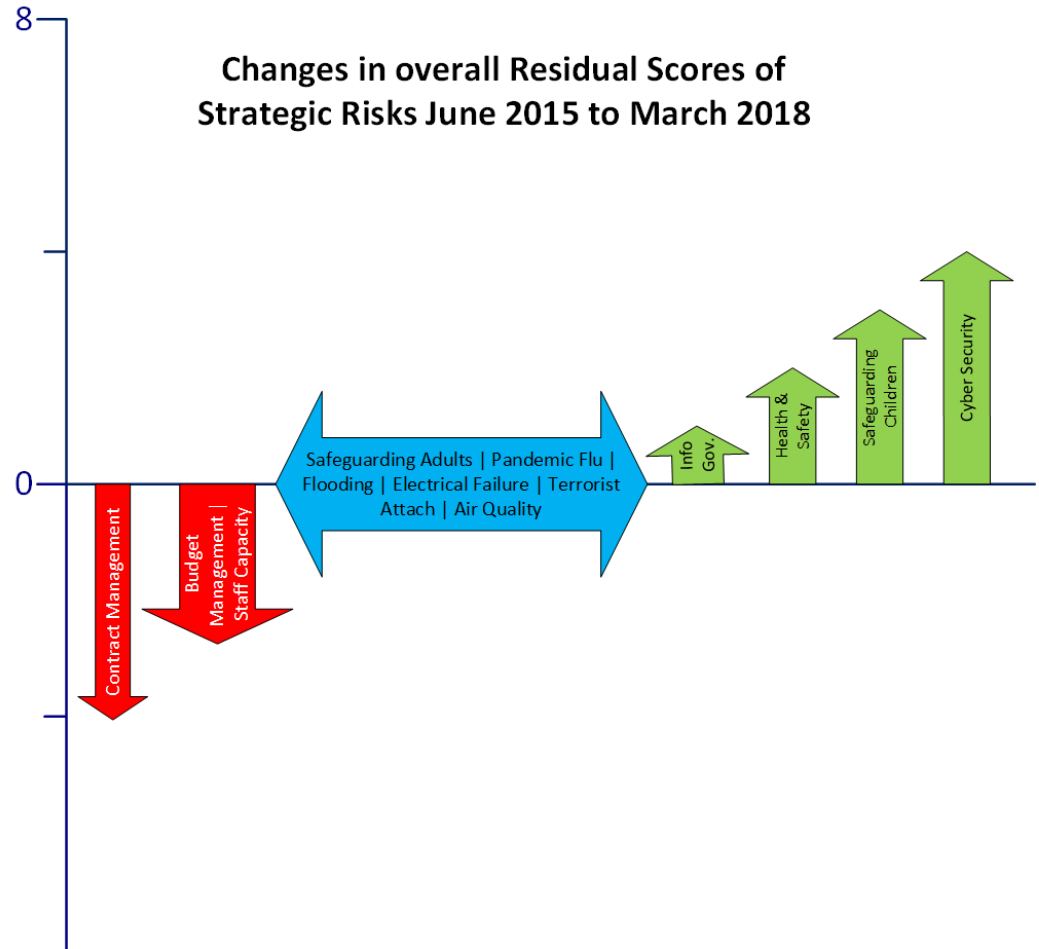
- 7.2 Financial reporting is currently undertaken separately, although reported on the same agenda as performance, this is an area for improvement in 2018/19. During 2017/18 there were four budget monitoring updates to councillors (period 4, 7, 9 and outturn), and 11 to senior officers (monthly, period 2 to outturn). These identified potential overspends, and appropriate action was taken. This raised the risk of the Council's financial position in its Corporate Risk Register however, effective management meant that a small surplus was delivered by year end. The Council also undertook robust scrutiny of the 2018/19 budget and this was set at Full Council in February 2018.
- 7.3 The Council's risks are monitored at various levels in the organisation including by the Cabinet on a quarterly basis. Managing risks is the responsibility of services who define the risks related to their service areas and assign individuals to be responsible for their management. All services risks are scored on the same basis and some service risks are elevated, through a set strategy, onto the corporate risk register which is published and reviewed quarterly. Service risks that are high scoring or appear on, or are referenced on, the strategic risk register require a greater level of mitigating action planning with those actions assigned a time scale and an owner. The Council recognises that in order to make successful changes some risk must be undertaken. Therefore, some risks are accepted. This overarching risk management strategy will be reviewed again during 2018/19 alongside the Corporate Performance Strategy.

7.4 The Council's risk management reports are reviewed by Cabinet within performance and risk reports. In 2017/18 the main changes to risks were:

Changes in Residual Scores of Strategic Risks June 2015 to March 2018



Changes in overall Residual Scores of Strategic Risks June 2015 to March 2018



- 7.5 Wiltshire's section 151 Officer or Chief Finance Officer has a statutory duty to ensure that the Council has a strong financial control environment, including an effective and independent Internal Audit function in accordance with the Accounts and Audit Regulations 2015. As at April 2018, SWAP Internal Audit Services completed 40 reviews ,to draft and final report including significant high risk areas e.g. contract management and project management. Reporting also has included action to follow up implementation. The Audit Committee raised concerns regarding the timeliness of finalising some audits and the implementation of agreed audit recommendations and improvements were made. Overall SWAP Internal Audit Services assessed the Council's control environment as 'adequate' with no significant issues raised. The Council's external auditors have also not raised any significant matters during 2017/18. We have sought to advise KPMG at all times and sought their views on a number of occasions before taking key decisions. A review was carried out on role of the Audit Committee in 2017/18 and agreed actions will be implemented in 2018/19.
- 7.6 The section 151 Officer's role as set out in both statute and defined by the CIPFA framework has been in place throughout 2017/18. No issues have been raised and there has been full compliance with that framework.

## **8. Areas for Improvement**

- 8.1 The Council has identified a number of areas where further improvements to can be made to strengthen its governance framework. Work will be undertaken over the next twelve months to review the following areas.
- Responding to the recommendations in peer reviews including the Corporate Peer, SEND and CQC reviews. This will include assessing the impacts on the delivery of the Council's Business and Financial Plans of external factors including the Social Care green paper expected Summer 2018, changes to the Business Rates system and lessons learnt from the s114 issued at Northamptonshire County Council.
  - Embedding improvements to data protection to be compliant with the new regulatory framework.
  - Responding to an event in March 2018 that occurred in Salisbury the Council will seek to learn and share lessons surrounding the event, as well as assess the long-term impact and actions needed for the County, Council and Partners.
  - Ensuring the new waste contract is mobilised effectively in line with current plans for July 2018.
  - Improving the Council's counter fraud framework including greater awareness and response.

- There will be a review of the inter-relationship between key policies to improve clarity and consistency of processes including: Anti-Fraud and Corruption, Whistle Blowing, complaints and some staff policies, such as registering interests, gifts and hospitality.
- How the Council collects general feedback from individuals and communities to assess improvements in approach
- Reporting of finance and performance and risk management will be more closely aligned. A review of the relevant Corporate Performance Strategy and Risk Management Strategy will take place to ensure a focus on links between the use of resources and the outcomes being achieved. Alongside this there will be a focus on delivery of comprehensive plans for change for council services and a review of council commissioning, procurement and contract management.

8.2 The governance of the Council will continue to be monitored by Cabinet, other councillor committees and the Council's Corporate Leadership Team. That will include the areas to address identified above.

**Leader of the Council**

Baroness Jane Scott of  
Bybrook OBE

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**Corporate Directors**

Alistair Cunningham  
Dr. Carlton Brand  
Terence Herbert

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**Date**

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**Wiltshire Council**

**Cabinet**

**3 July 2018**

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**Subject: Performance Management and Risk Outturn Report: Q4 2017/18**

**Cabinet member: Councillor Philip Whitehead Cabinet Member for Finance**

**Key Decision: No**

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### **Executive Summary**

This report provides an update on performance against the stated aims in the council's new Business Plan 2017-27. The information provided includes key measures as well as the council's strategic risk register.

### **Proposals**

Cabinet to note updates and outturns

1. Against the measures and activities ascribed against the council's priorities.
2. To the strategic risk register.

### **Reason for Proposal**

The current corporate performance framework compiles measures used to monitor progress in service areas against planned objectives that relate to the goals laid out in Wiltshire Council's current Business Plan 2017-27.

The strategic risk register captures and monitors significant risks facing the council: in relation to significant in-service risks facing individual areas and in managing its business across the authority generally.

**Carlton Brand, Alistair Cunningham, and Terence Herbert,  
Corporate Directors**

**Subject: Performance Management and Risk Outturn Report: Q4 2017/18**

**Cabinet member: Councillor Philip Whitehead Cabinet Member for Finance**

**Key Decision: No**

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### **Purpose of Report**

1. This report provides an update on the progress against the stated aims in the council's Business Plan. It includes measures from the performance framework as well as the latest version of the council's strategic risk register. This report covers the period January to March 2018.

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

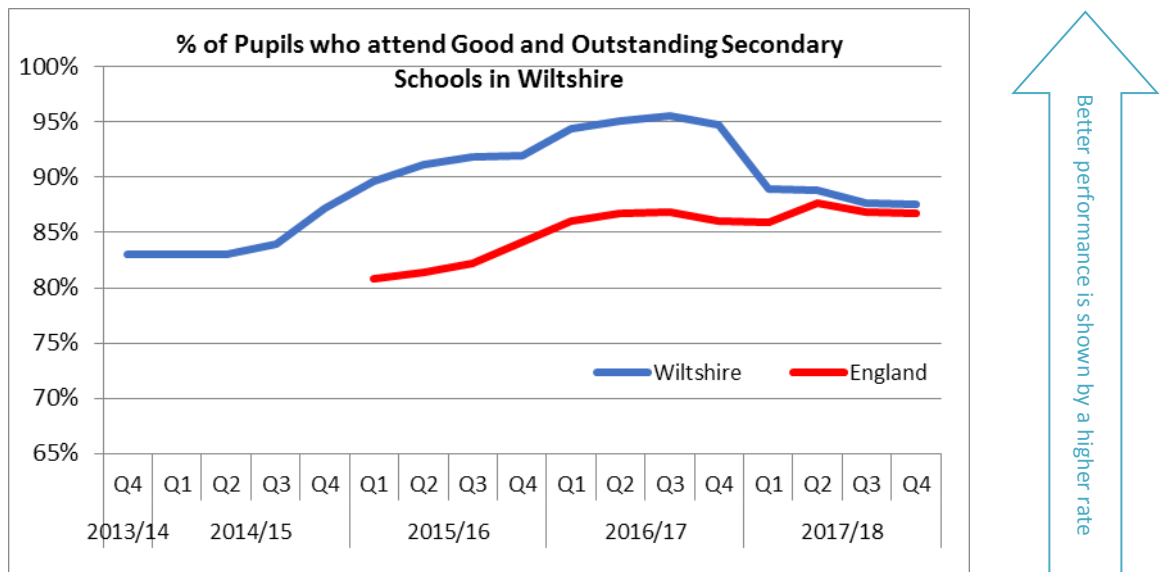
2. This report updates Cabinet on the performance against each of the stated goals contained in the Business Plan 2017 to 2027 at the end of quarter four 2017/18.

### **Overview of outturns**

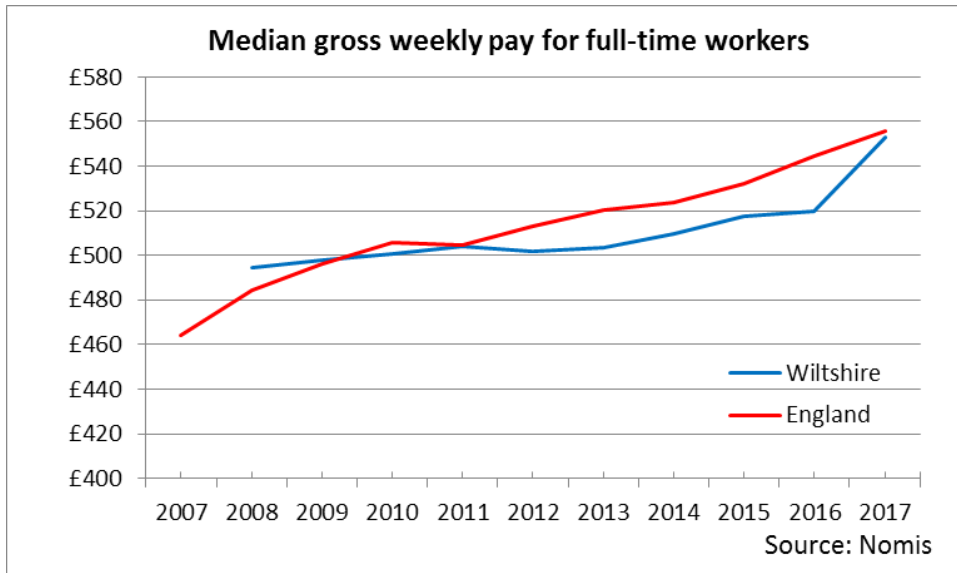
3. Below are some key measures shown under the three key priorities of the new business plan: growing the economy, strong communities and protecting those who are most vulnerable.

Priority 1.1 Growing the Economy – Highly Skilled Jobs

4. To create the workforce needed to match the demands of a future economy Wiltshire Council is keen to promote high educational standards for all children in the county. Last financial year was a high point for the classification of Wiltshire’s schools with over 94% of pupils attending good or outstanding schools according to Ofsted. At the end of this financial year that figure was 87% but it remains above the national average. The percentage of good or better schools dipped last year consistent with their mixed examination and testing results. The establishment of the “Right Choice” platform for traded services and professional development in particular should give schools better access to support services. School Effectiveness Team has committed to a detailed report to Children’s Select Committee on schools’ Ofsted results.



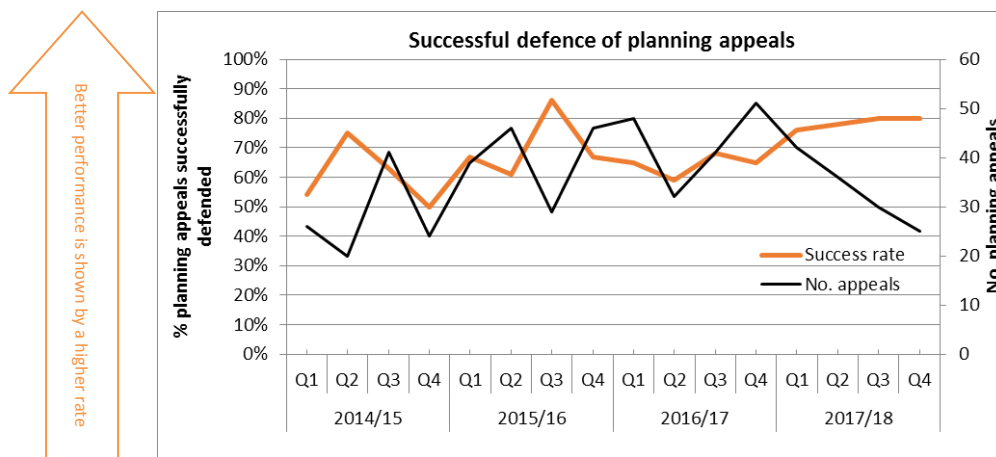
5. Supporting training and skills programmes including apprenticeships and building more higher education opportunities within the county is helping build a workforce fit for the future. More highly skilled jobs might result in overall higher rates of pay. The graph below shows that Wiltshire’s average rates of pay have improved over time specifically in the last year and are now within 1% of the national average for the first time in 6 years. This measure includes Wiltshire residents who commute out of the county and are generally better paid.



Better performance is shown by a higher rate

**Priority 1.2 Growing the Economy – Sustainable Development**

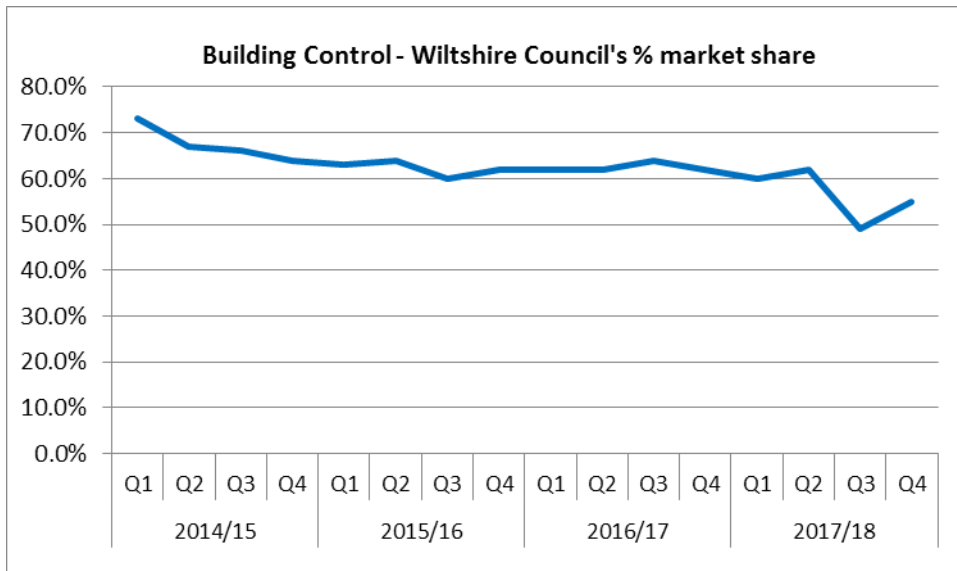
6. Wiltshire Council’s Business Plan states that sustainable development will be achieved by delivering development where it is needed and in accordance with Wiltshire’s Core Strategy. Making the right planning decisions helps enable that ambition. This financial year has seen consistently good performance. The success rate of defending planning appeals has been above the 70% target in each of the four quarters. Additionally, the number of appeals made has fallen in each consecutive quarter and the total number of appeals in the year was 23% lower than in 2016/17.



Better performance is shown by a higher rate

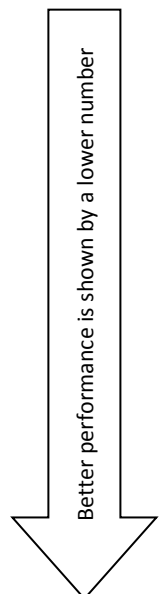
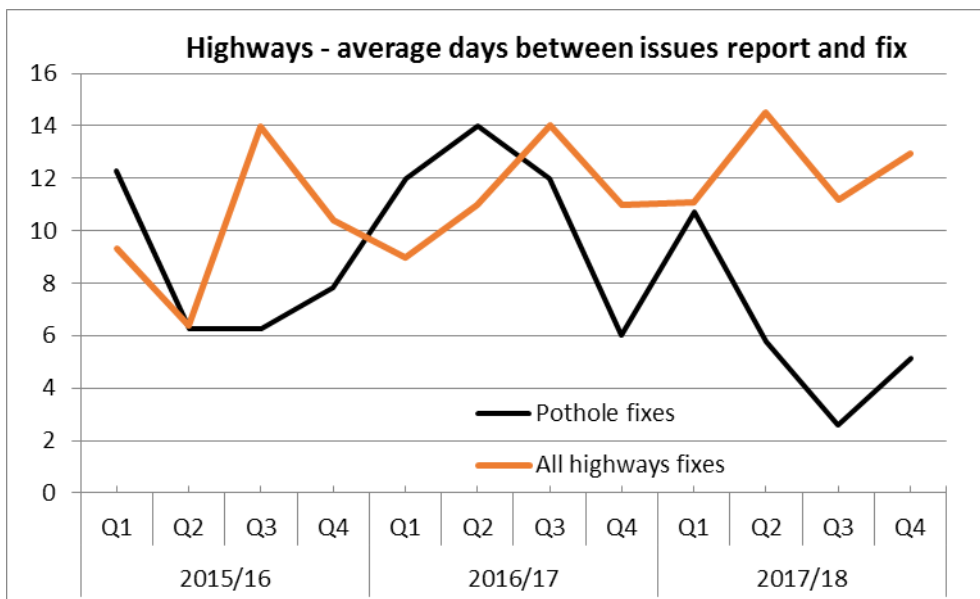
Better performance is shown by lower number

7. In order to provide the most effective building control service possible the council seeks to maintain a professional, responsive team of experts. The council service competes with the private sector but has a statutory responsibility to offer a building control service as ‘provider of last resort’. The greater the share of the market the Council has the easier it is to offer a high-quality service. Wiltshire council’s market share has fallen in the last year and the situation is being closely monitored.



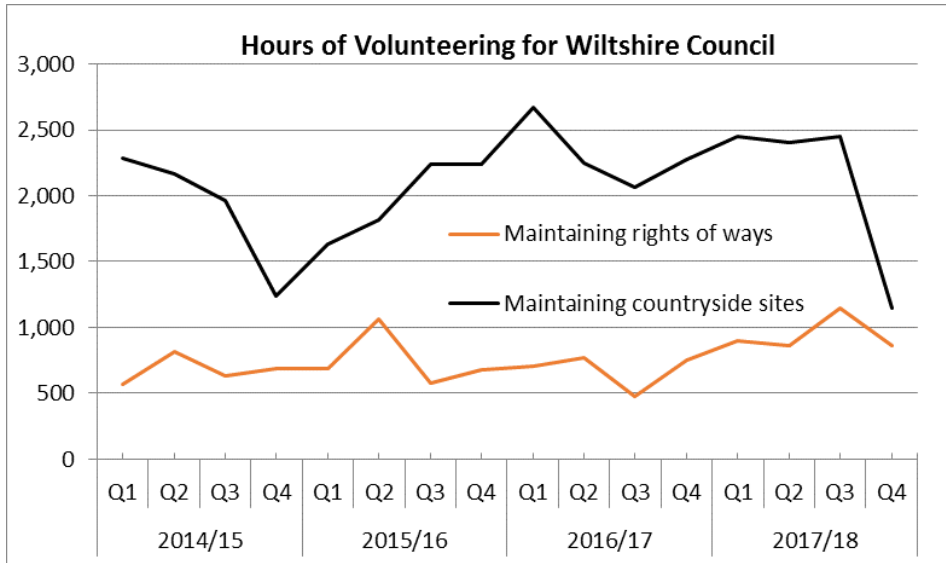
**Priority 1.3 Growing the Economy – Transport and Infrastructure**

8. Strategically managing the county’s highways is one way in which Wiltshire Council aims to improve infrastructure and thereby help create conditions in which Wiltshire’s economy can grow. One outward sign of well managed highways is the filling of potholes and the undertaking of general repairs to the highway. The average length of time it takes Wiltshire Council and its contractors to respond to, and resolve, a highways issue (13 days) and to fill potholes (5 days) has increased in the final quarter of the year. This is an expected rise as the amount of damage to Wiltshire roads increased due to the cold weather. In fact, the number of potholes reported was up by 115% on the previous quarter to just under 4,000.



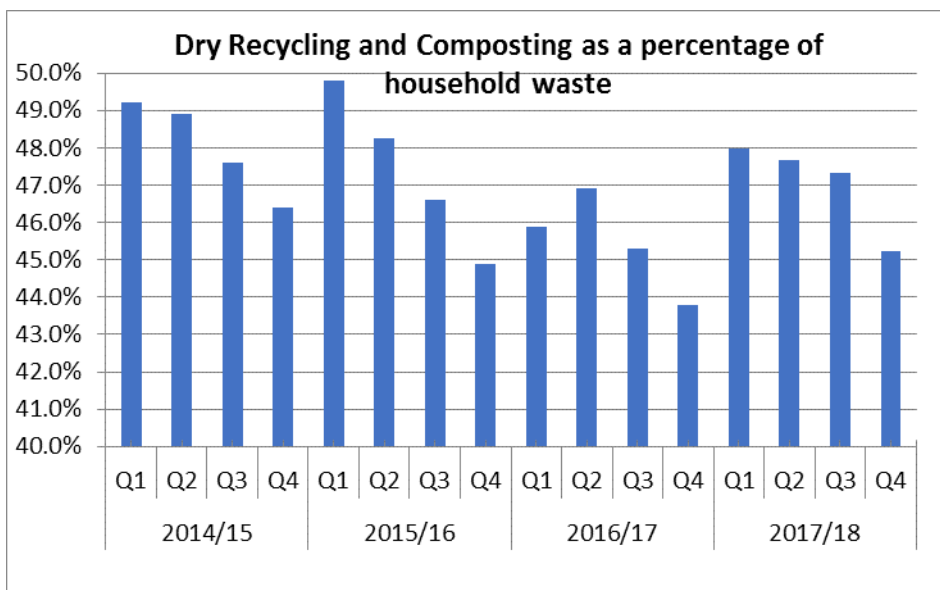
**Priority 2.1 Strong Communities – Community Wellbeing**

9. High levels of volunteering is a measure of strong community wellbeing. One of the ways in which the council can promote volunteering is to provide voluntary opportunities for people to take-up. Volunteers are used in many of the council’s services. One such example is in maintaining countryside sites and rights of way where participation rates remain high. The severe weather experienced in the last quarter, specifically the last month, of the financial year had a big impact on the tasks that were possible and therefore, the hours of volunteering given. Despite this fact across both measures there were 2.2% more hours given in 2017/18 than in the previous year.



Better performance is shown by a higher number

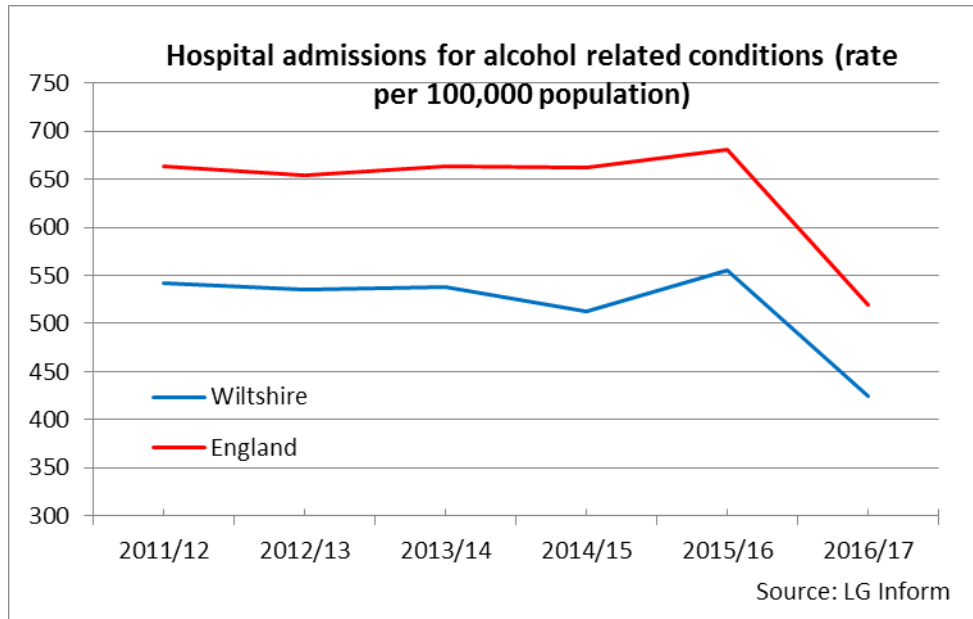
10. Wiltshire’s communities are strengthened by effective management of litter and waste. Wiltshire Council aims to meet the national target of 50% of household waste being recycled or composted by 2020. The recycling rate is shown as a year-to-date figure. Performance falls in the final quarter of the year because there is less garden waste in the winter months. In 2017/18 45% of household waste was recycled or composted, an increase of more than one percentage point compared to 2016/17.



Better performance is shown by a higher rate

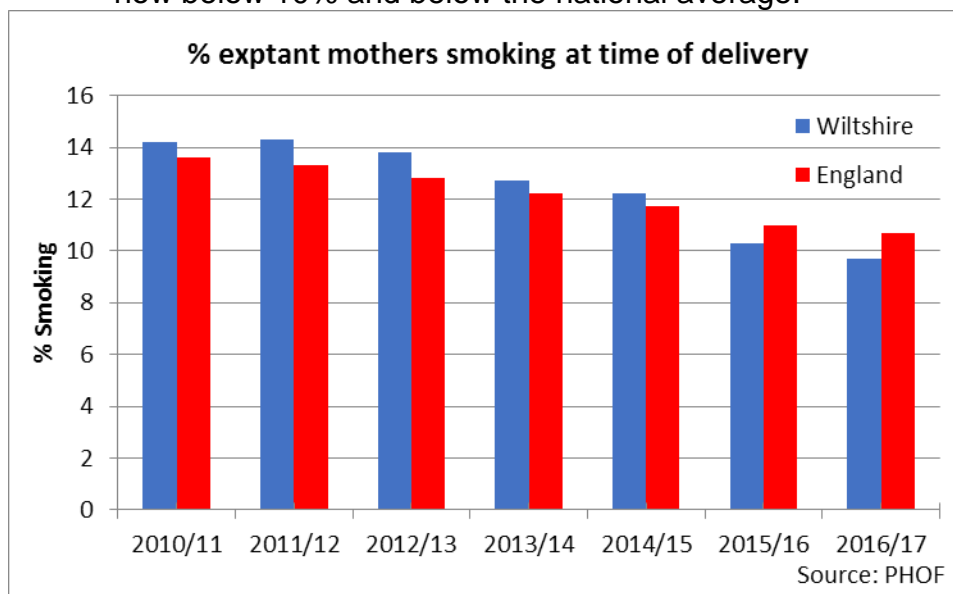
**Priority 2.2 Strong Communities – Safe Communities**

11. In order to improve safety in communities Wiltshire Council aims to reduce alcohol misuse. A number of tactics are used by public health and social care teams to reduce alcohol dependence and harm. In the most recent data Wiltshire has mirrored the dramatic national drop in the rate of alcohol related hospital admissions.



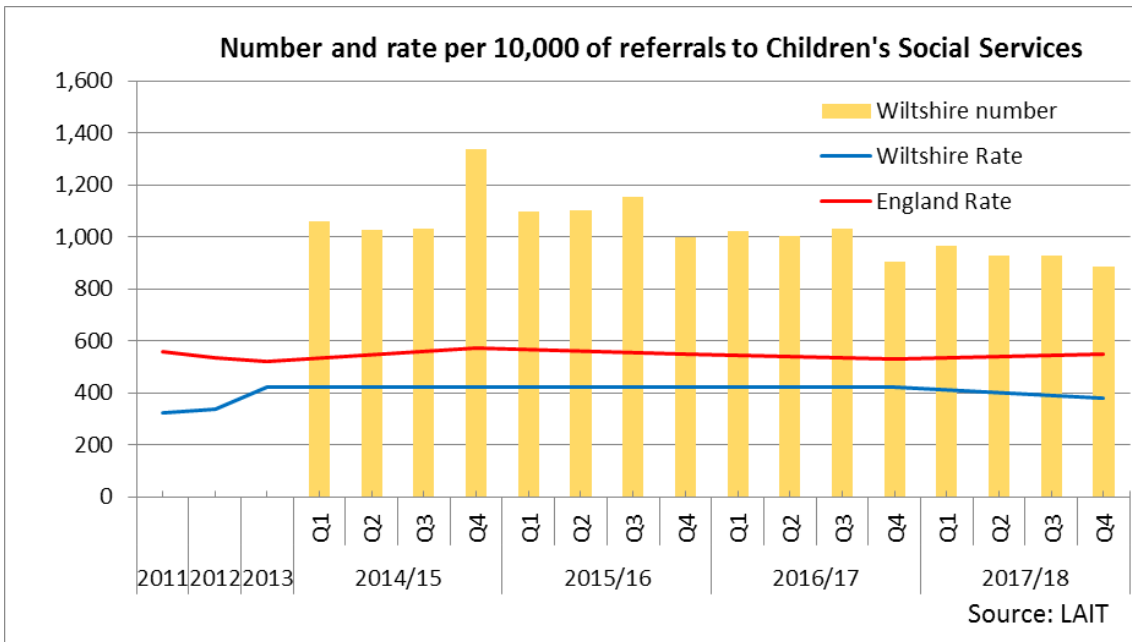
**Priority 2.3 Strong Communities – Personal Wellbeing**

12. In order to achieve healthier communities Wiltshire Council works with many groups to reduce the harmful impacts of unhealthy habits. Wiltshire Council, in conjunction with its partners, runs a number of programmes to help people give up smoking. There are specific programmes for vulnerable people. The graph below shows that there may be a way to go but in the last six years there has been a 4.5% point reduction in the rate of expectant mothers smoking at the time of delivery. The Wiltshire rate is now below 10% and below the national average.



**Priority 3.1 Protecting the Vulnerable – Early Intervention**

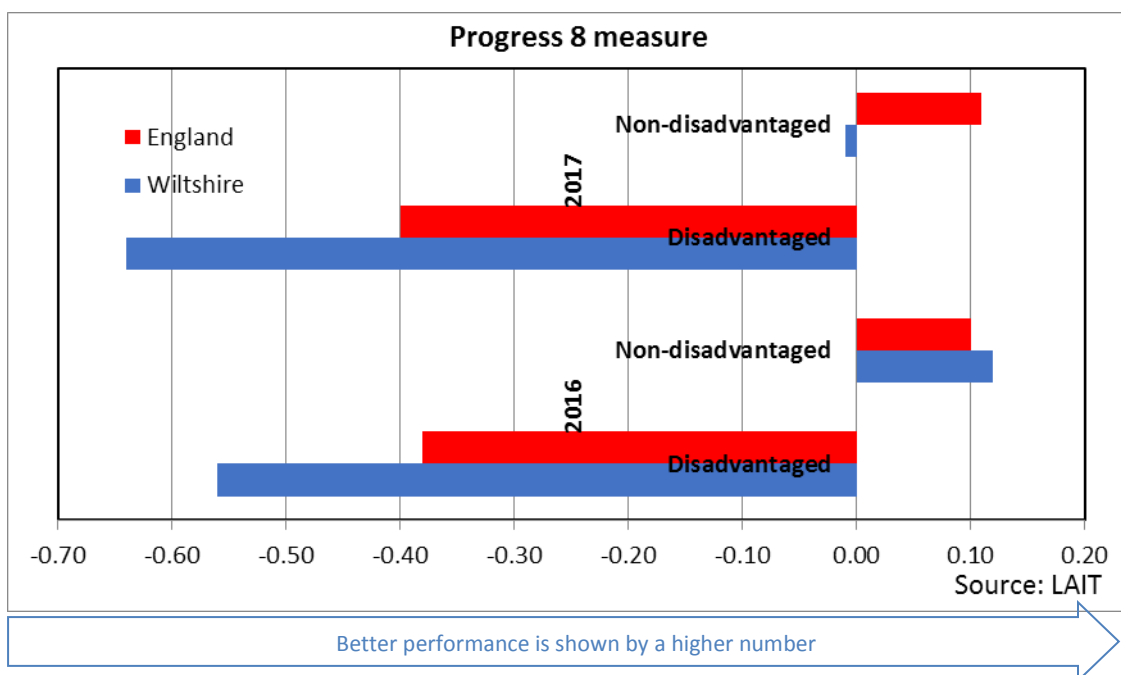
13. Wiltshire Council’s business plan put a greater emphasis on early intervention for potentially vulnerable people. The desired impact is that there will be less demand for more intensive statutory support for vulnerable people further down the line. This is a long-term aim. The number and rate of referrals to children’s social care might be expected to reduce over time as more emphasis is placed on helping children and families before they require a referral to social care. However, it is important to note that more referrals may also be an indication of better identification of those who are vulnerable. There has been a reduction in both the overall number of referrals to children’s services and rate (per 10,000 of the child population) in the past three years and the rate in Wiltshire remains below that of England as a whole.



← Better performance may be shown by a higher or lower rate →

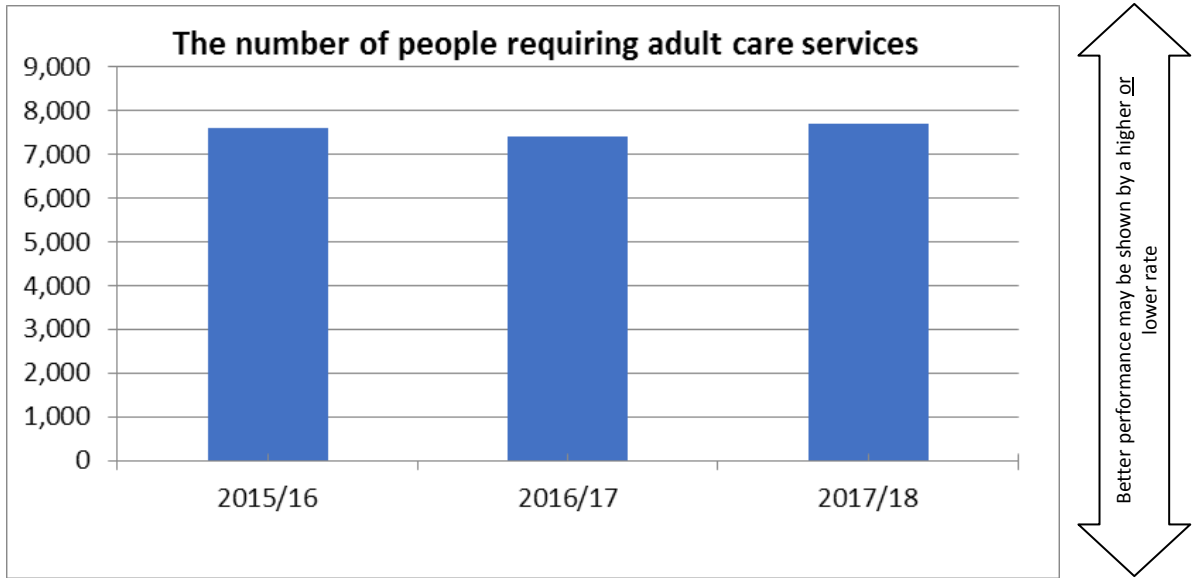


14. Wiltshire Council aims to have schools that help all pupils. The Council would like to see early educational intervention lead to better outcomes for disadvantaged pupils. The Progress 8 measure compares the progress of students between the end of primary school (key stage 2) and GCSE (key stage 4) to the national average of those at a similar level of achievement. A positive score suggests that a group made more progress, on average, than those nationally who got similar results at key stage 2. A negative score means less progress, on average. The outcomes for the last two years show a disparity between disadvantaged and non-disadvantaged pupils with that disparity being greater in Wiltshire than in England as a whole. Wiltshire has recognised the priority of addressing the needs of disadvantaged learners. Schools have identified disadvantaged learner leads, and activity has focused on raising awareness and spreading good practice. The council's Children's Select Committee is currently considering the best way to scrutinise the Disadvantaged Learners' Strategy.



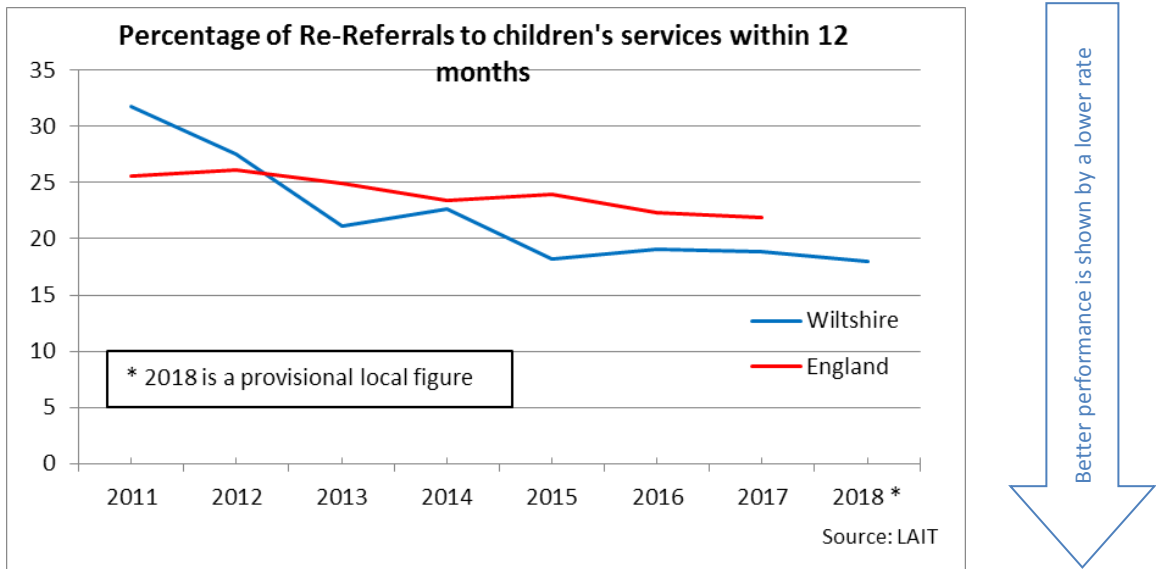
**Priority 3.2 Protecting the Vulnerable – Integration**

15. Ensuring that services which are designed to protect the most vulnerable in our communities are well linked and work together is a key goal for Wiltshire Council. Wiltshire Council works hard with its partners in health care to provide a seamless service. Part of this work is to reduce demand on both the health and care parts of the service. The number of people who required adult social care has risen by 3.9% in the last year but is almost the same as the number in 2015/16.

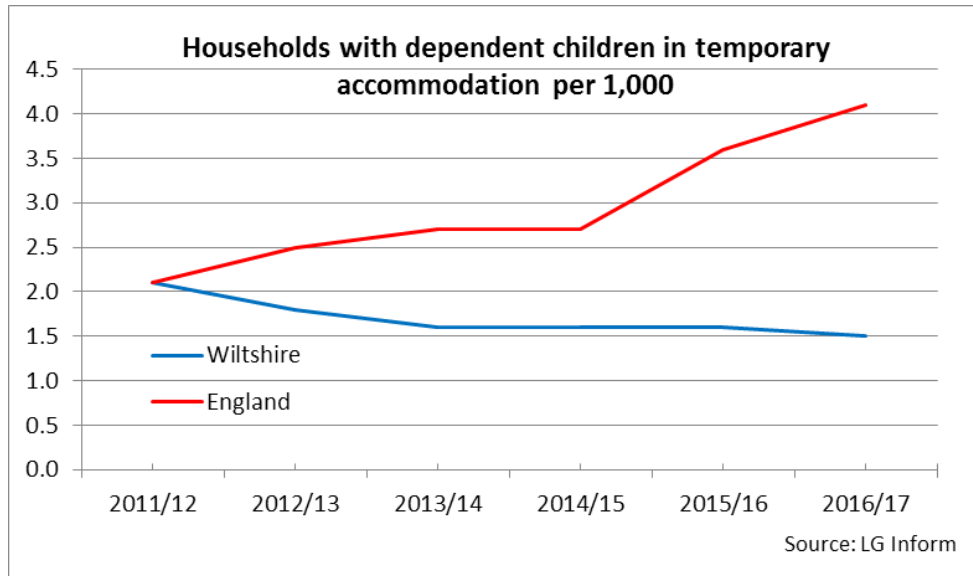


**Priority 3.3 Protecting the Vulnerable – Personalisation**

16. Wiltshire Council takes opportunities to work with its partners to protect the most vulnerable. Children and young people referred into the social care teams are amongst the most vulnerable. Effective multi-agency working should mean that these young people get the support they need. One way to measure the effectiveness of the service is to consider how many are re-referred back into the service. In the last four years the proportion of children re-referred within 12 months has remained largely stable at around 18.5%. The reduction in the rate in the previous four years means that the Wiltshire rate remains below the national average.

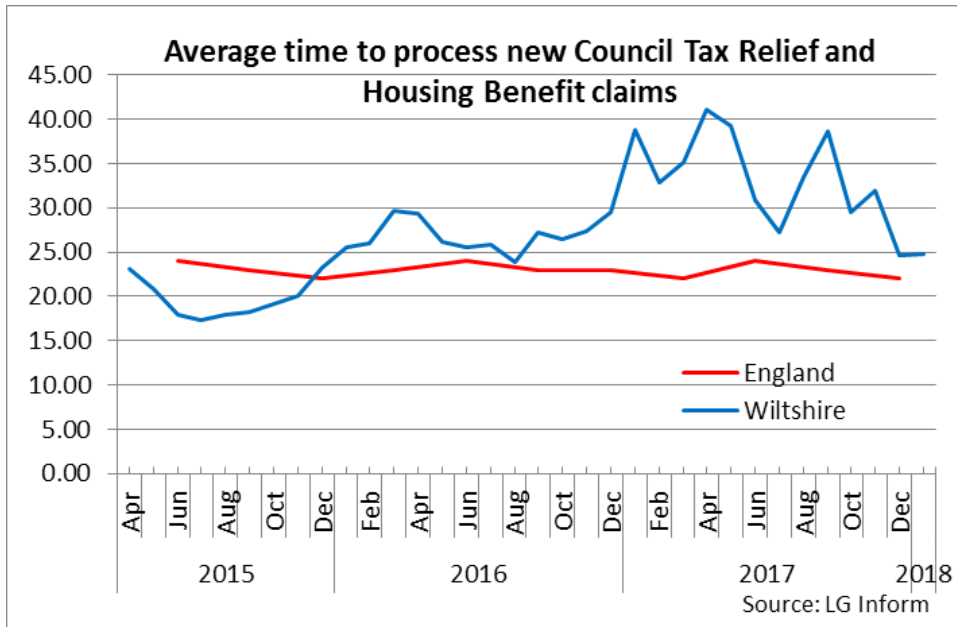


17. Accommodation is often the key factor affecting people’s vulnerability. Wiltshire council’s Business Plan is clear that finding suitable accommodation for vulnerable people is a priority. The rate of Wiltshire households, with children, in temporary accommodation has fallen over the last five years to a low of 1.5 in every 1,000. Over the same period the national figure, which matched the Wiltshire level in 2011/12, has risen to a high of 4.1.



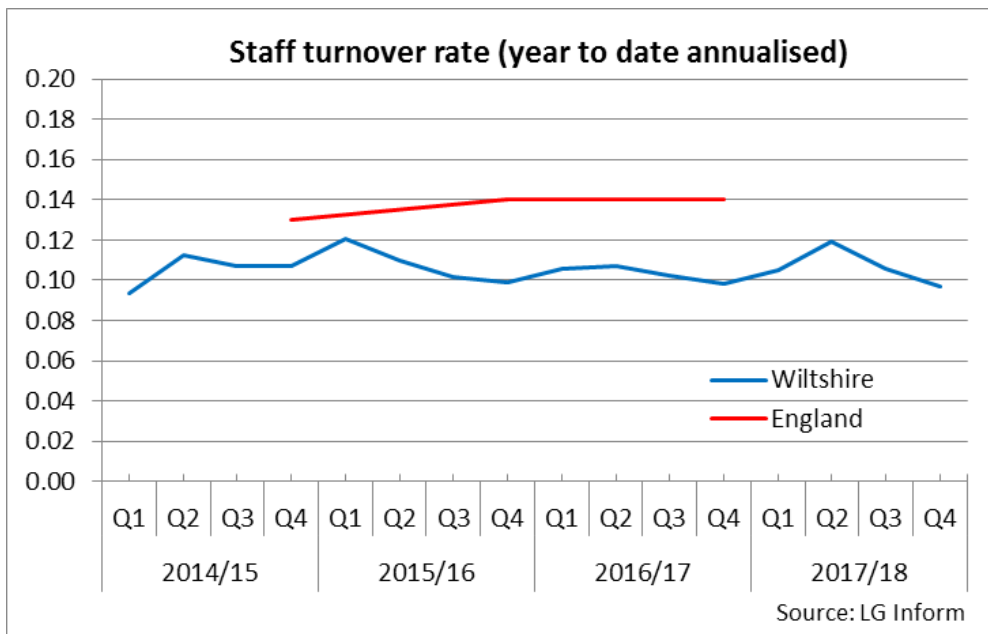
*An Innovative and Effective Council*

18. It’s important for Wiltshire Council to be effective in delivering services to our customers as well as with its inhouse processes. The roll-out of Universal Credit Full Service created a spike in new claims and workload prior to its introduction in June 2017 and has had an impact on the council’s teams delivering benefits services to residents. There has been a fall in the number of new Housing Benefits claims since June 2017. There were 40% fewer new claims in December 2017 than there were in December 2016. However Universal Credit does not include council tax reduction where the caseload has fallen by less than 4% in the same period with over 25,000 households receiving this benefit. Despite the impact of Universal Credit Full Service, the average processing time was actually five days less in December 2017 than in the same month the previous year. Wiltshire, after an unsettled period, is moving back towards the national average time to process new claims.



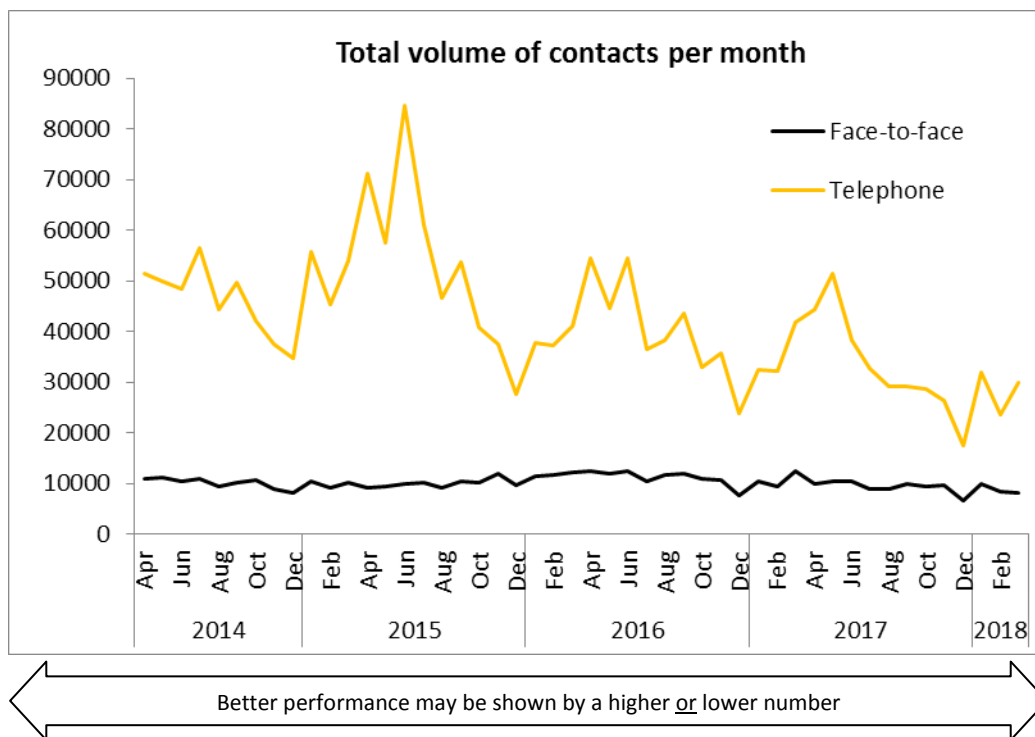
Better performance is shown by a lower number

19. Through its People Strategy the council aims to ensure that it can attract, retain and motivate the best people to serve Wiltshire’s communities. It does this through empowering staff, providing innovative flexible employment practices and working with the staff body. A mark of this success would be staff retention. The graph below shows the proportion of staff who choose to leave the council. Wiltshire’s annualised rate at the end of last quarter was 9.7% which is low in comparison to the figure for all English local authorities in the past few years.



Better performance is shown by a lower rate

20. As Wiltshire Council improves the efficiency of its contact with its residents by providing more, and more efficient, ways for people to contact the council and conduct transactions the number of occasions where people need to interact with a member of council staff face-to-face or by telephone has reduced. The trend in the number of face-to-face contacts over the last four years shows a reduction of 19.7% and telephone contacts of 4.5%. That reduction has been more marked in the year to March 2018 with the average monthly number of face-to-face contacts falling by 34.3% and telephone contacts by 28.6% suggesting a potential greater uptake and reliance on digital contact options.



### Strategic Risk Register (as at end March 2018)

21. Delivering the Council's new Business Plan will continue to offer a significant challenge given an increasing demand for key services, such as care for vulnerable children and adults, waste management and highways maintenance, as well as rising inflation costs and smaller central government grants. The Strategic Risk Register reflects these challenges.
22. For the first time, the strategic risk register reflects the challenges presented by the incident that took place in Salisbury on 5th March. Wiltshire Council has been at the centre of recovery efforts in Salisbury and the strategic risk register reflects the greater risks to the council identified by the end of March.
23. The Strategic Risk Register draws together information recorded on risk registers at service delivery level. Each Directorate area holds at least one Service Risk Register.
24. Information that has significance across the council as a whole is displayed in two categories on the Strategic Risk Register.

25. Critical service risks: significant single service risks, which, should they be realised will have a significant impact on the organisation as a whole.
26. Composite strategic risks: risks which are significant within a number of service areas although individually would not significantly impact on the organisation as a whole. These risks are compiled into a single strategic composite risk (owned by the most appropriate service) and included within the strategic risk register. The ongoing monitoring of these risks therefore is drawn from the updates to the individual service level risks.
27. National risks, which mirror the most significant risks on the Cabinet Office's national risk register and is Wiltshire's response should these risks be realised, will be reported once a year as there is very little movement in the impact or likelihood of these risks.
28. The simplified version of the current strategic risk register is provided in appendix 1.
29. Each risk is fully defined by the responsible service (who assess the cause, event and effect that make up the identified risk) and scored for impact and likelihood to give an overall score. A risk is scored twice; firstly, as inherent (the current level of risk) and then as residual (the risk as it would be once all mitigating actions are in place). The actions described are RAG'd, based on progress towards completion. This RAG guides the reader of the register to understand the true current risk.
30. A whole range of service risks are kept under observation each quarter.
31. Of the nine risks listed on the strategic risk register three have an inherent score that puts them in the 'high' bracket.
32. The imitate response to the issue in Salisbury involved the work of many staff from across the organisation including large contributions from the corporate office, public health, communications and economy and growth. In addition, many the council's most senior staff were required to be involved. There was a danger that these areas would be unable to maintain the level of work they had expected to achieve while supporting work in Salisbury. Support from across the organisation and clear prioritisation has meant the risk has been reduced.
33. The impact on Salisbury's economy from the incident in March is significant. The risk to the council and its strategic aims is that economic recovery from that shock is slow. The mitigation of this risk is being undertaken by the Recover Coordination Group and its sub groups.
34. There was little change in the individual service risks around contract management but a greater understanding of what is required from an updated contract management framework following an audit has meant that the corporate level risk is viewed as higher.
35. The corporate composite risk around Information Governance has increased scoring this quarter as a result of greater incident reporting. This is due to raised awareness and an easier procedure for reporting incidents. The increase in scoring represents a better understanding of the true risk across the organisation. Additional monitoring and measuring of incidents and practice are in place but the impact of these mitigations will take some months to be felt.

36. Some of the issues described in composite corporate risks are more severe in specific services but the scores displayed represent the risk for Wiltshire Council. This is the case with the Staff Capacity risk where the relevant lead services are undertaking reviews of service level risks.
37. The safeguarding of vulnerable adults and children remains a high priority for the council. This focus means that actions continue to be sought and undertaken, to mitigate the likelihood of safeguarding incidents. This includes the development of an adult multi-agency safeguarding service (MASH) made up from the Police, Clinical Commissioning Group and the council which will further enhance our safeguarding response across Wiltshire, ensuring better communication and response. Policy and plans are in place to help recruitment and retention in children's service in order to further mitigate the safeguarding risks.

### **Overview & Scrutiny Engagement**

38. The Financial Planning Task Group is due to consider this report at its next available meeting. The Task Group will also play a role in the development of the new performance management framework helping to ensure clear links to the council's new business plan

### **Safeguarding Implications**

39. A number of indicators are regularly analysed which directly relate to the safeguarding of children and adults. Action is taken where improvements in performance are required.

### **Public Health Implications**

40. Not applicable as no decision is required.

### **Procurement Implications**

41. Not applicable as no decision is required.

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

42. Not applicable as no decision is required.

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

43. Not applicable as no decision is required.

### **Risk Assessment**

44. Not applicable as no decision is required.

## **Financial Implications**

45. Not applicable as no decision is required.

## **Legal Implications**

46. Not applicable as no decision is required.

## **Options Considered**

47. Not applicable as no decision is required.

## **Conclusions**

48. This report brings together updates performance indicators that make up the corporate performance framework as well supplementary commentary to provide further context around the council's activities in these areas and the risks faced by the council.

**Robin Townsend**  
**Director, Corporate Services & Digital**

*Report Author:*

Toby Eliot, Corporate Support Manager | [toby.eliot@wiltshire.gov.uk](mailto:toby.eliot@wiltshire.gov.uk)  
May 2018

## **Appendices**

- Appendix 1: Strategic Risk Register (Q4 March 2018)
-



**Wiltshire Council Strategic Risk Register  
2016/17 Quarter Four**

Risk short name	Primary Risk Category	Secondary Risk Category	Q4 Inherent Impact	Q4 Inherent Likelihood	Q4 Inherent Risk Rating	Q4 DoT	Q4 Actions RAG	Q4 Residual Impact	Q4 Residual Likelihood	Q4 Res Risk Rating	Q4 Comments
<b>Critical Service Risks</b>											
<b>Safeguarding Children</b>	Service Delivery	Reputation	4	2	8	▶	Green	4	2	8	Vacancies within the wider team carry an inherent risk and mean that the residual risk is no lower. The specific risk is mitigated by long-term strategy on recruitment and the prioritisation of safeguarding duties.
<b>Safeguarding Adults</b>	Reputation	Service Delivery	4	2	8	▶	Amber	4	1	4	The individual risk areas remain well monitored and managed during a period of transition.
<b>Inability to deliver business as usual or respond to another 'major incident' while providing resource to Salisbury Recovery</b>	Service delivery	Reputation	3	4	12	↔	Amber	2	3	6	The quantity of staff, and other resource, required to support on going recovery in Salisbury is not yet known. Plans for providing resource to this unforeseen area of work, alongside business as usual, are being developed.
<b>Failure to revive Salisbury's economy</b>	Reputation		3	3	9	↔	Amber	3	2	6	The council will be working closely with businesses, trade bodies and other organisations to develop recovery plans and coordinate government support.

**Wiltshire Council Strategic Risk Register  
2016/17 Quarter Four**

Risk short name	Primary Risk Category	Secondary Risk Category	Q4 Inherent Impact	Q4 Inherent Likelihood	Q4 Inherent Risk Rating	Q4 DoT	Q4 Actions RAG	Q4 Residual Impact	Q4 Residual Likelihood	Q4 Res Risk Rating	Q4 Comments
<b>Composite Corporate Risks</b>											
<b>Staff capacity: Recruitment and Retention</b>	Staffing/ People		3	2	6	▶	Green	3	2	6	There are some individual service risks where scores are high - these include in Adult Care and IT. The HR service are working directly to mitigate those specific risks.
<b>Budget management</b>	Financial	Reputation	3	3	9	▶	Amber	3	3	9	Continued review of budgets and RAG rating on the planned savings in 2018/19 to flag any variance early as possible and bring forward compensating savings.
<b>Contract monitoring and management</b>	Service delivery	Financial	4	3	12	▲	Amber	4	2	8	The inherent risk score has been increased to emphasize the important of contract management to organisation's performance. 114 council officers have now been trained on contract management and thus the likelihood score has been lowered to reflect this. Also, the Contract Management Framework (CMF) has been updated to apply recommendations made by SWAP in their recent audit – changes include better alignment of relationship between the CMF and CM Toolkit and also increased promotion of the CMF and Toolkit across the Council's contract management community.
<b>Corporate Health, Safety &amp; Wellbeing</b>	Health & Safety		3	2	6	▶	Green	2	2	4	New service-specific risk assessments are now being used to manage down likelihood of services risks becoming issues.
<b>Information Governance</b>	Reputation	Financial	4	3	12	▲	Amber	3	3	9	Increased scoring due to heightened awareness of incident reporting. New monitoring and measuring in place but will take some time to have an impact.

**Wiltshire Council**

**Cabinet**

**3 July 2018**

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**Subject: Families & Children's Services Social Work Capacity**

**Cabinet Member: Cllr Laura Mayes - Cabinet Member for Children, Education and Skills**

**Key Decision: Yes**

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## **Executive Summary**

The current and future demand in children's services is evident both nationally and locally. We have improved services within Wiltshire for vulnerable children and families and we now need to prepare ourselves going forward. One key issue we need to address is the social work capacity within Families and Children's Services via new investment.

## **Proposal**

That Cabinet approve an additional £1.2m investment to increase the social work capacity with Families and Children's Services.

## **Reason for Proposal**

We need ensure sustainable, future proof and secure service across Families and Children's Services. This will only be achieved by increasing the number of social workers and associated posts to ensure we can manage the current predicted increase in service demand and offer both achievable, and where required, protected levels of caseloads. The proposals will also ensure we have sufficient managerial oversight in this important and high-risk area of the council's delivery. This proposal essentially ensures the Local Authority have the requisite capacity within core work groups to deliver on these principles.

**Terence Herbert**  
**Corporate Director**

## **Wiltshire Council**

### **Cabinet**

**3 July 2018**

---

**Subject: Families & Children's Services Social Work Capacity**

**Cabinet Member: Cllr Laura Mayes - Cabinet Member for Children, Education and Skills**

**Key Decision: Yes**

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### **Purpose of Report**

1. The purpose of this report is to outline the proposal to ensure a sustainable, future proof and secure service across Families and Children's Services. This will be achieved by increasing the number of social workers and associated posts to ensure we can manage the current predicted increase in service demand and offer both achievable, and where required, protected levels of caseloads. The proposals will also ensure we have sufficient managerial oversight in this important and high-risk area of the council's delivery.
2. The outcome sought is an additional £1.2m annual investment in Families and Children's Services.

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

3. One of the council's five priorities in the Business Plan 2017- 2027 is to protect the most vulnerable in Wiltshire's communities. Social workers and social work managers have a key role in delivering that priority which means being able to recruit and retain the right number of high calibre staff in these roles is critical to delivering the principles and actions that will ensure that we meet this priority.

### **Background**

4. The background is that the establishment levels within this service have remained the same since 2015 when social work capacity was last increased, this alongside the market supplement introduced 2015 had a positive impact but are no longer sufficient going forward.

### **Social Work – Building a sustainable model**

5. There are many elements that influence and support the quality of social work delivery; high quality university education, good induction, robust, reflective and supportive supervision and management oversight, effective procedures and systems and manageable caseloads.

6. We have been developing a robust practice framework (CARE) – a coherent approach that structures how we work with families; our staff feedback is that this is assisting them in their assessment and interventions.
7. The Council has invested in a new Case Management System (CMS) run by Liquid Logic. The system is scheduled to go live in November 2018 and will bring together the Council's work across Early Help, Children's Social Care and Support and Education support. It will allow us, through the use of Portals and Liquid Logic's Singleview module, to work even more closely with partners who will be enabled to use the system to understand a family's journey, contribute directly to assessments and more effectively share information.
8. We deliver a training offer that staff support and we operate as a learning organisation ensuring reviews and audits along with family feedback inform the learning and development programme for staff and partners.
9. Our staff are committed to Wiltshire and to the families they work with. They tell us and the evidence supports their view that with manageable caseloads they can more effectively work with families and experience an improved sense of wellbeing for themselves.

### **Main Considerations for the Council**

10. There is much to celebrate in Wiltshire with supporting and improving life chances for children and young people at the heart of the Council's agenda. Ensuring that our children and young people are safe and healthy, and that families have access to services that meet their individual needs at an early stage, is crucial in making sure every child and young person has the best possible start in life and grow up to be purposeful and functioning adults and potential parents.
11. Wiltshire is a relatively healthy and affluent County and outcomes for most children and young people are generally good compared to outcomes across England. However too many of our children who live with increased or multiple vulnerabilities (for example Special Educational Needs [SEN], young carers, care leavers, young people with mental health difficulties) are not doing as well in life as we, or their families would wish.
12. 12% of our children live in low income families. The issues faced by these children combine to impact upon their development and education, limiting their future employment prospects, and reducing their opportunities to succeed throughout their lives and increasing the likelihood of their reliance on 'high end services'.
13. The Families and Children's Transformation (FACT) Programme has been designed to take a whole-system approach with partners, staff, children, young people and their families to both streamline and improve the way we

work whilst promoting multi-agency integration and enabling us to be more efficient in the delivery of our services and more effective at helping families and children achieve positive outcomes at the earliest point.

14. As part of our shared vision we will empower professionals to maximise the time spent with families, providing early support to prevent escalation and ensuring that our children thrive in their families and communities.
15. So, in brief, good quality services delivered by well supported and trained people who have the necessary time and expertise to empower and support the people of Wiltshire is critical to delivering improved outcomes. A core and fundamental element of this workforce is our Social Work and Support staff.

### **Workforce**

16. In order to deliver on our ambition to ensure families access services at the right time and effectively work with them to improve their outcomes and de-escalate risk, we need to ensure we have sufficient staff in place to do this.
17. We know that nationally Local Authorities have an average of 17% of social worker posts currently unfilled (the range for this can be from 3- 50%). The shortage of qualified social workers has also increased the use of agency staffing (costing upwards of an estimated £150m nationally). This is adding yet further costs to a system that is already having to find substantial efficiencies.

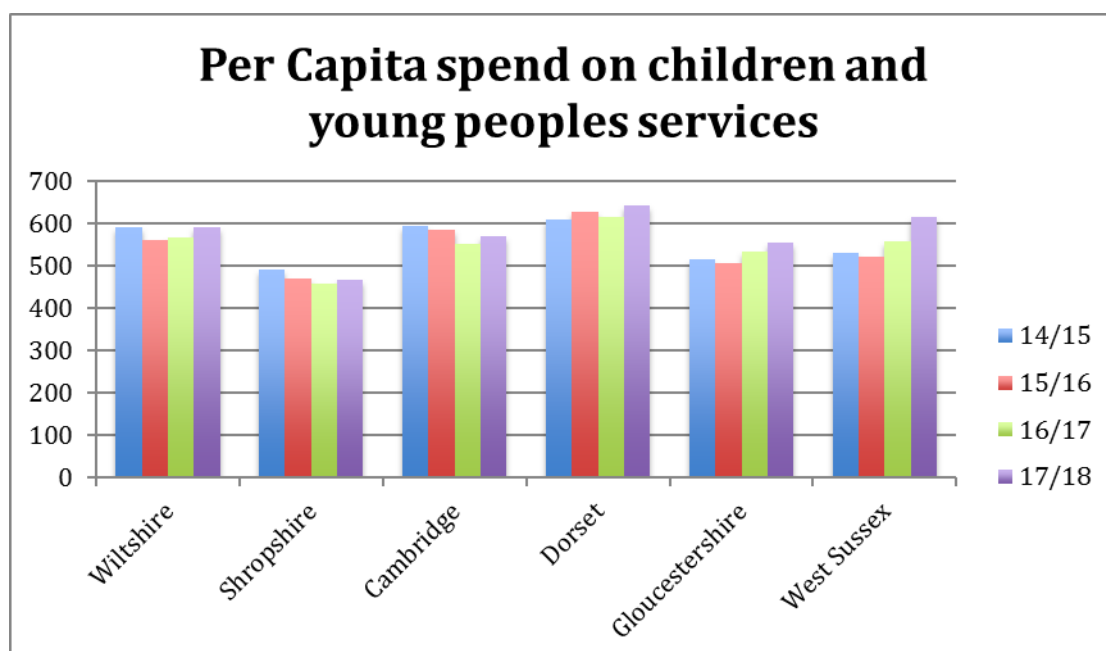
<b>Position at 30 Sept 17</b>	<b>National</b>	<b>Regional</b>	<b>Wiltshire</b>
Vacancies	17%	15.8%	10.8%
Turnover rate	13.6%	14.5%	10.7%
Agency worker rate	15.8%	13.3%	4.7%
Absence	3.1%	4.0%	4.7%

18. Wiltshire's position is more favourable than either the regional or national picture but we know that with no slack in the system any social work vacancy presently puts substantial pressure on delivering services to vulnerable children and thus we need to ensure we remain in this position by looking ahead to the future.
19. We also know that families frequently report that it is staff from a range of professional backgrounds that can best support them in times of crisis and there is good evidence to encourage a clearer definition of the work we see as the social work task and how a more flexible workforce can be deployed to support this.
20. We have seen the benefits of the previously agreed market supplements and an improved recruitment strategy but know from our staff feedback that workload remains critical and is the primary factor that is impacting upon our retention. There has been no increase in social work establishment in

Wiltshire since 2015, over the last 3 years we have seen demand on our services increase.

### Demand in Children's Services

21. The Local Government Association has revealed that nationally 66,410 children were put on child protection plans in 2017, a rate of more than 180 a day. The figure is almost double the 33,300 put on such plans a decade ago, while children's services face a £2bn funding gap by 2020.
22. One in every five children in England is referred to children's services before the age of five.
23. The LGA analysis also highlighted the particular shortfall facing early intervention work as a result of a £500m cut in government funding since 2013, with further projected cuts of £183m by 2020, which will represent a 40% overall reduction.



24. The above shows that half of our statistical neighbours are spending more than they were in 2014/15, it is important to note that two of these are bordering authorities. Where spend is on staffing, the largest resource delivering direct to families and children, this will have an impact on Wiltshire in terms of workforce recruitment/competition.
25. The National Children's Bureau "Off the Radar Report" highlights the evidence that the number of children with additional needs is growing. A Survey poll of 101 Local Authority Lead Members for children, conducted for NCB, found that 87% said demand for children's services had increased in the last two years. (Oct 2017). Furthermore recent research by the Office of the Children's Commissioner (July 2017) suggests that in England half a million children are so vulnerable that they require help from the state. This reports highlights the

challenges in accurately identifying the number of vulnerable children and states “The figures that we do know about are shocking enough – more than half a million children so vulnerable that the state has to step in; 700,000 in ‘high risk’ family situations such as living with drug or alcohol addicted parents or in temporary accommodation; at least 800,000 with mental health disorders”.

26. The NCB highlights that these challenges are likely to increase over the coming years and there is a clear link with austerity and rising child poverty. Recent research has shown that children in low income households have worse cognitive, social and health outcomes as a result of growing up poor. (2017) ‘Does Money Affect Children’s Outcomes? An update’.
27. The NCB believes the Government should urgently take specific actions to improve children’s outcomes – such as increasing funding for children’s social care so that local authorities can meet their statutory duties and maintain services focused on early intervention.
28. We know children in care are less likely to achieve good qualifications; (only 13% achieve five or more GCSE’s) compared with over half of their peers.(Department for Education (2017) ‘Outcomes for children looked after by local authorities in England, 31 March 2016’).
29. Recent research suggests over 70% of children in care experienced at least one change in their placement, school or main social worker over a twelve month period. As such, the quality of support and of relationships children and young people in care receive varies considerably.(NCB (2016) ‘From care to Independence. Consequently, young people leaving care often struggle to cope with independent living meaning they are more likely to experience homelessness, unemployment and involvement in crime. Again the NCB suggests the Government should prioritise improving outcomes for care leavers, by addressing gaps in resource.

### **Demand in Wiltshire**

30. Since 2014 we have seen a decline in the number of Early Help Assessments completed by partners from 1768 (2013/2014) to 939 in 2017/2018. In response to this we have improved the Council’s Early Help offer in the creation of the support and safeguarding service and the introduction of family key workers to work with families who are below the statutory child in need process. In time this will lead to a reduction in the number of statutory cases however this will take some time and better identification of need is going to maintain demand for social care services.
31. During this same timeframe we have seen improvement in service provision although our child in need figures are similar to the level in 2013/14, the number of single assessments completed has increased by about 60%. We have also seen an increase in the number of child protection investigations started.



32. Our looked after population has risen from 397 (March 2014) to 450 (22<sup>nd</sup> June 2018).
33. On the 1<sup>st</sup> April 2018 the duties for Care leavers increased following changes to the Children and Social Work Act 2017; so Local Authorities are now required to offer personal adviser support to all care leavers up to age 25, irrespective of whether they are engaged in education or training. This includes care leavers who return to the local authority at any point after the age of 21 up to age 25 and request PA support.
34. Furthermore the number of Unaccompanied Asylum Seekers we are supporting has increased in the last 3 years and we are now supporting 51; this will rise further.

### **Request/Proposal**

35. In order to maintain performance with increasing demand we need to increase our establishment, recruitment will take at least 3 months and thus we need to act quickly in order to be prepared and ready for increasing demand.
36. The increase in capacity need to be across both the support and safeguarding service and the Child in Care Service. This is in order to manage the increase in demand in child in need, child protection, looked after children and care leavers. Paragraph 45 (Financial Implications) outlines the financial modelling of the 2 options, one being sole social work capacity and the other with some personal adviser capacity also.

### **Overview and Scrutiny Engagement**

37. The Corporate Director has consulted with the Chair of Children's Select Committee regarding these proposals.

### **Safeguarding Implications**

38. The safeguarding implications are directly related to the ability of the council to recruit and retain sufficiently experienced social workers and managers to undertake the statutory safeguarding responsibilities of the council and to ensure these staff and managers have sufficient time and capacity to safely and effectively assess and intervene with families requiring help.

### **Public Health Implications**

39. With increased professional capacity we will be able to provide more support which will have a positive impact on the health of families and children as well as positively impacting on the children as they move into adulthood.

### **Procurement Implications**

40. There no procurement implications. Additional staff will be recruited via normal HR processes. If agency staff are sought, we will identify them via the Matrix neutral vendor framework.

## **Equalities Impact of the Proposal**

41. Vulnerable Families and Children face inequalities in society, additional resource to work with these families will improve their life chances and reduce inequalities.

## **Environmental and Climate Change Considerations**

42. There are no environmental and climate change considerations as a result of the agreed proposals.

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

43. There is a risk to vulnerable children and adults if social workers and their managers do not have the requisite time to spend with families ensuring robust and effective assessments and interventions. The council will be assisted in recruitment and retention of experienced social workers and managers if caseloads are considered manageable. This risk means that vulnerable adults and children may suffer harm if steps are not taken to improve the council's ability to recruit.

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

44. The risk associated with this action is the impact on Council budgets/spend, good financial management will be required.

## Financial Implications

45. The additional budget that would be required to meet the cost of an additional 16 Social Worker's and 8 Assistant Team Managers in children's services (safeguarding) would be approx. £1.2m in a full year.
46. Costing to increase Families and Children's Workforce.

### 2018/19 Costing

#### Model 1

	FTE	Cost per FTE	TOTAL COST
L3 Social Worker	16.00	45,923	734,775
Assistant Team Managers	8.00	56,951	455,604
	<b>24.00</b>		<b>1,190,379</b>
Less 5% Vacancy Factor			-59,519
Travel @ £2625k per Ops worker			42,000
			<b>1,172,860</b>

#### Model 2

	FTE	Cost per FTE	TOTAL COST
Aspiring Manager	2.00	45,974	91,948
L3 Social Worker	4.00	41,965	167,861
Personal Advisers	2.00	35,442	70,885
	<b>8.00</b>		<b>330,694</b>
L3 Social Worker + 10% MP	10.00	45,923	459,235
Assistant Team Manager + 15% MP	6.00	56,951	341,703
Aspiring Manager + 15%	1.00		52,639
MASH 1 SW - L level 3 + 10% MP	1.00	45,923	45,923
	<b>18.00</b>		<b>899,500</b>
Less 5% Vacancy Factor			-61,510
Travel @ £2625k per Ops worker			42,000
	<b>26.00</b>		<b>1,210,684</b>

47. It would be usual for additional expenditure proposals to be considered alongside other requests during the annual budget process. However, given the potential adverse impact of delaying consideration until later in the year it is recognised this initiative needs to be acted upon now.
48. The nature of the request is for a recurring commitment on the Council's budget. As such a permanent financing solution should ideally be identified. Members will recall that the outturn results reported to the June

meeting of the Cabinet identified additional income from business rates under the Business Rates Retention Scheme. This is a recurring revenue stream and therefore it is proposed that this is utilised in support of the recruitment of additional social workers in the Children and Families workforce.

### **Legal Implications**

49. There are no direct legal implications within this proposal. Any recruitment should follow our recruitment policies.
50. If this is not progressed there is a risk that the Council will not be able to meet its statutory obligations to safeguard children.
51. The level of increase in care proceedings should be monitored particularly in the early stages to ensure that there are sufficient legal support resources to meet any increase in demand.

### **Options Considered**

52. Several other strategies are being developed to improve the recruitment and retention of social workers and managers. We have also looked at increasing the level and diversity of our workforce to support families across a broader range of professionals. However, the demand data suggests that without an increase in social work capacity we will not be able to manage future demand which will impact negatively on service provision and outcomes for families and children in Wiltshire.

### **Conclusions**

49. The Families and Children's Transformation (FACT) programme is driven by five core principles for families and children;
  - **Help when you need it**
  - **We are Better Together**
  - **More time to be with Families**
  - **Resilient communities**
  - **Equity of Opportunity**

This proposal essentially ensures the Local Authority have the requisite capacity within core work groups to deliver on these principles.

### **Lucy Townsend (Director - Family and Children's Services)**

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Report Author: Lucy Townsend, Director - Family and Children's Services,  
[lucy.townsend@wiltshire.gov.uk](mailto:lucy.townsend@wiltshire.gov.uk),

Date of report: 25<sup>th</sup> June 2018

**Wiltshire Council**

**Cabinet**

**3 July 2018**

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**Subject: Wiltshire Council Adoption Service: 2017-18 Year End Report**

**Cabinet member: Councillor Laura Mayes – Children’s Services**

**Key Decision: No**

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## **Executive Summary**

It is a statutory requirement that the Adoption Service provides a year-end report to the Council. It describes the management arrangements, outcomes, priorities and finances of the Agency for the period 1 April 2017 to 31 March 2018.

Wiltshire Council’s Adoption Service was most recently inspected by Ofsted in July 2015 as part of the wider inspection of Children’s Services. The overall inspection judgement was Requires Improvement (RI). Since this time, the Families and Children’s Service has continued to develop and improve how it works to best effect. Two areas for improvement were indicated regarding the Adoption Service. These remain as priorities:

- The need for timeliness of the assessment of adopters and their match with a child to be adopted, and
- The need for timeliness of the adoption of children with complex needs.

In 2016/17, 33 adoption orders were granted (higher than the Wiltshire average in recent years) and 26 families were approved as suitable to adopt. For the year 2017/18, 22 adoption orders were granted and 19 families were approved as suitable to adopt. The reduction in adoption orders granted is because 4 children with complex emotional needs were placed, requiring significant levels of support prior to the families feeling able to make an application to adopt. These are now all progressing to application. Had they been adopted within the reporting period; the figure would have been closer to the Wiltshire average for the last five years.

It is anticipated that 35-40 children will require adoption in any full year (an approximate benchmark is 10% of the care population). Therefore, two years ago the recruitment target was revised with the aim to recruit 30 adoptive families through targeted and general recruitment to meet anticipated needs. This annual target remains in place and is designed to provide sufficiency for children requiring adoptive families whilst maintaining a “pool” of adopters who are prepared and waiting to adopt.

As reported in previous annual reports, driven by the Government's stated commitment to improving adoption services in terms of numbers of children being adopted and the timeliness of matches for children requiring adoptive placements, the development of the Adoption Service has continued. Comparative performance is measured using the Adoption Scorecard which, for Wiltshire, shows overall continued improvement. In previous annual reports, it was recognised that further acceleration of improvement was needed although the overall trajectory was positive and this has continued. The Service is balancing the need to ensure continual improvement whilst maintaining a clear focus on the Adoption West initiative, discussed below.

In spring 2015, the Government made it an expectation that local authorities were to develop collaborative arrangements to improve adoption performance. The regional response to this was the Adoption West project, comprising of six local authorities and a small number of locally operating Voluntary Adoption Agencies working together to design and deliver a new adoption agency. Wiltshire Council is a member of the Adoption West partnership and has recently taken the responsibility of chairing the Adoption West Governance Group, following the retirement of the previous chair.

Cabinet has previously received detailed information regarding Adoption West and the role, responsibility and accountability arrangements that are being developed.

#### **Proposal(s)**

It is recommended that the contents of this report are noted and accepted.

#### **Reason for Proposal**

Wiltshire Council is an Adoption Agency registered with Ofsted. The 2014 Adoption Minimum Standards (25.6) and 2013 Statutory Guidance (3.93 and 5.39) describe the information that is required to be regularly reported to the executive side of the local authority to provide assurance that the adoption agency is complying with the conditions of registration whilst being effective and achieving good outcomes for children and service users.

**Terence Herbert**  
**Corporate Director**

## **Wiltshire Council**

### **Cabinet**

**3 July 2018**

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**Subject: Wiltshire Council Adoption Service: 2017-18 Year End Report**

**Cabinet member: Councillor Laura Mayes – Children, Education & Skills**

**Key Decision: No**

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### **Purpose of Report**

1. This report provides a year-end report to Cabinet regarding the performance of the Adoption Service within Wiltshire Council. It is a requirement of the condition of registration, as described in the 2014 Adoption Minimum Standards and 2013 Statutory Guidance, that Cabinet is satisfied the Adoption Agency complies with the conditions of registration, is effective and is achieving good outcomes for children.
2. Cabinet last received an annual report regarding the Adoption Service in July 2017, covering the period from 1 April 2016 to 31 March 2017. This report relates to the full year 2017/18 reporting period. Cabinet also received an interim six-month report in January 2018.
3. The Ofsted inspection of Children's Services in July 2015, (arriving at the overall judgement of Requires Improvement) which included the Adoption Service, noted strengths alongside two areas that required further attention:
  - The timeliness of the assessment of adopters and their match with a child to be adopted, and
  - The timeliness of the adoption of children with complex needs.
4. This report includes information regarding the management of the Adoption Service, the Adoption Scorecard, children who require adoptive placements and those who are placed, the recruitment and approval of adopters, the disruption of placements, children where the plan for adoption changes and the work of the Adoption Panel.
5. It is recommended that the contents of this report are noted and accepted.

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

6. The Wiltshire Council Adoption Service contributes to a central priority as set out in the Wiltshire Council Business Plan 2017-2027; to protect those who are most vulnerable and provide permanent homes for children in care.

7. Identifying adoptive families for Wiltshire children remains a priority. Wiltshire Council will remain as an adoption agency because it will retain responsibility for children requiring adoption. The arrival of Adoption West as the Regional Adoption Agency (RAA) will mean that the provision of adoptive families, home finding and adoption support will become the responsibility of the new agency.

### **Main Considerations for the Council**

8. The main consideration for the Council is to be assured about statutory compliance and the effectiveness of the Adoption Service. In 2015/16, 22 children were adopted. In 2016/17, 33 children were adopted (higher than the recent Wiltshire average) and in 2017/18 this number was 22. Of these, 19 (86%) were placed within 12 months of the decision that adoption was in their best interest being made. In 2015/16, 13 adoptive families were approved, in 2016/17, 26 families were approved. In 2017/18, 19 families were approved as suitable to adopt. This indicates the need to increase the number of families approved as suitable to adopt.
9. Wiltshire's current Adoption Scorecard (most recently published performance to March 2017) shows overall continued improvement and is included below, for reference. National performance targets are no longer in place and it is not clear what national and local reporting will be in place when the RAA is in operation. At present, each local authority Adoption Agency has a scorecard and there are three key measures that are included:

#### **A1: the average time between a child entering care and moving in with its adoptive family, for children who have been adopted:**

- The local authority three-year average (2014-17) is 469 days. This is shorter than the three-year average of 545 days in 2013-16 and shorter than the England three-year average for 2014-17 of 520 days. The Scorecard shows steady improvement over time.
- Excluding two legacy cases the three-year average figure becomes 419 days for 2014-17
- The local authority figure for 2017-18 is 326 days, down from 445 in the previous year.
- Including Early Permanence (Fostering for Adoption) placements and legacy cases, locally reported data estimates the figure for 2015-18 as 392 days, a continued improvement on 469 days and a marked improvement on 545 days, remaining significantly less than the England average.

#### **A2: the average time between a local authority receiving court authority to place a child and the local authority deciding on a match to an adoptive family:**

- The local authority three-year average (2014-17) is 186 days. This is an increase on the three-year average of 158 days in 2013-16. Excluding two legacy cases this figure becomes 154 days for 2014-17.



- It remains shorter than the England three-year average of 220 days. Overall the Scorecard shows steady improvement over time.
- The local authority one year figure for 2017-18 is 126 days. In 2016-17 the figure was 221 days, excluding 2 legacy cases this figure becomes 144 days for 2016-17
- This includes 2 children adopted in May 2016 following protracted court proceedings, who were originally placed for adoption in 2014 with the placement orders being granted in 2011. One child has significant additional needs and the second experienced placement disruption prior to being matched with adoptive parents. In addition, 2 children were adopted by their foster carers whose adoption assessments needed to be completed once placement orders were granted. Three adoptive placements were found for a family of 7 children, meaning significant sibling contact was required.
- Including legacy cases where they remain in the three-year period, locally reported data estimates the figure for 2015-18 as 171 days. 2019-20 will be the final three-year average where these legacy cases will have an impact.

**A3: the number of children who waited less than 14 months between entering care and moving in with their adoptive family:**

- In the period 2017-18, there were 69% (85) of children who waited less than 14 months between entering care and moving in with their adoptive family. This is an increase from 48% (60) in the previous cycle when the measure was those who waited *less than 16 months*. The England three-year average (2014-17) is 53%. Locally reported data estimates the figure for 2015-18 as 94 children (73%). This shows steady improvement over time.

10. The most recent Scorecard three year averages relate to 2014-17, therefore there has been a further year of work taking place in Wiltshire which has produced the unverified averages described above. This data indicates that the three key measures have continued to improve this year, with the overall pace and trajectory of improvement being positive. There is significant improvement for indicator **A1** (which is showing an improvement of about 20%, meaning that more children are being placed in their adoptive placements in a shorter time after being received into care) and **A3** where there is an improvement of about 20 percentage points and in the context of a tougher definition (a reduction of two months each reporting year). This is good progress. The increase in **A2** includes two children who have been hard to place and who are now in adoptive placements, demonstrating commitment to seek secure, permanent arrangements for all children where adoption is considered to be in their best interests. To ensure continued progress and improvement, careful attention must be given to all aspects of the work of the Adoption Service whilst the current responsibilities of the Wiltshire Council Adoption Agency continue to apply, prior to the implementation of Adoption West which is scheduled for October 2018.

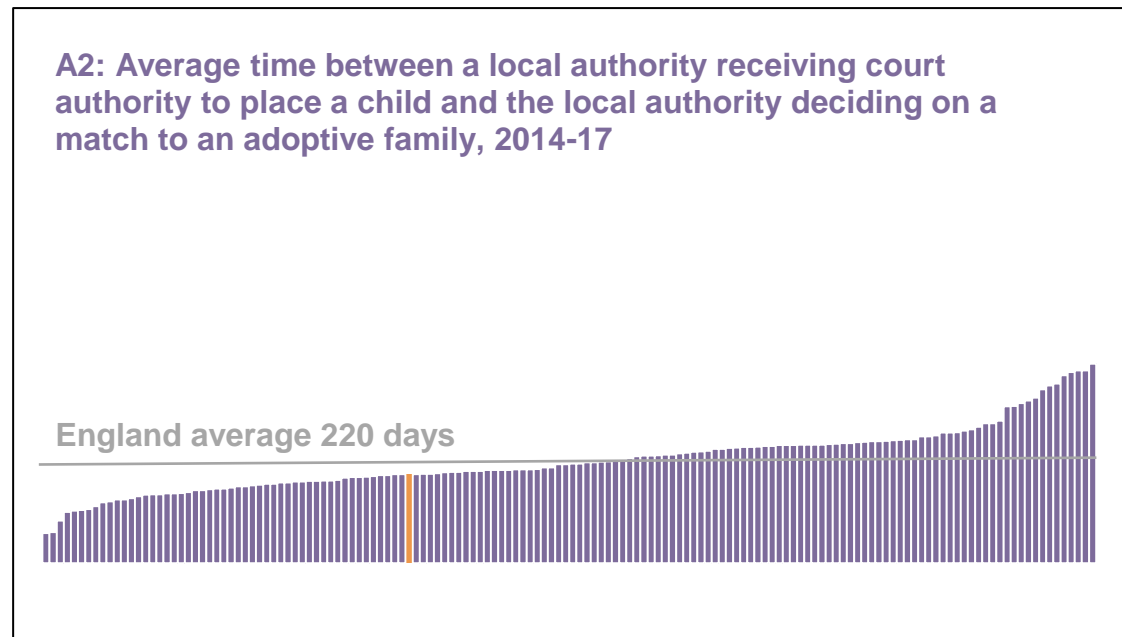
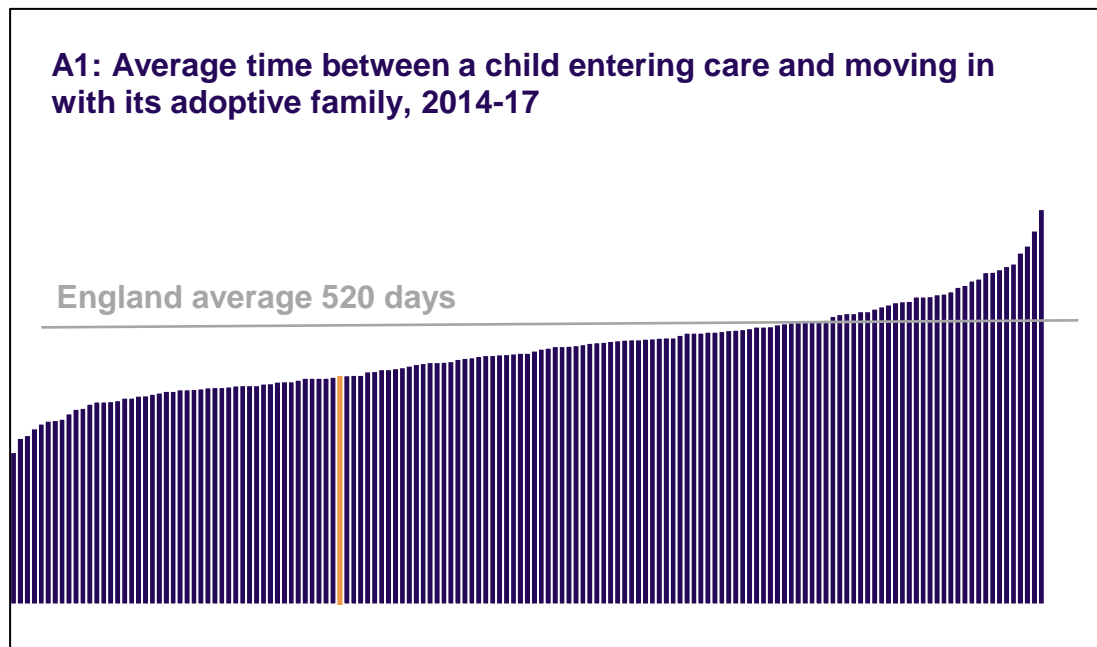
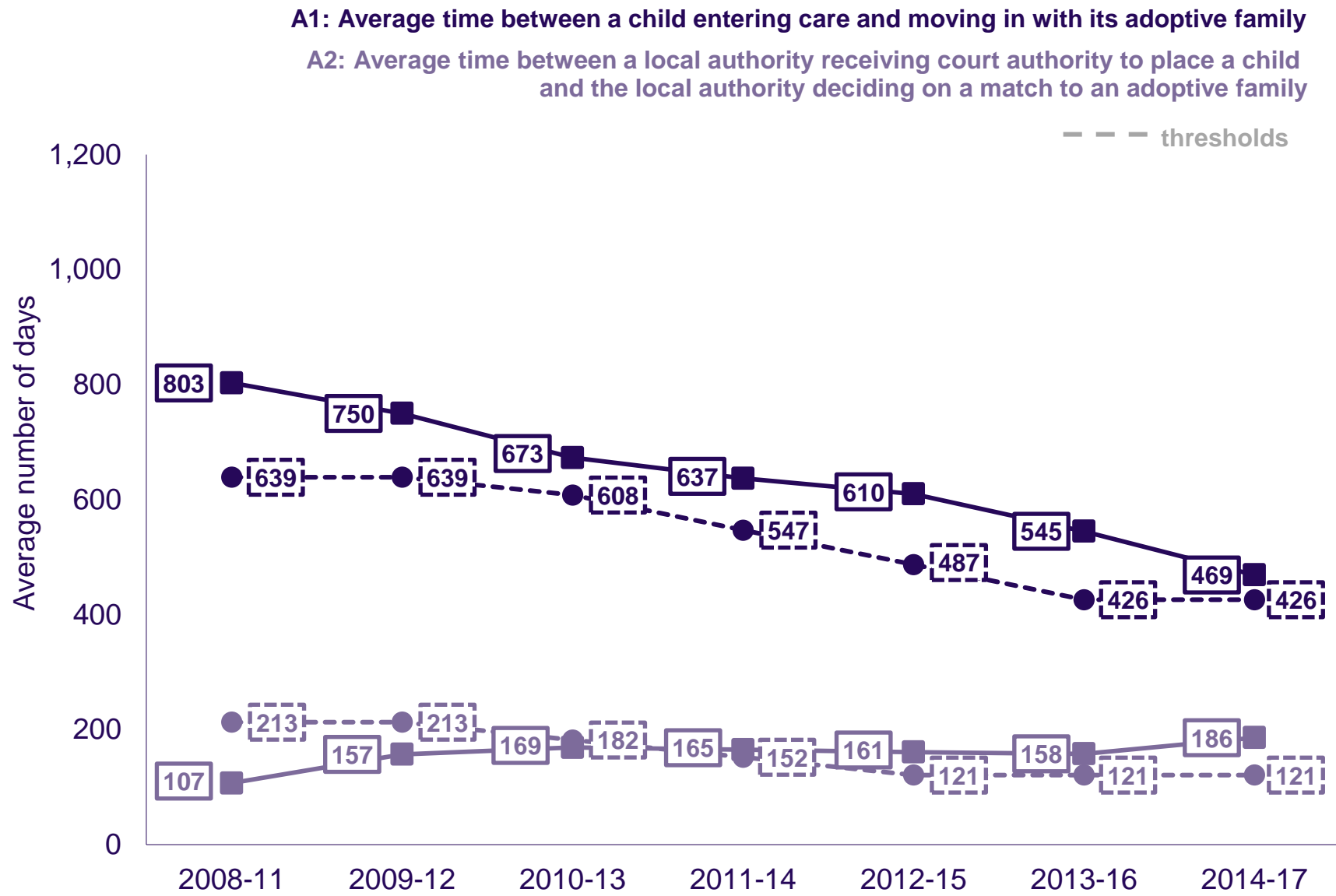
11. Improvements to processes have continued, to ensure that home finding starts at the earliest opportunity and that all activities are monitored and completed in a timely fashion. Previous practice had home finding beginning later in the child's journey with the resultant impact on timeliness. This work will continue in the coming year and into the development of Adoption West,

making sure that best practice is recognised and delivered within Wiltshire and across the Adoption West area.

12. The 2017 Scorecard is as follows:

**Children** **Average time indicators**

	A1: Average time between a child entering care and moving in with its adoptive family (days)	A2: Average time between a local authority receiving court authority to place a child and the local authority deciding on a match to an adoptive family (days)	A3: Children who wait less than 14 months between entering care and moving in with their adoptive family (number and %)
LA's 3 year average (2014-17)	469	186	85 (69%)
Distance from 2014-17 performance threshold (426 and 121 days)	<b>43 days</b>	<b>65 days</b>	n/a
1 year trend - Improvement from 2016 to 2017	Average time in 2017 was longer than in 2016	Average time in 2017 was longer than in 2016	n/a
3 year trend - Improvement from 2013-16 to 2014-17	Average time in 2014-17 was shorter than in 2013-16	Average time in 2014-17 was longer than in 2013-16	n/a
England 3 year average (2014-17)	520	220	11120 (53%)



Adopters				Related Information																
	Number of approved adoptive families waiting to be matched as at 31 March 2017	Number of applications to become an adoptive family still being assessed (not yet approved or rejected) as at 31 March 2017	Proportion of adoptive families who were matched to a child during 2016-17 who waited more than 3 months from approval to being matched to a child	New ADM decisions				New placement orders granted				Adoptions from care during 2014-17 (with % leaving care who are adopted)	Children for whom the permanence decision has changed away from adoption during 2014-17 (number and %)	Number of children waiting to be placed for adoption (as at 31 March 2017)	Number of children waiting to be placed for adoption with a placement order (as at 31 March 2017)	A1 timeliness where times for children who are adopted by their foster family are stopped at the date the child moved in with the foster family (days) (2014-17)	Number of children in a Fostering for Adoption / Concurrent Planning foster placement (as at 31 March 2017)	Adoptions of children from ethnic minority backgrounds during 2014-17 (number adopted and % of BME children leaving care who are adopted)	Adoptions of children aged five or over during 2014-17 (number adopted and % of children aged 5 or over leaving care who are adopted)	Average length of care proceedings locally during 2014-17 (weeks)
				2016	2017	2016	2017	2016	2017	2016	2017									
LA	25	20	79%	30	35	30	25	LA	80 (16%)	30 (19%)	20	10	402	x	5 (10%)	15 (5%)	27			
England	2,040	1,690	74%	LA % change 20%	20%	LA % change -17%	-17%	England	14410 (15%)	2880 (12%)	4,100	2,580	435	380	2210 (8%)	3130 (5%)	30			
				National % change -3%	-3%	National % change -%	-%													

THESE ARE NOT PERFORMANCE MEASURES

13. Management arrangements and staffing are compliant with regulation in terms of qualification and experience. The Corporate Director (with the responsibility of Director of Children's Services) has overall responsibility for the Adoption Service. Reporting to the DCS is the Director with responsibility for Families and Children's Services. The Head of Service: Care and Placement Services has day-to-day operational responsibility for the Service. There is a Service Manager and Adoption Team Manager in post. This provides strength and clear accountability to the Service with an opportunity to develop the strategy for improvement, ensure appropriate line management arrangements in the Service, provide operational accountability and maintain an important and continuing significant contribution to the development of Adoption West.
14. The Adoption Team Manager has recently been appointed as the Service Director for Adoption West. Whilst this will result in a staff deficit within the Service from mid-July, there will be cover provided by the Service Manager and Assistant Team Manager and the impact will be short-term as all adoption staff will transfer to Adoption West in October 2018. Recruitment to the vacant Team Manager post will be recruited to by Adoption West. It is positive that the new Service Director has shaped and improved the Adoption Service in Wiltshire and knows it well.
15. The core task of the Adoption Service is to provide secure, stable adoptive placements for children who require legal permanence and are no longer able to remain living safely with their parents or other family members. Services provided are broadly delivered by two teams within the Adoption Service:
- The Adoption Recruitment and Assessment Team: provides permanency for children through the recruitment, assessment and preparation of prospective adopters. Recommended for approval by the Adoption Panel with decisions made by the Agency Decision Maker, adopters are then matched with children through the home finding process.
  - The Adoption Support Team: supports adoptive families and their children to ensure placement stability. It also provides support to Special Guardians (although this responsibility will stay with the local authority when Adoption West becomes operational). Services include therapeutic support, counselling, training, family days, newsletters and a link to Child and Adolescent Mental Health Services (CAMHS). This team is also responsible for managing referrals to the Adoption Support Fund which increases adopters' and Special Guardians' access to specific services for adoption support.
16. In addition, the Adoption Service is responsible for providing an intermediary service for adopted adults and birth relatives wishing to trace family members, for those wishing to trace adopted children, support for non-agency adoptions (typically step-parents wishing to adopt), and those wishing to adopt children from overseas.

17. The establishment operational staffing of the Service (Recruitment and Assessment and Adoption Support) comprises one full-time equivalent Team Manager and one full time equivalent Assistant Team Manager. There are 8 full time equivalent qualified social work posts. There are 1.95 full time equivalent Adoption Support Workers who, between them, have responsibilities across the full range of support work within the Adoption Service. There is currently one vacancy for an Adoption Support Social Worker, the post is not being recruited to as it will need to be considered when moving staff into Adoption West. This is a small team with county-wide responsibilities. The demands upon the team have grown over time with the increase of Special Guardianship Orders in Wiltshire. They also have responsibility for the work generated by potential and actual adoption breakdowns that can occur at any time post-Adoption Order. Most commonly, these involve adolescents who are challenging and can be hard to place if they are unable to remain with their adoptive families.
18. A development plan, supported by an adopter recruitment strategy, was published in autumn 2015, refreshed in autumn 2016, with further review in 2017. This reflects the priorities of the Service and the areas of improvement indicated in the Ofsted inspection of 2015, linking to the developments and improvements required to improve performance as evidenced within the Scorecard. It is anticipated that Adoption West will begin full operation in October 2018 at which time it will assume responsibility for most functions of the Wiltshire Adoption Service. Adoption West will have its own development and implementation plan.
19. The priorities of the current Adoption Service Development Plan include:
- Identification of suitable adoptive families without delay for children for whom adoption is in their best interest
  - Adopter recruitment and retention
  - Provision of an effective and efficient home finding service
  - Provision of an adopters' training pathway
  - Promotion and continued development of Early Permanence for children
  - Provision of an adoption support service that is responsive to the needs of adopters, special guardians, adopted children and their families
  - Ensure that the Adoption Panel is effective
  - Ensure that the Adoption Service is integral to the development of Adoption West
20. The Ofsted Inspection of Children's Services carried out in July 2015 graded the overall Service as Requires Improvement. A culture of continuous improvement was noted with a positive trajectory towards Good. Children and young people were considered to enter Care when they needed to and the timeliness of care proceedings had improved. Inspectors identified an Adoption Service that "made well informed and well-matched placements supported by effective family finding". There was evidence that good performance information was used to inform practice and service development. Adopters were prepared and assessed well and the Adoption Support Team was seen to be effective, innovative and forward looking. The Adoption Panel and Agency Decision Maker (ADM) ensured that children

were effectively matched with the most appropriate families. These judgments describe the foundation of continuing improvement.

21. In early 2015 the Government stated that local authorities (and Voluntary Adoption Agencies) should work collaboratively to ensure more effective arrangements were in place to deliver adoption where it was in a child's best interest. Adoption West is the local response to this initiative. Comprising of six local authorities and locally operating Voluntary Adoption Agencies, Adoption West will be an independently operating Adoption Agency. Cabinet has already given approval to the design, budget and implementation arrangements of the partnership. It is anticipated that Adoption West will improve the timeliness of adoption for children whilst providing other aspects of the work carried out by current local authority Adoption Agencies. Staff and managers from Wiltshire are fully involved in the development, not only to ensure it is an effective agency but also that the interests of children and adopters from Wiltshire are well served. The chairing of the Governance Group has recently been taken on by the Corporate Director. All this represents a significant commitment from the Service and care will be taken that it does not affect "business as usual".
22. There are significant implications for the Adoption Service and staff in Wiltshire, not least because those staff whose jobs are wholly or mostly associated with the work of the Adoption Service will transfer, via TUPE, from the local authority to Adoption West in October 2018. The final structure of this service is being developed and the process of allocating specific posts and roles to transferring staff has begun. Recruitment will take place where there are vacancies within the new structure. The scope will include administration, direct services (pre and post-approval), and the Adoption Panel function. This process is being carefully managed to reduce anxiety for those concerned. As indicated, the current Adoption Team Manager has been appointed as Adoption West Service Director.
23. The development of Adoption West is managed through the Governance Group which consists of the Associate Directors (or equivalents or delegates) from each authority who in turn report to their DCS who meet when required. The Governance Group is currently supported by a Service Manager Group. The task is to ensure that the new service is robust and can deliver and sustain improvement, meeting the needs of the region, each of the six local authorities and the Voluntary Adoption Agencies. There are benefits to be gained in terms of the recruitment and sharing of a pool of adopters across the area who can best meet the needs of children requiring adoptive placements and therefore increased opportunity for timely matching of children with adoptive families, particularly those who may be considered harder to place.
24. In autumn 2017 local authority adoption panels were closed and Adoption West panels began operating. Progress has been good and the new arrangements are working effectively. The next part of Adoption West to begin operation is the "front door", allowing access, for those who wish to be considered as potential adopters, to information about adoption and what assessment will entail. It is anticipated that this will have commenced operation by the summer of 2018. Clear management, regulatory and

accountability arrangements will be in place for Adoption West with the Corporate Director for Wiltshire being the Ofsted Registered Individual. A Wiltshire Council group remains in place to monitor the ongoing impact of the development of Adoption West on the Council, as work progresses. This includes consideration of human resource, ICT, legal and budgetary issues.

25. As required to be provided to Cabinet, this report provides performance information relating to the period 1 April 2017 to 31 March 2018.

#### Profile of children waiting for an adoptive placement at year end

Legal status	2015/16	2016/17	2017/18
Section 20	0	0	0
Interim Care Order	7	7	6
Care Order	5	7	13
None	1	10	1
<b>Total</b>	<b>13</b>	<b>24</b>	<b>20</b>

Ethnic Origin	2015/16	2016/17	2017/18
White British	7	20	18
Mixed/Other	2	3	1
White Irish	1	0	0
Other Ethnic Group	3	1	1
<b>Total</b>	<b>13</b>	<b>24</b>	<b>20</b>

Age	2015/16	2016/17	2017/18
0-11 months	1	4	8
12-23 months	7	3	2
2-4 years	3	11	4
5-10 years	2	6	6
11 and over	0	0	0
<b>Total</b>	<b>13</b>	<b>24</b>	<b>20</b>

26. To be noted is that several children remained at home with birth family whilst subject to care proceedings with a care plan for adoption. This meant that other permanence options (such as Special Guardianship Orders) will be considered by the court for these children.

#### Children adopted

Age	2015/16	2016/17	2017/18
0-11 months	0	3	5
12-23 months	7	7	8
2-4 years	7	14	5
5-10 years	8	8	4
11 and over	0	1	0
<b>Total</b>	<b>22</b>	<b>33</b>	<b>22</b>



<b>Children matched out of county</b>	<b>2015/16</b>	<b>2016/17</b>	<b>2017/18</b>
	4 children in 3 placements	15 children in 11 placements	10 children in 7 placements

<b>Out of county children matched with Wiltshire adopters</b>	<b>2015/16</b>	<b>2016/17</b>	<b>2017/18</b>
	7 children in 5 placements	8 children in 5 placements	8 children in 5 placements

### **Rescissions of Placement Orders and Disruptions**

27. In 2017-18, 7 rescissions were made where the plan for the child moved away from adoption, leading to the rescission of Adoption and Placement Orders. Wiltshire Council applies rigorous scrutiny to care planning and it is inevitable that there will be developments in a case or a child's situation that means that adoption is no longer in that child's best interest; for example, a family member or parent can resume the care of a child where it had not previously been envisaged, a court may not grant a Placement Order but make a Special Guardianship Order instead or a plan will move to long term fostering, particularly for older children. There are a further 4 children who are currently in this rescission process.

28. During 2017-18, there have been no adoption placement disruptions notified to the Adoption Service before an Adoption Order was made. There has been one placement breakdown that occurred post-order, when the child returned to being looked after. The child was 8 years old and had been placed for adoption, by Devon, at the age of 4, with Wiltshire adopters. A disruption meeting was held in June 2018 and the resultant learning has been disseminated.

### **Prospective adopters**

	<b>2015/16</b>	<b>2016/17</b>	<b>2017/18</b>
<b>Enquiries to be an adopter</b>	147 (individuals)	85 (households)	66 (households)
<b>Applications to be an adopter</b>	29	n/a	30
<b>Number of newly approved adopters</b>	13	26	18
<b>Application to approval: 0-3 months</b>	0	3	0
<b>4-6 months</b>	4	15	3
<b>7-12 months</b>	7	7	13
<b>Over 12 months</b>	2	1	1
<b>Number approved adopters unmatched</b>	21	14	12
<b>Number approved adopters matched</b>	17	14	18

29. Of the 12 adopters, unmatched and "waiting", 1 family was linked and waiting to go to Adoption Panel for a match and 2 had withdrawn from wanting to adopt and required deregistration, leaving 9 families actively looking to be matched with children. There were 10 children with Placement Orders who were waiting for placements at the year end. Although it is anticipated that these children will be placed with Wiltshire adopters, it is

nationally recognised that it remains more challenging to find placements for children with complex needs, older children and sibling groups.

### Financial summary of the agency

30. The tables below indicate the budget, actual and predicted expenditure, for the financial years 2017/18 to 2018/19.

<b>2017/18</b>	<b>Budget (£)</b>	<b>Actual Expenditure</b>
<b>Salaries and team running costs</b>	557,900	531,326
<b>Adopter recruitment and training</b>	17,000	215
<b>Adoption allowances (all types)</b>	501,500	712,048
<b>Special Guardianship Allowances</b>	1,835,600	1,533,815
<b>Adoption income</b>	-200,000	-183,000
<b>Total</b>	<b>2,712,000</b>	<b>2,614,404</b>
<b>2018/19</b>	<b>Budget (£)</b>	<b>Predicted Outturn</b>
<b>Salaries and team running costs</b>	559,000	559,000
<b>Adopter recruitment and training</b>	17,000	17,000
<b>Adoption allowances (all types)</b>	610,000	610,000
<b>Special Guardianship Allowances</b>	1,654,700	1,654,700
<b>Adoption income</b>	-200,000	-200,000
<b>Total</b>	<b>2,641,300</b>	<b>2,641,300</b>

- In addition to the direct budgets above, adoptive families have access to ringfenced therapist services, estimated value of the contract is £40,000.
- Please note that pay inflation has not yet been applied to the 2018-19 salary budgets. From 1<sup>st</sup> October 2018, Wiltshire's Adoption Service will be moved to Adoption West and approximately 50% of the Adoption Budget will transfer to support staff, moving via TUPE arrangements, and other operational net costs.

31. There have continued to be adoptive families who are financially supported. Numbers of families and total costs are indicated below:

	<b>At 31 March 2016 Children/Carers</b>	<b>At 31 March 2017 Children/Carers</b>	<b>At 31 March 2017 Children/Carers</b>
<b>RO Allowance</b>	20/16	14/11	11/10
<b>Adoption Allowance</b>	50/40	38/31	32/26
<b>Other (SGO)</b>	165/124	184/136	195/150

<b>Total</b>	235/180	236/178	238/186
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	2015/16 Actual Expenditure (£)	2016/17 Actual Expenditure (£)	2017/18 Provisional Outturn (£)
<b>RO Allowance</b>	123,472	108,706	96,036
<b>Adoption Allowance</b>	371,081	332,757	301,064
<b>Other (SGO)</b>	1,081,967	1,397,912	1,530,644
<b>TOTAL</b>	<b>1,576,520</b>	<b>1,839,375</b>	<b>1,927,744</b>

The local authority continues to apply for funds from the Adoption Support Fund (ASF) to enable families to access commissioned therapeutic services. There are about 65 allocated families who are receiving adoption support and almost 100 applications have been made to the ASF, with the current budget being administered of approximately £332,000. The team works actively within the £5,000 fair access limit per child and has sought match funding from the local authority for 3 children when there has been significant risk of placement breakdown. The most common types of therapy provided are DDP, Sensory Integration therapy and creative therapies such as art or play therapy.

32. The outturn budget for Adoption Allowances has slightly fallen in the last two years, despite the number of children attracting these allowances falling more significantly. This reflects more “complex” adoptions being supported (often in adolescence and to prevent placement breakdown). In addition, the limitations of the Adoption Support Fund only financing therapy for children plus the requirement of the local authority to contribute, means that some adoptive placements require additional financial support to maintain stability.

### Adoption Panel

	2015/16	2016/17	2017/18 (Wiltshire Council and Adoption West (AW))
<b>No. Panels held</b>	21	19	19
<b>Adoptive families considered</b>	14 (including one deferred and not reconsidered)	25	24* (including 4 assessed by other AW local authorities)
<b>Matches considered</b>	28	31	36 (28 Wiltshire children and 8 from other AW local authorities)
<b>Relinquished Children</b>	2	0	1 (Wiltshire child)
<b>Reviews of Adopters notified</b>	0	0	0

\* Two suitability assessments were considered by panel on 27.3.18 and their ADM decision was made in April. Therefore, they do not appear in the 2017-18 count.

33. The Adoption West Panel (and the Wiltshire Council Panel before it) complies with Regulation. This is important assurance as children who are the responsibility of Wiltshire Council are matched with adopters at these panels. Although they are different panels, information is included, in the table above, relating to Wiltshire Panels and Adoption West Panels, which are hosted by the Council under the partnership “hub” arrangement. These panels are not the direct responsibility of the local authority. The panel is chaired by a suitably skilled and experienced Independent Chair who ensures that the functions of panel are delivered effectively. There is an Agency Panel Adviser in place (currently from the local authority) to ensure that the panel is always adequately supported. To ensure that panels are quorate, there is an Adoption West central list of panel members established which includes members with direct experience of adoption including adopters and those who have been adopted. There are dedicated Administrators in place within the three Adoption West hubs, and other locations, to support the work of the Adoption Panel.
34. To comply with regulation, all Panel members, including the Chair, receive annual appraisals which consider their effectiveness as panel members and any areas for development. There is an annual training day, the most recent in June 2018, which ensures that panel members are updated regarding statutory and legislative changes along with Adoption West developments and improvements to practice. Panel members have an opportunity to consider how well the Panel is operating and what could be done better. The Chairs meets regularly with the Panel Advisers of all three Adoption West panels to discuss operational and developmental issues relating to the panels’ work and consistency, making any changes and improvements as required.
35. The arrangement for Panel recommendations being considered by the Agency Decision Maker (ADM) is robust. In the interim period between October 2017 and the implementation of Adoption West as an Adoption Agency in October 2018, decisions regarding Wiltshire children being matched with adopters and the suitability of adopters assessed by the Wiltshire Adoption Service are made by a Wiltshire ADM. To ensure capacity and availability, there are currently three senior managers who take the ADM responsibility on a rota basis within the organisation, with administrative support and a clear process in place to make sure that ADM decisions are made within timescale. This means that adopters are informed of decisions promptly following Panel recommendations. When Adoption West becomes an Adoption Agency, it will have its own ADM who will make the decisions.

### **Commentary**

36. The main externally reported performance information is included in the Adoption Scorecard and is summarised above. There has been steady improvement in performance over the three-year rolling period. The impact of legacy cases is noted alongside local reported predictive figures.
37. Sustained improvement is evident when considering the two priority areas of development (the time between assessment of adopters and matching

and the timeliness of the adoption of children where it was in their best interest, including those with complex needs), the unverified data indicates that improvement continues, with attention to be paid to performance through to the implementation of Adoption West to maintain momentum. Starting from a poor position in 2008-11, practice has improved year on year because of improved planning that is focussed on outcomes for children and is part of the wider Looked After Children improvement agenda. Robust management arrangements are in place, providing a solid foundation for continued improvement. There is now a short time before Adoption West becomes the Regional Adoption Agency when most aspects of adoption performance will become the responsibility of that organisation.

38. Continued improvement of performance at **A1** requires permanence planning to be timely and responsive to a child's needs. The second review (held four months after a child becomes looked after) must identify an appropriate plan where the decision is that permanence is the preferred option. To ensure timely planning and decision making, the role of the Independent Reviewing Officer, working alongside the child's Social Worker, provides challenge and oversight to a case. This is checked through audit. Permanency Planning Meetings are used on all cases to decide which options are right for a child and required actions are identified, supporting the care planning process. The terms of reference of the monthly Permanence Panel ensures that children have an appropriate plan for permanence, including adoption, at the right time in their care pathway. In addition, the pace at which matters proceed through the legal process has improved. The average time between the initiation and conclusion of care proceedings shortened from 23.6 weeks in March 2015-16 to 21.9 weeks for 2016-17. As of March 2018, the average time was 28 weeks; several complex cases requiring lengthy finding of fact hearings have increased the average figure.
39. Cabinet will previously have been encouraged to see the number of adopters recommended for approval in 2016-17 to be an increase on the previous year. The reason for this rise was given in the last annual report. Of concern, however, is the drop in numbers approved in this reporting period when 18 have been approved as suitable to adopt. The Adoption Leadership Board states that there is a national decrease in adopter recruitment figures. Currently the Service has 21 assessments in progress (the highest since 2016), an increase of 33% from the end of the previous financial year. This indicates a recovery in figures although it is important to maintain rigorous oversight of this, particularly in view of the national trend and the challenge of moving to Adoption West.
40. There is a slight drop in the number of children who are "waiting" for adoption, alongside a reduction in the number of children who have been adopted this year. When there are less children who require adoptive placements, it is likely that there will be smaller number who are waiting. More recent figures indicate that the number of children requiring adoptive placements is rising once again and so an increase in these numbers is anticipated in the next annual report.

41. As was the case last year, the impact of Link Maker, a national on-line resource that is adopter-led and provides information about children needing adoptive families to adopters, continues to be seen. It has produced quicker matching for some children and national searches are made for children considered 'hard to place'. In some situations, and if required, adopters may be recruited either locally or via another adoption agency for specific children waiting. This strategy has not been used for Wiltshire children this year as placements have been identified with existing Wiltshire adopters, those from Voluntary Adoption Agencies or Adoption West partners. The development of Adoption West will have a positive impact on the timely placement of children with adoptive families as it will widen the pool of approved adopters with the agency.
42. Early Permanence (EP) practice is continuing to develop in Wiltshire. In 2017-18, 10 children were placed with EP carers, compared to 3 in the preceding year. The Adoption Service will continue to assess potential adopters, and seek approval of their suitability through the Adoption West Panel, who can act as foster carers for children who do not yet have a Placement Order, but for whom the long-term plan is adoption and for children where there is concurrent planning for a potential return home. Such placements fall under the umbrella of Early Permanence. Regulation allows for children to be placed in these circumstances. There is some uncertainty associated with such placements, as the child could return home or move to family, and so adopters need to be able to manage this and appropriate support is provided. The local authority should be confident in presenting the legal case to court and being assertive in matching children with adopters where it is in their best interest to do so. This will further improve outcomes for children, timeliness and, therefore, Scorecard performance.
43. The Agency Decision Maker (ADM) process is designed to meet statutory requirements and not bring undue delay into the system. It is under continual review to ensure it is effective, by ensuring that home finding and matching work can begin at the earliest opportunity, the time is reduced that children wait to be matched. This activity, linked to the development of Early Permanence will allow placements to be made and matches agreed through Panel quickly and without reducing the rigour applied to ensuring that all decisions are in the child's best interest. This activity will support improvement of **A2**.
44. It is anticipated that **A3** performance will continue to improve as the scrutiny and challenge provided by the Independent Reviewing Service and the work of Permanence Panel continue to drive timeliness and permanence planning. It is important to note that the target has "tightened" in recent years and the measure is now taken over 14 months, with progress remaining positive. The emphasis placed on effective planning means that several children, where adoption was identified as being in the child's best interest, have had the ADM decision reversed and the Placement Order rescinded, with an alternative permanence plan agreed. Current care planning practice and robust challenge will not allow cases to drift, thus securing permanence for children.

45. The Adoption Service has previously considered performance against statistical neighbours. Comparative Scorecards are not available for this report and so comparison can only be made with the England average.
46. As indicated, Adoption West is increasingly an area of priority involvement for the local authority. Wiltshire staff are involved at all levels of planning and active in not only the Governance Group, including providing the chair of the group, and the service manager “lead” group but also in the work groups that are considering specific areas of adoption practice. There is an impact on the Service as staff are called away from the local authority and it is important that this does not damage overall performance. It is positive that the current Adoption Team Manager has been appointed as the Adoption West Service Manager. This will cause some anxiety for Wiltshire staff transferring to the new organisation but will also provide reassurance as they will have confidence in their senior manager. Although some staff will join from other local authorities, this will help to provide stability and consistency for the current Wiltshire staff group.

### **Next Steps and Recommendations**

47. To continue to improve the effectiveness of the Adoption Service, the Local Authority will:
  - Through the chairing of the Governance Group, maintain a high level of involvement in the development and implementation of Adoption West before and after implementation; considering the needs of children and adopters in Wiltshire, staff currently working in the local authority and other stakeholders
  - Through specific discussion and regular liaison meetings, continue to work with the local judiciary to further improve the way that the courts deal with care cases in a timely manner, recognising the potential delays for children where additional family members (sometimes multiple) may be considered as carers late in proceedings or where additional assessments are indicated
  - Provide Early Permanence placements for children through to the implementation of Adoption West and continue to support them once they are provided by the new Agency.
  - Use positive Home Finding practice (anonymised profiles, information days and events, Link Maker, child appreciation events) to ensure the effectiveness of the process to bring about timely identification of potential adoptive matches for children who require adoption
  - Until the implementation of Adoption West, continue to ensure a sufficiency of adopters who can meet the diverse needs of the population of children requiring adoption in Wiltshire. A suitably diverse pool of approved adopters allows matching to begin early in the process, often before a Placement Order is made. Approved adopters will move to Adoption West in time, if they are still waiting to be matched with a child
  - In cases where it is recognised that the agency may struggle to match children with in-house prospective adopters, request Court consent to feature the children’s profiles beyond Wiltshire’s boundaries and be proactive in referring children to regional and national placement finding

services once a Placement Order has been granted (sooner with the consent of the court)

- Continue to ensure that formal Disruption Meetings take place where adoption placements breakdown before Adoption Orders are made to consider key learning in to inform whole service improvement.

## **Background**

48. The Adoption Service provides permanency for children who are no longer able to live safely with their parents or other family members. This is achieved through the provision of quality adoptive placements for children who live in Wiltshire and where a decision has been made that adoption is in their best interest.

49. The fundamental requirement of the Service is that children are placed with families who have been assessed as being suitable to adopt. A recommendation of suitability is made by the Adoption Panel and this is ratified as a decision by the Agency Decision Maker (ADM). Through this process, there is rigorous assurance that approved adopters can provide safe, secure and enduring family placements for this vulnerable group of children. This allows them to grow, develop and thrive in a nurturing, supportive and loving family environment, removed from the stigma of being Looked After by the local authority.

50. To do this, there must be an appropriate range of enduring adoption placements to meet the assessed needs of children who need permanent adoptive families. These families must promote stability, safety and positive outcomes for children by working in partnership with all agencies as required.

51. The legislative basis of this work is the Adoption and Children Act 2002 and the accompanying 2005 Regulations. As indicated, Ofsted inspected the Service as part of the wider Ofsted inspection of Children's Services in July 2015. From October 2018, Adoption West will be the Regional Adoption Agency and Wiltshire will no longer carry out the full range of functions as it does at the current time. The Council will retain some aspects of an Adoption Agency and so the requirement to be inspected and for cabinet to be assured will remain.

52. The local authority, through reporting to Cabinet, must be assured of regulatory compliance and effectiveness through performance monitoring, challenge and improvement planning.

53. The Adoption Service continues to be able to recruit adopters for infants and younger children. Through a programme of recruitment, this will be maintained, until the inception of Adoption West, and the pool of adopters will be expanded to include those who can provide permanence for children who may be considered "harder to place". This group includes older children, sibling groups and children with disabilities. The Service is part of the South West Adoption Consortium (SWAC) which works regionally to identify matches for children across the area. Where necessary, children are also referred to the National Adoption Register (NAR) which provides



national opportunity to identify adopters for children who cannot be placed locally. The authority subscribes to Link Maker, an online adopter-lead resource.

54. Adoption West is a regional development involving six local authorities and a small number of locally operating Voluntary Adoption Agencies. It will provide a single Regional Adoption Agency in line with government requirement – from the point of expression of interest to adopt, through to assessment and approval at panel and beyond, to Adoption Support. Adoption West is intended to have significant impact on outcomes for children as it will deliver a more effective regional response to adoption and the needs of children. The case responsibility for children will remain with Wiltshire Council.

### **Safeguarding Implications**

55. Wiltshire Council Adoption Service is part of Families and Children's Services, all of which are delivered in accordance with Wiltshire Children's Services Policy and Procedures, overseen by the Wiltshire Safeguarding Children Board. The local authority has clear and effective safeguarding procedures in place for children and vulnerable adults.

56. This report is for note by Wiltshire Council Cabinet.

### **Public Health Implications**

57. Not applicable - for note by Wiltshire Council Cabinet.

### **Corporate Procurement Implications**

58. Not applicable - for note by Wiltshire Council Cabinet.

### **Equalities Impact of the Proposal** (detailing conclusions identified from Equality Analysis, sections 4 and 5)

59. Not applicable - for note by Wiltshire Council Cabinet.

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

60. Not applicable - for note by Wiltshire Council Cabinet.

### **Risk Assessment**

61. Risks that may arise if the performance and management of the Adoption Service is not effective and it does not achieve good outcomes for children:

- Safeguarding risk to looked after children if they are placed with adopters who have not been fully assessed, prepared and supported. Safeguarding is considered a high-level risk within the corporate risk register
- An inadequate supply of adopters to meet the needs of children requiring permanence through adoption

- Reputational risk if the Agency or Adoption West is not effective and does not achieve good outcomes for children who require adoption
- Reputational risk if statutory timescales are not meet regarding adoption
- Reputational risk if the Agency or Adoption West is rated as Inadequate through inspection
- Financial risk if placements are made, are unstable and subsequently breakdown leading to children returning to local authority care
- Risks associated with the safety and effectiveness of overall service delivery provided by Adoption West.

Effective delivery of the Service, improvement plan, reporting and challenge will mitigate these risks whilst Wiltshire retains its Adoption Team. The secure operation of Adoption West, with appropriate accountability and reporting to Wiltshire Council will support this now and when Adoption West is operational.

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

62. See above. Not applicable - for note by Wiltshire Council Cabinet.

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

63. See above. Not applicable - for note by Wiltshire Council Cabinet.

### **Financial Implications**

64. The budget for the Adoption Service is indicated, in summary, above. The Service has been managing within budget due to external incomes collected. The cost of supporting an adopted child is less than the average cost of looking after a child in the care system and is often time limited as opposed to costs of care which extend to 18 years old and beyond. Cabinet has received information relating to the financial implications of Adoption West and the contribution that the Council will make to the new organisation. This annual report relates to the work of the Wiltshire Adoption Service and *not* Adoption West, the implementation of which does have financial implications.

### **Legal Implications**

65. It is a requirement of registration as an Adoption Agency that the Executive side of the Council receive regular written reports regarding the effectiveness, compliance and management of the Agency. It has been agreed that this will be in the form of this annual report and so it ensures that legal requirements are met. There are no additional legal implications arising.

### **Options Considered**

66. Not applicable - for note by Wiltshire Council Cabinet.

### **Conclusion**

67. Recent years have seen considerable change within the world of adoption and a focus on improving adoption performance. This has led to the need to review and develop services, amend policy and practice and so increase the effectiveness of the Adoption Service. At the heart of this is the belief that, for some children, adoption is the best route to legal permanence, security and the opportunity to achieve their potential. Wiltshire Council's Adoption Service is committed to improving service delivery and, therefore, outcomes for children. Adoption West will bring further significant change and improvement in coming years. The Council is an Adoption West partner, working collaboratively and regionally to ensure a whole service approach to prevent delay in securing appropriate adoptive placements for children in a timely and safe way.

68. The interim six-month report (January 2019) and subsequent Annual Report (July 2019) show the considerable change anticipated between now and the time when Adoption West becomes fully operational.

**Terence Herbert**  
**Corporate Director**

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May 2018

### **Background Papers**

The following documents have been relied on in the preparation of this report:  
None

### **Appendices**

None

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**Wiltshire Council**

**Cabinet**

**3 July 2018**

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**Subject: Proposed Changes to the Senior Management Structure**

**Cabinet member: Cllr Baroness Scott of Bybrook OBE - Leader of Council**

**Key Decision: No**

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## **Purpose**

1. The purpose of this report is to seek Cabinet's approval to take steps to make changes to the senior management structure of the council at tier 1 following the decision to reconsider the appointment of the fourth Corporate Director role, which was to be a joint post with Wiltshire CCG, and following discussion with the current Corporate Directors.

## **Background.**

2. In June 2017 Cabinet approved proposals to make changes to the senior management structure in response to the new business plan, and the need for increased strategic capacity in light of the priorities in the plan.
3. The structure, which is based on a four corporate director model, was implemented in August 2017 following the redeployment of an existing Corporate Director to one of the roles and the appointment of two new Corporate Directors. This four Corporate Director model is based on the following alignment of service responsibilities:
  - Children & Education (statutory Director of Children's Services (DCS))
  - Adult Social Care & Health (joint statutory Director of Adult Social Services (DASS) and Chief Accountable Officer for the CCG)
  - Growth, Investment & Place
  - Communities, Resources & Digital, Returning Officer (RO) and Electoral Registration Officer (ERO))
4. The role of Corporate Director, Adult Social Care & Health, which is the joint statutory Director of Adult Social Services (DASS) and Chief Accountable Officer for the CCG, has remained vacant since the new structure was implemented while discussions with the CCG and National Health England (NHSE) have continued with the aim of agreeing the joint responsibilities of the role, and to ensure that a legal framework is in place to support the role in discharging the joint statutory responsibilities.
5. We had made good progress with these discussions and were anticipating being able to advertise the role shortly. However, we have recently been made aware of the publication of a Government green paper which may occur in July to coincide with the 70<sup>th</sup> anniversary of the NHS.

6. Whilst the contents of this paper are currently unknown, we are aware that it is likely to focus on the continuation of collaborative working to integrate health and social care services. It is also anticipated that the green paper will provide clarity on the future direction for NHS commissioning; particularly commissioning by CCGs of health services. It is on this basis that we have agreed with the CCG that we will not progress with the appointment to the joint Corporate Director role.
7. It is extremely disappointing that we cannot proceed with this role due to the impending changes being made by NHS England, but our aim to integrate health and care services remains a priority for the council and Wiltshire continues to make great strides towards achieving an integrated approach.
8. We will continue to work with our health partners and have a strategy based on joint ambitions for health and social care across the county to meet the growing pressures on these services, and the rise in the number of older people. Partnership working and the delivery of joint services will be vital if we are to continue manage the increasing demand, and a key focus of the discussions about the joint role have been based on achieving an integrated approach to health and care services in Wiltshire. As a result we will continue to look at the possibility of a joint post to build on what we have achieved already, but as outlined this will not be a Corporate Director role.

### **Main considerations for Cabinet**

9. As a result of the on-going discussions about the joint role an interim senior management structure has been in place since August 2017 to ensure leadership capacity has been in place to deliver adult social services, and the adult social care transformation programme that has been underway since early 2017. As a result of the decision not to recruit to the joint role I have reviewed the structure and I am now proposing some changes to alignment of services in the top tiers.
10. The interim structure has been successful and has continued to deliver significant outcomes for the council, and to meet all of the financial challenges. As a result I am proposing that interim structure of three Corporate Directors becomes the permanent structure. This proposal continues to align with the business plan priorities and is providing the resilience and strategic capacity needed at the top tier of the council.
11. The proposed structure, which outlines how services and statutory responsibilities will align with the proposed three corporate director model, is shown in appendix 1 and is based on the following alignment:
  - I. Children & Education (statutory Director Of Children's Services (DCS))
  - II. Adult Social Care & Public Health (statutory Director Of Adult Social Services (DASS), Returning Officer (RO) and Electoral Registration Officer (ERO))
  - III. Growth, Investment & Place
12. The development of this proposal has also resulted in a review of the alignment of the Directors currently under the line management of the Corporate Director, Communities, Resources & Digital as this Corporate Director role will no longer be required based on the proposed structure at tier 1. As a result I have sought HR advice about the implications of this, and whether the proposed structure would provide an opportunity for mutual agreement on the variation to the role descriptions

for the Corporate Directors to reflect the changes proposed.

13. In particular I have sought advice about the statutory role of DASS, and the guidance about the role and responsibilities that apply to this role to ensure these requirements would not impact on my ability to mutually agree the variation to the role descriptions for the Corporate Directors to reflect the proposed changes, and therefore the retention of all of the current Corporate Directors. I am clear that the senior leadership capacity should match the scope of the Corporate Director roles that I am proposing, including the proposed statutory responsibilities at tier 1, but I am also clear that any changes to the senior management structure at tier 1 should involve the least possible disruption to the organisation. This is particularly as the current senior management structure is less than 12 months old, there have been several new appointments in the senior leadership team, and some Director posts at tier 2 are still vacant.
14. The HR advice has reassured me that the existing Corporate Directors have the leadership skills and knowledge to fulfil the Corporate Director roles based on the proposed alignment of Directors in the senior management structure and the designation of the statutory roles, including the statutory requirements of the DASS.
15. The [ADASS guidance](#) published in 2017 to support the application of the statutory guidance that was last updated in 2006, takes account of the changing structures in local authorities in light of both the changing demand, the move to more integrated services and the financial impact, and gives clear advice about the role, how its functions should be discharged and where the role should sit in the organisations structure.
16. The advice is that this statutory role should be a Chief Officer at first tier, consistent with the DCS, and that there is a single officer responsible for adult social services. The guidance recognises that the DASS may not come from a social work background so outlines some requirements that councils should ensure when making an appointment. Principally these concern effective leadership across systems and of the social care workforce, the mitigation and management of risks associated with adult social services and that they are aware of the legal framework within which they work, and their obligations. The HR advice, based on this guidance, is that our structure, and the director roles that will report to the DASS, has the capability and the effective systems in place to support the DASS in the discharge of the statutory functions.
17. In my proposal the statutory responsibility for children's social care (DCS) will remain designated to the Corporate Director, Children & Education, and for adult social services (DASS) it will be designated to the Corporate Director, Adult Care & Public Health, who will also have statutory responsibility as the Returning Officer and Electoral Registration Officer (ERO).
18. In reviewing the alignment of the Directors I have considered carefully the role of the Directors who have statutory responsibility as the Monitoring Officer, Section 151 Officer and Head of Paid Service, and in particular how the statutory duties of these Directors are discharged. I have concluded that as these roles are the collective responsibility of the whole leadership team that they should operate with a degree of independence in the structure.

19. I am therefore proposing that the Directors with responsibility for these three statutory roles, should work on a matrix management basis as part of the Corporate Leadership Team (CLT) to provide the Corporate Directors with appropriate professional advice and challenge in the discharging of the statutory responsibilities. As members of CLT they will also attend meetings of Cabinet Liaison and Cabinet. To support the effectiveness of this matrix approach I am also proposing that the administrative line management of these Directors is based on each Corporate Director having responsibility for one, as outlined in the proposed structure (appendix 1).
20. The remaining Directors will form the extended Corporate Leadership Team and will attend Corporate Leadership Team meetings as appropriate. Directors will continue to have specific service related accountabilities but the principal accountability for all members of the extended Corporate Leadership Team will be for contribution to the overall council priorities and delivery of the business plan.
21. I am also proposing a change in the alignment of the Director, Communities & Communications to report to the Corporate Director, Children & Education and the Director, Corporate Functions & Digital to the Corporate Director, Growth, Investment & Place. This provides a better balance of direct reports across the three Corporate Directors and ensures alignment with the relevant Director with statutory responsibilities where joint working is needed.
22. The service responsibilities, currently assigned to Directors, will remain unchanged with the exception of the role of Senior Risk Information Owner (SIRO) which I am proposing will be assigned to the Director, Corporate Functions & Digital.
23. The designation of statutory roles must be approved by Council and the constitution amended accordingly.
24. I have discussed my proposal with the Corporate Directors, who are fully supportive and, if this is approved by cabinet, my intention is that following further informal consultation on the proposal with the Corporate Directors, I will update the role descriptions for the Corporate Directors to reflect the change in service responsibilities, and to reflect their joint responsibility for the Directors with statutory responsibility for the Monitoring Officer, Head of Paid Service and Section 151 Officer. I will then take steps to mutually agree with the Corporate Directors a variation to their role descriptions, and therefore the responsibilities of the Corporate Director roles.
25. The new proposed structure, if approved by Cabinet, will be implemented once Council have approved the designation of the statutory roles at their meeting on 10 July 2018.

### **Overview and Scrutiny Engagement**

26. Overview and Scrutiny will have the opportunity to comment about the proposal as part of the consultation with the Corporate Directors and staff and will be kept informed about the implementation.



## **Safeguarding Considerations**

27. The proposed changes to the structure maintains separate statutory responsibility for Adult Social Services and Children's Social Care, and the expectation that all Corporate and Directors have a role in promoting safeguarding within their specific areas continues.

## **Public Health Implications**

28. There are no public health implications as a result of the proposals outlined.

## **Environmental and Climate Change Considerations**

29. There is no environmental or climate change impacts as a result of the proposals.

## **Equalities Impact of the Proposal**

30. There is no equalities impact as a result of the proposals outlined. The council has in place robust policies and procedures to support change to structures all of which have been subject to an equalities impact assessment.

## **Risk Assessment**

31. In proposing the senior management re-structure a number of risks have been considered, namely:

- I. **Financial risks**, details in paragraphs 33 - 34
- II. **Legal risks**, details in paragraph 35
- III. **Delivery of the business plan:** The risk is that if the new structure is not implemented the council may not be able to deliver the business plan (2017 – 2021).

The business plan (2017 – 2021) outlines the council's vision and four new priorities against which a number of goals outline how these priorities will be delivered. This relies on the council having a strong and resilient structure with strategic capacity and capability at the top of the organisation, and will need to ensure services are aligned in a way that that supports the three Corporate Director model to deliver these priorities.

- IV. **Short term impact on delivery:** There is no short term risk as the proposal means that the current Corporate Directors remain in place, which minimises disruption and provides stability to what is a relatively new senior management structure.

32. Based on the risks outlined above the overall risk is assessed as low, but will be kept under review.

## **Financial Implications**

33. The 2018/19 base budget approved by Council in February 2017 allows for a gross pay budget of £0.810m for 3.5 fte Corporate Directors roles at, at least mid-grade

point and other associated costs.

34. As the joint Corporate Director role post was jointly funded by the Council and CCG this proposal will mean a saving of 0.5fte, however some of this saving may be required to fund a joint post which will continue to develop an integrated approach to health and care services in Wiltshire and to ensure we continue to have the leadership capacity needed to continue to support delivery of the business plan.

### **Legal Implications**

35. Legal advice will be provided to ensure that the proposed new structure is implemented lawfully, and in accordance with the requirements of the council's policies and procedures, and the constitution.

### **Options Considered**

36. The other option considered was to retain a four Corporate Director model, with steps taken to recruit to the vacant post. However, the rationale for the fourth joint role was the opportunity to further develop the collaboration with partners and to work more jointly with the CCG, which resulted in this role being developed. As outlined in paragraphs 5-7 a Government green paper, potentially in July, to coincide with the 70<sup>th</sup> anniversary of the NHS, is likely to focus on the continuation of collaborative working to integrate health and social care services and, it is anticipated that the green paper will provide clarity on the future direction for NHS commissioning; particularly commissioning by CCGs of health services. It is as a result of this that we have agreed with the CCG not to appoint to the joint corporate director role and as a result the rationale for this fourth Corporate Director no longer applies.

### **Proposals**

37. I am proposing that cabinet approve:

- I. The proposed changes to the structure of the council at the top tier (Corporate Director), and as outlined in appendix 1 and paragraphs 10 & 11.
- II. The designation of the statutory Director of Adult Social Services to the Corporate Director Adult Care & Public Health and as outlined in paragraph 17.
- III. The proposed change to the role of the Directors with statutory responsibility for Monitoring Officer, Head of Paid Service and Section 151 Officer and as outlined in paragraphs 18 & 19 and in appendix 1.
- IV. Approve the proposed alignment of the Director, Communities & Communications and Director, Corporate Functions & Digital as outlined in paragraph, and as outlined in paragraph 21.
- V. The designation of the Senior Responsible Information Owner (SIRO) to the Director, Corporate Functions & Digital, and as outlined in paragraph 22.

38. If approved I propose that cabinet note that:

- I. Further discussion about changes to the structure with the Corporate Directors, and relevant Directors, will start immediately.
- II. That following discussion and mutual agreement with the Corporate Directors, and relevant Directors, on changes to their role descriptions, the structure will be implemented.

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

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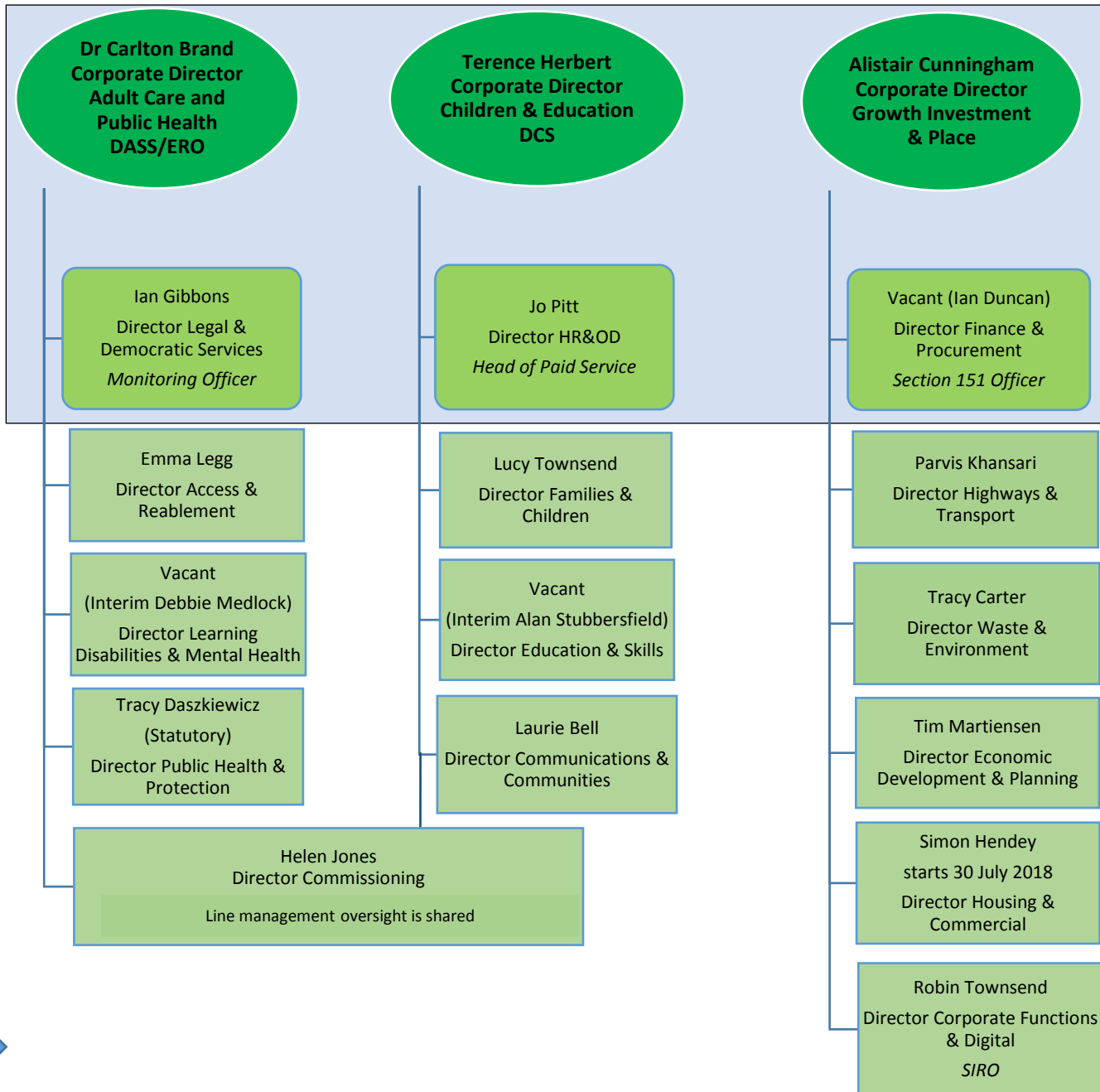
## **Appendices**

Appendix 1 – Proposed tier 1 structure

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# Proposed Senior Management Structure

# Appendix 1



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**Wiltshire Council**

**Cabinet**

**3 July 2018**

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**Subject: Wiltshire Council's Housing Board Annual Report**

**Cabinet Member: Cllr Richard Clewer**

**Key Decision: No**

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## **Executive Summary**

The purpose of this report is to update Cabinet regarding the activities of Wiltshire Council's Housing Board between December 2016 and November 2017 and comply with its Terms of Reference which requires an update to be provided to Cabinet.

Throughout this period, the Board has engaged in a range of activities to shape the service offered to residents and their families, further increase service quality via appropriate monitoring mechanisms, encourage resident engagement and protect the reputation of the council as a landlord by ensuring a robust Business Plan is implemented.

Areas focused on by the Board are detailed in the main body of the report, with the primary focus of the Housing Board being:

- Housing Revenue Account (HRA) Business Plan
- Asset Management Strategy (AMS)

The Board is regularly updated about the budget position of the HRA and the implications of welfare reform and policy amendments, including the rent reduction of 1% per annum for 4 years. Members are also regularly updated about Key Performance Indicators (KPIs), with the targets for said indicators being decided between the service and a sub-group of the Board.

When considering the strategic direction of the service, and the main current and future strategic risks and actions, Board members act in such a way as to complement the council's corporate Business Plan and objectives.

There is engagement between the Housing Board and the Environment Select Committee (ESC), and the Board has a scrutiny group sitting below it comprised of volunteer residents – the Housing Assurance Panel, which recently changed its name to the Challenge and Change Group.

Reforms suggested by the Board and/or the scrutiny group, have been incorporated into our service plan monitor. Members have been involved in shaping the services' Forward Work plan.

The Board's Annual General Meeting included an overview of the year,

presented by the Chairman and an update on the budget position.

Board members operate in a fair and balanced manner, maintain their independence and make recommendations to Housing Services; the Board can also make recommendations to Cabinet; however, powers cannot and have not been conferred on the Board so as to enable it to make binding decisions, as outlined in the Paper passed by Cabinet on 22 January 2013.

The Housing Board is beginning its second cycle of 4 years, which is linked to the council's local electoral cycle.

### **Proposal**

For Cabinet to note this Annual Report.

### **Reason for Proposal**

Wiltshire Council's Housing Board's Terms of Reference require an Annual Report to be presented to Cabinet.

**Alistair Cunningham**  
**Corporate Director**



## **Wiltshire Council**

### **Cabinet**

**3 July 2018**

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**Subject: Wiltshire Council's Housing Board Annual Report**

**Cabinet Member: Cllr Richard Clewer**

**Key Decision: No**

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### **Purpose of Report**

1. To update Cabinet regarding the activities of Wiltshire Council's Housing Board between December 2016 and November 2017 and comply with its Terms of Reference which requires an annual update to be provided to Cabinet.

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

2. As part of their Away-Day's and their regular meetings, the Board set future priorities, which are constructed to complement the Council's Business Plan. In respect of the Business Plan 2017-2027, the Board contributes toward creating strong communities in Wiltshire, protecting those who are most vulnerable and being innovative and effective. There is emphasis on sustainable development, safe communities, personal wellbeing, community involvement, commercialism, people, change, digital, performance and delivering together.

### **Overview and Scrutiny Engagement**

3. This report is for noting by Cabinet and provides an update on the activities of Wiltshire Council's Housing Board. It does not require a decision to be made. The Environment Select Committee are to receive a statement from the Cabinet Member for Housing, Corporate Services, Heritage, Arts and Tourism at their 26 June 2018 meeting. The statement will provide a brief update to the Committee on the work of the Housing Board.

### **Background**

4. At its 22 January 2013 meeting, Cabinet resolved that it approved the setting up of a Management Board for the governance of council housing consisting of an equal number of Councillors, tenants and independents, with a recommendation that such a panel should be in place by April 2013.
5. Appointments to the Board were made in November 2013 and December 2013 and the Board held its inaugural meeting on 17 December 2013. In January 2014, the Board introduced 'Open Sessions' at the beginning of each meeting where residents could attend and put questions to Board members.

6. Board meetings are approximately held on a bi-monthly basis:
  - a) For the year 2017, meetings were scheduled and held in January, March, September and November. Meetings were not held in May and July due to appointments being linked to the local Government electoral cycle and a review of the Housing Board being undertaken.
7. The Board's Annual General Meeting was held on 27 November 2017.

### **Overview (December 2016 – November 2017)**

8. The Board did not have a meeting scheduled for December 2016.
9. Between January 2017 and March 2017, the Board considered the strategic direction of the Housing Revenue Account (HRA) with particular emphasis on financial and budgetary matters, including:
  - a) The rent reduction of 1% per annum having reduced the Rental Income Budget by £0.366 million.
  - b) Increasing garage rents increased the Rental Income Budget by £0.006 million.
  - c) That the total reduction to the Rental Income Budget for 2017/18 was £0.359 million.
  - d) Increasing service charges increased the Income Budget by £0.016 million.
  - e) There was an allowance for 1% pay inflation of £0.040 million.
  - f) The amount Returned to Revenue Reserve was reduced by £0.383 million, from £0.975 million to £0.592 million.
10. Furthermore, between January 2017 and March 2017, the Board contributed toward creating, reviewing and refining the HRA Business Plan and new HRA model, in the context of the main current and future strategic risks. Short, medium and long term priorities served to strategically link the service with corporate objectives.
11. Also between January 2017 and March 2017, the Board received Budget Updates, Key Performance Indicators (KPIs) data, focused attention and accountability on voids performance, and were updated around Building Maintenance Contract Procurement progress; as well as being presented with the Right to Buy Audit Report and reconfiguring Local Housing Panel arrangements to further strengthen resident engagement; Board members also enjoyed public attendance at their March meeting. The Housing Assurance Panel (HAP), which later changed its name to become the Challenge and Change Group, is comprised of volunteer residents who conduct scrutiny exercises; the Board received:
  - a) The HAP's report on 'Grounds Maintenance (particularly grass cutting)'.  
b) The Management Response to the 'Grounds Maintenance (particularly grass cutting)' report.

- c) Research findings in relation to the residents' magazine 'Housing Matters' (the Board had previously suspended making recommendations about the HAP's report on 'Housing Matters' pending further research being conducted by the service, as requested by the HAP).
  - d) The HAP's report on 'Leaseholder Involvement in Maintenance Matters and Leaseholder Handbook'.
  - e) The Management Response to the 'Leaseholder Involvement in Maintenance Matters and Leaseholder Handbook' report.
  - f) General update.
12. Participants also considered and made recommendations, between January 2017 and March 2017, on the formulation of an Asset Management Strategy (AMS) and the range of works and developing of internal tools to further this objective. The AMS had previously been selected as a strategic priority for the Board, along with the Business Plan. An independent consultant was present as part of the review of the Housing Board.
13. Throughout April 2017 and June 2017, there were no formal Board meetings. A small number of members met in April for a sub-group to set targets for the services' Key Performance Indicators (KPIs) for the year 2017/18, with an independent consultant also being present. Attendees were presented with an End of Year Performance Report alongside the proposed targets, some of which were amended.
14. Board members, HAP members, officers and councillors met with the consultants to inform the review. Board appointments officially terminated in line with the local Government electoral cycle. Shortly after, a new Cabinet Member and new Portfolio Holder were confirmed.
15. Between July 2017 and September 2017, the review of the Housing Board was concluded with Board members being verbally informed of the services intentions to approach the Environment Select Committee with a recommendation to continue with the Board, to continue payment and to rework the terms of reference. The Environment Select Committee was presented with the report and services' recommendations on 19 September 2017 and resolved that they supported the Board continuing, supported maintaining payment and supported reworking the terms of reference. Board members were informed, reappointed and a Board meeting arranged.
16. At its September meeting, the Board considered the outcome of the Governance Review and the views of the Environment Select Committee; a sub-group was established to rework the Terms of Reference (which met in October). Members also considered the risk register, regulatory standards compliance and fire safety; the service updated around amendments to customer services opening times. The KPI 2016/17 End of Year report was presented to all members, along with the sub-group reporting back, which included agreed targets for the year 2017/18 which were constructed to complement the Board's priorities, and the KPI outcomes for 2017/18 Q1.
17. The Board's September 2017 meeting included:

- a) A Management Update Report in respect of the HAP's 'Housing Matters' report.
- b) A Management Update Report in respect of the HAP's 'Grounds Maintenance (particularly grass cutting)' report.
- c) The HAP's 'New Ways of Working: Recruitment and Collaboration' joint report (this was the HAP's first joint scrutiny project and report, which was conducted in collaboration with Paragon Community Housing, which is now PA Housing – one of the recommendations included changing the name of the scrutiny group to the 'Challenge and Change' group to help make it more accessible and meaningful to residents).
- d) The Management Response to the 'New Ways of Working: Recruitment and Collaboration' joint report.

18. Furthermore, at their September 2017 meeting, Board members evaluated the 2016/17 End of Year Report for the HRA Budget and Housing Income, as well the position for 2017/18 Q1 and the effects of welfare reform on Wiltshire Council residents and were verbally updated about Building Maintenance Contracts.

19. In November 2017, the Board held its fourth Annual General Meeting, which included a Housing Revenue Account (HRA) Finance Update and the Chairman's overview of the year. Opportunities were provided for questions to be put to the Chairman. There were no public attendees beyond the members of the Challenge and Change Group.

20. Immediately following the AGM meeting, the Board held its regular meeting, which was dedicated to 6 significant priority items:

- a) Fire safety, which included reassuring attendees, in respect of a number of properties that had been discussed, that we do not use the type of cladding involved in the tragic Grenfell Tower fire.
- b) KPIs for 2017/18 Q2 and the arrears figures including and excluding Universal Credit (impact of the waiting period).
- c) Challenge and Change Group:
  - i) Project #7 – 'Anti-Social Behaviour'.
  - ii) Management Response to the 'Anti-Social Behaviour' report.
  - iii) General update.
- d) Budget Update (2017/18 Q2).
- e) Asset Management Strategy, which included a review of the final document, as well as the Wiltshire Homes Standard, and a Year 2 Progress Report, plus verbal updates around:
  - i) Progress and actions toward realising 100% of our dwellings meeting the decent homes standard.
  - ii) Increasing satisfaction with planned maintenance.
- f) Sheltered Housing Review, which included a strategic overview of the schemes.

21. Other matters considered at the November 2017 meeting included potential changes to the pets' policy, options for the future of 6 week visits and a verbal update around Building Maintenance Contracts.

22. The Challenge and Change Group (formerly the Housing Assurance Panel) sits below the Housing Board. To date, the group has produced a number of reports:

- (a) **Project #1 – ‘Introduction to a Tenancy’ (July 2015).**  
The report was presented at the Board meeting held on 27 July 2015. The management response was presented at the Board meeting held on 5 October 2015. A management response update was presented at the Board meeting held on 25 January 2016.
- (b) **Project #2 – ‘Voids’ (October 2015).**  
The report and management response were presented at the Board meeting held on 30 November 2015. A management response update was not required.
- (c) **Project #3 – ‘Planned Maintenance: Kitchens and Bathrooms’ (March 2016).**  
The report and management response were presented at the Board meeting held on 21 March 2016. A management response update was presented at the Board meeting held on 5 September 2016. At the September 2017 meeting, it was agreed that a further management update report would be circulated, along with the original report. This was circulated in December 2017.
- (d) **Project #4 – ‘Housing Matters’ (June 2016).**  
The report and management response were presented at the Board meeting held on 5 September 2016. The Board placed the recommendations on hold, pending the outcome of a residents’ survey. The findings of the research were presented to the Board on 27 March 2017 and a management response update was presented on 25 September 2017.
- (e) **Project #5 – ‘Grounds Maintenance (particularly grass cutting)’ (November 2016).**  
The report and management response were presented at the Board meeting held on 27 March 2017. A management response update was not required.
- (f) **Check-Back #1 – Verbal Exercise (November 2016).**  
The group spoke with the appropriate officers, to establish if their recommendations had been implemented, the impact of their recommendations and to gain the feedback of officers. The group provided a verbal update to the Housing Board on 27 March 2017.
- (g) **Project #6 – ‘Leaseholder Involvement in Maintenance Matters and Leaseholder Handbook’ (March 2017).**  
The report and management response were presented at the Board meeting held on 27 March 2017. A management response update was later provided verbally.
- (h) **Joint Project #1 – ‘New Ways of Working: Recruitment and Collaboration’ (June 2017).**

The group worked in collaboration with Paragon Community Housing's scrutiny team (now PA Housing). The report and management response were presented at the Board meeting held on 25 September 2017. A management response update has been timetabled for January 2018. The report was formally 'launched' by the partners at a TPAS (Tenant Participation Advisory Service) regional event on 27 September 2017.

- (i) **Project #7 – 'Anti-Social Behaviour' (November 2017).**  
The report and management response were presented at the Board meeting held on 27 November 2017. A management response update has been timetabled.
- (j) **Quick Look Exercise #1 – 'Fire Safety' (November 2017).**  
The short viewpoint report has been presented to the service.

## **Priorities**

23. The Board has previously recommended to the service that the following strategic matters be prioritised, as noted in the minutes of their meeting held on 23 May 2016:

- a) "That the main 2 priorities, in respect of the Housing Revenue Account, be:
  - Asset Management Strategy.
  - Housing Revenue Account Business Plan.

Furthermore, in respect of the 2 priorities, above:

- The Board endorses the service having the flexibility to utilise additional resource, as and when required, within the overall finances of the Housing Revenue Account.
- That when the first version of the Asset Management Strategy is presented, it will include proposals for resident consultation, and the full Asset Management Strategy is to be delivered over the coming 12 to 18 months."

24. Board members operate in a fair and balanced manner, maintain their independence and make recommendations to Housing Services; the Board can also make recommendations to Cabinet; however, powers cannot and have not been conferred on the Board so as to enable it to make binding decisions, as outlined in the Paper passed by Cabinet on 22 January 2013.

## **Membership**

25. In January 2017, a tenant member alerted the service to her departing the Board with immediate effect.

26. In May 2017, a councillor member was not re-elected as part of the local Government election.

27. Given the review of the Housing Board had already been timetabled, recruitment did not commence. Agreement from the Environment Select Committee was sought to commence recruitment, when the Governance Review was presented to them. This agreement was received.

28. During October and November, the vacancies were promoted, with applications received from 1 councillor and 5 tenants. Interviews were held in the week commencing 6 November 2017, with the successful applicants being informed on 13 November 2017.

### Attendance Record (December 2016 – November 2017)

29. Attendance relates to Board meetings only (that is, the figures exclude Away-Days, sub-groups, etcetera).

30. Of the 4 meetings held in 2017, attendance was:

WCHB Member	30/01	27/03	May	July	25/09	27/11	Total
Councillor Richard Clewer	✓	✓	Became Cabinet Member				2 (100%)
Councillor John F. Smale	Not Appointed		Governance Review		✓	✓	2 (100%)
Rachael Arnott (Tenant Member)	Appointed November 2017					✗	0 (0.0%)
Angela Britten (Tenant Member)	✗	✓	Governance Review		✓	✓	3 (75.0%)
Robert Chapman (Independent Member)	✓	✓	Governance Review		✓	✓	4 (100%)
Cindy Creasy (Independent Member)	✓	✗	Governance Review		✓	✓	3 (75.0%)
Councillor Brian Dalton	Appointed November 2017					✓	1 (100%)
Jacqui Evans (Independent Member)	✓	✓	Governance Review		✗	✗	2 (50.0%)
Lorraine Le-Gate (Tenant Member)	✓	✓	Governance Review		✓	✓	4 (100%)
Emma Powell (Tenant Member)	Stepped down in January 2017						N/A (N/A)
Councillor Ian Tomes	✓	✓	Not re-elected				2 (100%)
Councillor Fred Westmoreland	✓	✓	Governance Review		✓	✓	4 (100%)

31. Of the 6 meetings held in 2016, attendance was:

WCHB Member	25/01	21/03	23/05	05/09	03/10	28/11	Total

Councillor Richard Clewer	✓	✓	✓	✓	✓	✓	6 (100%)
Angela Britten (Tenant Member)	✗	✓	✓	✓	✓	✗	4 (66.6%)
Robert Chapman (Independent Member)	✓	✓	✓	✓	✓	✓	6 (100%)
Cindy Creasy (Independent Member)	✓	✓	✓	✗	✓	✓	5 (83.3%)
Jacqui Evans (Independent Member)	✓	✗	✗	✗	✗	✓	2 (33.3%)
Lorraine Le-Gate (Tenant Member)	✓	✓	✗	✓	✗	✓	4 (66.6%)
Emma Powell (Tenant Member)	✓	✓	✓	✗	✓	✗	4 (66.6%)
Councillor Ian Tomes	✓	✓	✓	✓	✓	✓	6 (100%)
Councillor Fred Westmoreland	✗	✓	✓	✓	✓	✓	5 (83.3%)

### **Safeguarding Implications**

32. There are no significant safeguarding implications associated with this report.

### **Public Health Implications**

33. There are no significant public health implications associated with this report.

### **Procurement Implications**

34. There are no significant corporate procurement implications associated with this report; although should the Board make recommendations regarding procurement of services to be delivered to residents, then this will become a consideration.

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

35. All Board members operate in and treat all residents in a fair and balanced manner, maintain their independence and make recommendations to Housing Management. Board members do not represent a particular area; they represent all council residents in the county of Wiltshire and make recommendations in the best interests of all council residents in Wiltshire.

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

36. There are no significant environmental or climate change implications associated with this report.

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

37. Wiltshire Council's Housing Board would fail to meet the requirements of its Terms of Reference, namely to provide an Annual Report to Cabinet and potential deterioration of or missed opportunity to improve services if the



Board were not to focus their efforts on the identified priorities. This paper is only for noting.

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

38. Wiltshire Council's Housing Board may fail to make recommendations which improve services for residents and their families, missing an opportunity for improvement, or make recommendations which leads to a deterioration of service quality. This paper is only for noting.

39. Powers cannot and have not been conferred on the Board so as to enable it to make binding decisions, as outlined in the Paper passed by Cabinet on 22 January 2013. The Board makes recommendations to Housing Management and can make recommendations to Cabinet.

**Financial Implications**

40. There are no significant financial implications associated with this report.

**Legal Implications**

41. There are no significant legal implications associated with this report.

**Options Considered**

42. A formal report to Cabinet is required. No alternative options were considered.

**Conclusions**

43. There is increasing evidence that Wiltshire Council's Housing Board is having a positive impact on the quality of service provision to residents and their families, has itself created an additional opportunity for residents to engage with the service and shaped further engagement opportunities.

**Proposal**

44. For Cabinet to note this Annual Report.

**Reason for Proposal**

45. Wiltshire Council's Housing Board's Terms of Reference require an Annual Report to be presented to Cabinet.

**Alan Richell (Interim Director - Housing and Commercial Development)**

Report Author: Ian Seeckts, Governance and Scrutiny Officer,  
[ian.seeckts@wiltshire.gov.uk](mailto:ian.seeckts@wiltshire.gov.uk), Tel: 01722 434353

3 May 2018

## **Appendices**

Appendix 1 – Housing Priorities and Workplan (April 2016).

Appendix 2 – Service Plan Monitor (external Excel file).

## **Background Papers**

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

None.

**Appendix 1**

(please note: document relates to multiple housing services, not just the council’s landlord business which are highlighted in orange)  
Please also consider Appendix 2: Service Plan Monitor (external Excel file).

**Housing Priorities and Workplan (April 2016)**

Priority	Action(s)	Lead Officer	Target date	Notes
1 Ensure residents are able to access a range of housing and care options to meet needs	a) New Build programme and delivery of new affordable housing to meet need I. Council house build programme	Tim Bruce	March 2018	
2 Make best use of existing housing stock in Wiltshire	a) Develop an asset management strategy for council housing stock to include; <ul style="list-style-type: none"> <li>i. Options for regeneration of The Friary (security doors)</li> <li>ii. Disposal strategy and strategy for high value stock</li> <li>iii. Sheltered housing review/remodelling proposals</li> <li>iv. Strategy for garages</li> <li>v. General stock issues e.g. Bemerton</li> <li>vi. Approach to adapted properties</li> <li>vii. Void standard</li> </ul>	Tim Bruce	March 2017	Needs to be completed within next 12 months

3 Review services to ensure they meet need, deliver good value for money and deliver good quality outcomes	a)	Review and procure planned and responsive maintenance contracts  (i) Consult with managers (ii) Agree how to involve staff & residents (iii) Clarify timeline/project plan (iv) Review policies and procedures	Janet O'Brien	September 2017	Interim options followed by long term options going forward
	b)	Review HRA Business Plan  (i) budget (ii) impact of housing & planning bill and welfare reform (iii) update policies e.g. tenancy policy (iv) Review service charges including leaseholds  (i) Review staff structure in line with agreed priorities	Nicole and Janet – along with finance	April 2017	
	c)	Explore options for delivering ongoing efficiencies and savings across HRA and general fund	All managers	April 2017	
	d)	Review of the Housing Board	James	October 2016	Looking to appoint a consultant

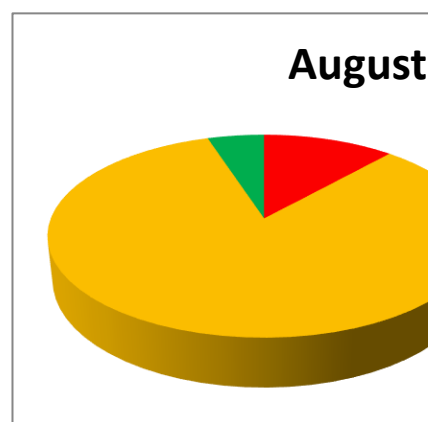
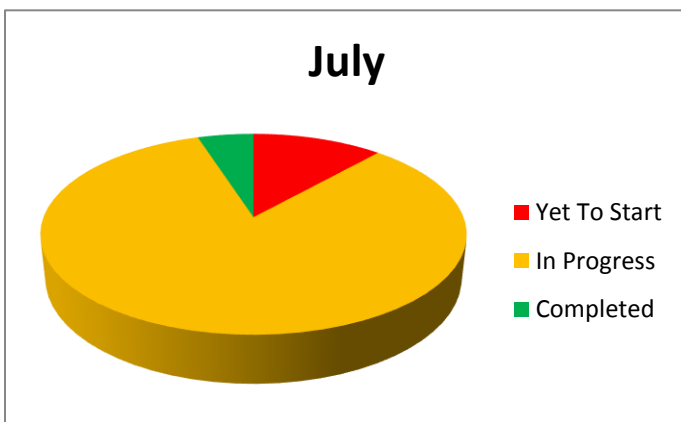
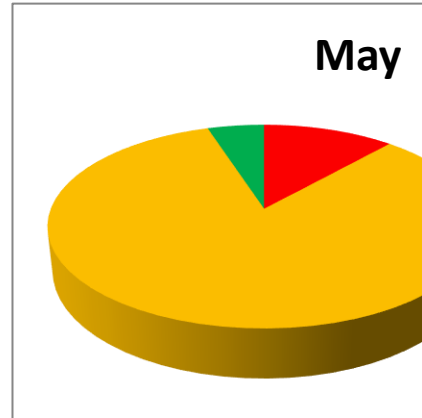
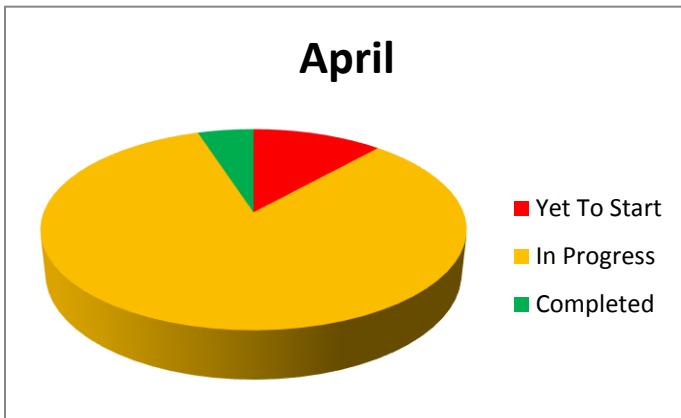
4 Ensure robust strategies and policies are in place supported by a robust evidence base to enable successful delivery of projects and services	a) Review and develop statutory strategies and policies (iii) Tenancy Strategy (iv) Update of policies including Debt policy to reflect legislative changes and audit requirements (v) Update of procedures to reflect changes of policy	Helen Taylor and Ian Seeckts	Review by December 2016	JC to discuss with Robin
	b) Review and consider the impact of any legislative or policy changes (i) Impact of Welfare Reform on existing Wiltshire Council tenants (ii) Response of other providers to these changes – understand the impact of this (iii) Support and options for tenants impacted by these changes (iv) Impact on Under 35s – affordability and options (v) Housing and planning bill (vi) Consideration to councils response in creating fixed term tenancies – creation of a tenancy policy	Jamie Peters (council tenants / Wiltshire Money)	September 2016	Research and reports underway. UC rollout likely in March 2017.  Welfare Reform Report With NS  UC report being drafted.
5 Implement effective systems for management of the whole	a) Ensure robust systems are in place for; (i) Risk management (ii) Information management/filing (paperless) (iii) Performance management (iv) Budget management	Janet / Nicole / Simon	April 2017	Documents to be reviewed and ready by April 2017

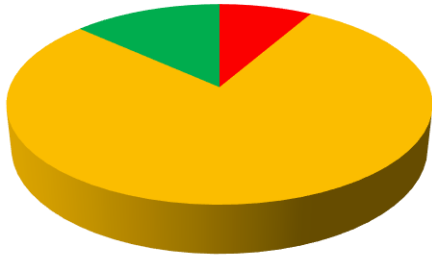
housing service & deliver efficiency savings	(v) Communication (vi) Data sharing			
	b) Building a strong landlord service with our residents through effective resident engagement (regulatory framework) <ul style="list-style-type: none"> <li>(i) Work towards a quality mark for resident engagement</li> <li>(ii) Implement audit and ESC recommendations on engagement</li> <li>(iii) Revenue budget to encourage resident engagement</li> </ul>	Dot Kronda	September 2017 April 2017 December 2016	
	c) Review or service level agreement with Legal to ensure an efficient and effective legal service can be provided <ul style="list-style-type: none"> <li>I. HRA – efficiencies / SLA</li> <li>II. General fund process</li> </ul>	Nicole Smith	September 2016	

# Housing Priorities and Workplan

## Housing Service Plan Report 2017/18

	Month	Yet To Start	In Progress	Completed	Total
2017	April	7	50	3	60
	May	7	50	3	60
	June	7	50	3	60
	July	7	50	3	60
	August	7	50	3	60
	September	6	49	5	60
	October	5	47	8	60
	November				0
	December				0
2018	January				0
	February				0
	March				0





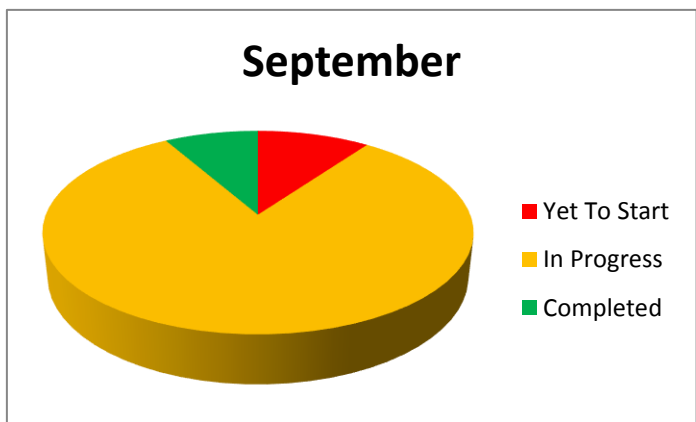
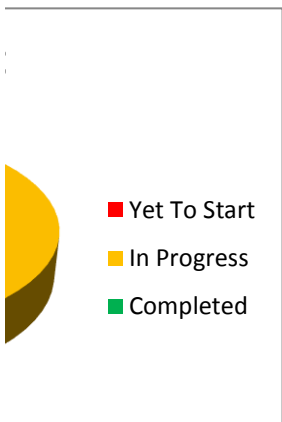
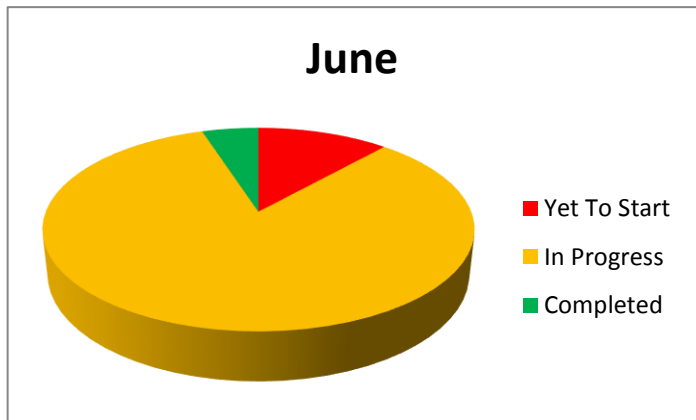
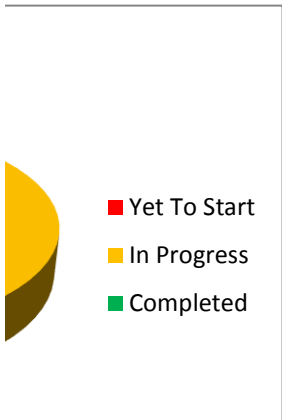
- Yet To Start
- In Progress
- Completed

## January

- Yet To Start
- In Progress
- Completed

## February





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### December

- Yet To Start
- In Progress
- Completed

- Yet To Start
- In Progress
- Completed

**y**

## March

- Yet To Start
- In Progress
- Completed

- Yet To Start
- In Progress
- Completed

**Wiltshire Council**

**Cabinet**

**3 July 2018**

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**Subject: Housing Repairs and Maintenance Service**

**Cabinet Member: Councillor Richard Clewer**

**Key Decision: No**

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## **Executive Summary**

This report outlines the business case for extending the Council's Direct Labour Organisation (DLO) to take on additional work to ensure the Council's housing stock is maintained effectively.

Wiltshire Council owns 5,746 properties, mostly in the old Salisbury District Council area, along with over 1,300 garages, un-adopted roads, land and communal spaces. There are 4 major contracts relating to the repair of council housing stock which come up either for an extension or to an end in March 2020. In addition there are a number of other minor contracts relating to repairs and maintenance services and some services that currently do not form part of a contract and are tendered or quotes sought as and when those repair issues arise. These contracts currently operate alongside the DLO.

At the Cabinet meeting on 14<sup>th</sup> March 2017, the following was resolved:

1. To approve, in principle, the process that will be followed in order to deliver the required outcomes, including the various stages that will be undertaken and how suitable contractors can be selected.
2. To note that all options for delivery of services considered within the report in Appendix 1, in light of the report's conclusions, agrees in principle:
  - i. To progress with the enlargement of the DLO to take on all responsive repairs and voids work, and look to recruit a new managerial structure to lead and co-ordinate this service
  - ii. To extend the current partnership contracts with Ian Williams, British Gas and Wessex Electrical for a further two years and then look to migrate some of these services to the DLO, subject to a further review; and
  - iii. That a further report will be presented to Cabinet in June 2017 with costings and potential savings in support of the above.

This report addresses (iii) above presenting the costings and potential savings in support of (i) above. There have been delays to presenting this report for

decision due to leadership changes within the housing service.  
A further review will be carried out after implementation of (i) to determine the extent to which the DLO should be further enlarged to deliver additional works currently outsourced as detailed in (ii) above and a further report presented within the next 12 months.

### **Proposals**

1. To agree the business case for progressing with the enlargement of the DLO to take on all responsive repairs and voids work.
2. That authority be delegated to the Director of Housing and Commercial Development to agree staffing and contractual changes required to deliver the responsive repairs and voids service by the DLO with effect from April 2019.

### **Reason for Proposals**

On average Wiltshire Council plans to spend around £12 - £14m from the Housing Revenue Account (HRA), both capital and revenue, each year on the repair and maintenance of the housing stock. This includes all emergency and day to day repairs, works to void properties, gas servicing, electrical testing, lift maintenance, as well as elemental replacements, such as kitchens, bathrooms and insulation, to continue to meet the Decent Home Standard.

The majority of this work is currently outsourced to contractors (value c.£13m) with just under £1m being directly delivered by the Council's Direct Labour Organisation.

The key reasons for the proposal for the DLO to take on a greater share of the services are;

- Minimising the risk of contractor failure and the knock-on impact on our residents
- Developing a more commercial approach to the delivery of repairs and maintenance services in-house in line with the sector
- Generating savings and avoiding paying profit margins to external organisations
- Capitalising on the higher performance already being delivered by our DLO
- Enabling opportunities to improve management of the supply chain for materials and plant as well as fleet and IT
- Providing flexibility to change and innovate in response to national and local policies changes and demands, without the need for protracted negotiations with external providers.

**Alistair Cunningham**  
**Corporate Director**

## Wiltshire Council

### Cabinet

3 July 2018

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**Subject:** Housing Repairs and Maintenance Service

**Cabinet Member:** Councillor Richard Clewer

**Key Decision:** No

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### Purpose of Report

1. This report outlines the Business Case for enlarging the Direct Labour Organisation (DLO) to take on additional work for the repair and maintenance of the Council's Housing Stock enabling the Council to continue to deliver a quality Repairs and Maintenance (R&M) service for the upkeep and improvement of the Council's Housing Stock for the next 30 years

### Relevance to the Council's Business Plan

2. The delivery of new R&M service arrangements should deliver the following from the Council's Business Plan:
  - a. Protect those who are most vulnerable – the nature of our housing service is that it is there for those people who are least able to afford to house themselves and the delivery of effective R&M services is the key issue when it comes to resident satisfaction
  - b. Boost the local economy - the employment of local labour and creation of more effective agreements with local materials and equipment suppliers will lead to the creation of new apprenticeships, traineeships and wider job creation within Wiltshire
  - c. Bring communities together to enable and support them to do more for themselves – as part of the transformation of services service recipients will be empowered to help shape and agree the future of R&M services and deliver cost efficiencies
  - d. An innovative and effective Council – enlarging the DLO will enable the service to behave more commercially, offering better value for money, making best use of technology and delivering improved performance and better outcomes for customers

### Background

3. Wiltshire Council owns 5,746 housing properties, mostly in the old Salisbury District Council area, along with just over 1,300 garages, unadopted roads, land and communal spaces and the majority of the contracts for the upkeep of these come to an end or up for potential extension in March 2020.
4. The proposal contained in report submitted to Cabinet on 14<sup>th</sup> March 2017 outlined how the R&M Steering Group, made up of members, managers, staff

and residents, had progressed through a series of stages in order to propose the agreed most suitable and affordable delivery vehicle for delivering repairs and maintenance to the Housing stock.

5. Cabinet agreed in principle:
  - i. To progress with the enlargement of the DLO to take on all responsive repairs and voids work, and look to recruit a new managerial structure to lead and co-ordinate this service
  - ii. To extend the current partnership contracts with Ian Williams, British Gas and Wessex Electrical for a further two years and then look to migrate some of these services to the DLO, subject to a further review;
  - iii. That a further report will be presented to Cabinet in June 2017 with costings and potential savings in support of the above
6. There have been delays to presenting this report for decision due to leadership changes within the housing service. However, this report now delivers the third resolution and focuses on the first resolution to enlarge the DLO with effect from April 2019 (Phase 1). A further review (Phase 2) will be undertaken to determine the scope for bringing additional services in-house and a report will be subsequently brought to the Cabinet once these contracts have been reviewed.

### **Main Considerations for the Council**

7. Cost savings. Details of the anticipated cost and efficiency savings that are achievable through the proposed changes are summarised below and in **Appendix A**.
9. Timescales. The main contract delivering services alongside the DLO has been extended to March 2020 with a break clause from March 2019. It is proposed that the contract is terminated at the end of March 2019 and that the DLO takes responsibility for full delivery of responsive repairs and voids services from April 2019. A proposed programme for these changes is attached as **Appendix B**
10. Implementation. A skilled and motivated management team will be required to drive change and the transformation of this service. There will be staffing changes required as a result of this proposal and a review of role descriptions will take place including the management roles to ensure the post holders have the skills and experience required to deliver the service.
11. Risk Assessment A draft risk register is attached as **Appendix C**

### **Cost Analysis (Appendix A)**

12. Over the last 20 years there have been some major swings in the trend of setting up or enlarging in-house DLOs (Direct Labour Organisations) to complete repairs and maintenance services in the Housing Sector. The 2010 collapse of mainstream contractors such as Connaught and ROK left a lot of housing organisations struggling to find alternative providers to fulfil planned

and responsive maintenance works on their properties and highlighted the risk of reliance on contracted out services.

13. All the main housing providers in Wiltshire and neighbouring areas have DLOs or commercial wings within their group structure to provide most of the main repair and maintenance works with only some elements of work still outsourced. Most new build work is still currently outsourced but some larger housing providers are also stepping into this arena too.
14. At present some 93% of the value of work for repairs and maintenance to housing stock is outsourced and within this there is an average annual profit margin paid by Council of over £400k, which could be reinvested back into the stock. The proposals in this report would move this to 83% still being externally resourced over the next 2 years but then decreasing further to around 40% from 2020. This could potentially deliver some savings of £2-7m back into the HRA Business Plan over 30 years.
15. A study by the Guardian newspaper found that DLOs were on average 10% cheaper than using a Contractor and DLO performance for completing responsive repairs on time was 3% faster than using a contractor. However, achieving this relies on good support networks such as new technology and the effective management of supplies and materials, including vehicle stock and scheduling of works. It is intended that the DLO will be developed as a commercial organisation that could stand alone as a contractor in the future and potentially offer out services to other organisations. The intention is to build resilience and deliver at least 5-8% savings, this would deliver an additional £4 -19m savings into the HRA Business Plan over 30 years.
16. Appendix A compares the average cost of a repair under the MD contract to the average cost of repair through the DLO based on 2017-2018 actual data to provide a comparison between the two delivery models and indicates the level of savings that could be achieved for Phase 1. It is proposed that an annual report will be taken to the Housing Board to detail the actual costs and savings, following implementation.
17. It is anticipated that further savings will be generated from 2020 with more services delivered by the DLO increasing opportunities for negotiating volume supply chain management, scheduling works effectively and attracting and retaining a skilled and motivated workforce.

### **Rate of Change (Appendix B)**

18. In order to simplify the transformation process and minimise risk, it is proposed to split the transformation into Phase 1 and Phase 2. In Phase 1, it is proposed that the only service brought in-house from March 2019 would be the services which are undertaken through contract with MD Building Services Ltd. This contract covers voids works and some responsive repairs.
19. Given the nature of works undertaken already by the DLO, there is considerable duplication with both a contractor and the DLO carrying out the same types of repairs and therefore our operatives will not require any

additional training to perform in these areas, however, additional resources will be required and there is the likelihood of some TUPE transfers of staff from MD to the DLO to help bridge this gap in resources.

20. In line with the March decision by Cabinet, contracts with Ian Williams, Wessex Electrical and British Gas have been extended for a further 2 years to March 2020. Prior to March 2020 a further report will be submitted to Cabinet outlining which elements of these contracts could be brought in house as part of Phase 2 of the transformation programme.

### **Management Approach**

21. It is intended that management roles will be reviewed to ensure there are sufficiently skilled and experienced staff in post to drive forward the growth and efficiency of the DLO. The housing service has a robust IT structure and performance dashboard and is well placed to attract the required candidates to fill any vacancies created.

### **Risk Management (Appendix C)**

22. A summary of the risks to the proposed enlargement of the DLO and the steps proposed to minimise the impact these could have on the Council is attached at Appendix C.

### **Overview and Scrutiny Engagement**

23. This report was discussed at the Environment Select Committee on 13<sup>th</sup> June 2017 and Tuesday 26<sup>th</sup> June 2018 and reviewed by the Chair of Environment Select Committee on 5<sup>th</sup> June 2018.

### **Safeguarding Implications**

24. All staff entering people's homes will be appropriately checked and vetted to ensure that our residents are safe within their homes. In addition, we will work with our in-house staff to ensure continuous training, awareness and reporting of safeguarding issues

### **Public Health Implications**

25. Delivery of effective and efficient R&M Services will ensure the safety of our residents in their homes, whilst ensuring compliance on the part of the Council, particularly on key issues such as fire, gas, electric and water safety and asbestos. In addition, good quality homes assist with ensuring tenants health is maintained effectively.

### **Procurement Implications**

26. Any procurement requirements resulting from the strategy set out in this report will be undertaken in accordance with Council Procurement and Contracts Regulations with support from the Strategic Procurement Hub. The Strategic



Procurement Hub is committed to support to ensure successful service transformation.

27. Post transformation the procurement team will continue to drive service innovation by helping to develop opportunities for efficiencies within the housing service.

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

28. There are no major equalities impacts from this report as the services are for all of our residents, both tenants and leaseholders, and will be delivered in a considered, non-discriminatory manner
29. As part of these proposals an Equality Impact Assessment has been completed to ensure no adverse impact on any groups.

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

30. Energy Efficiency will be considered as part of the void inspection and any resultant works will be delivered. The operatives will also be trained, alongside some of our residents, on energy awareness so that the 'Cost in Use' of our properties is reduced.

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

31. Cabinet has already approved the enlargement of the DLO in principle subject to costs and savings being presented back to Cabinet. If this work is not progressed other options will need to be considered for the delivery of the service when the current repairs and maintenance contract terminates in March 2020.

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

32. A risk assessment is attached at Appendix C

### **Financial Implications**

33. In Appendix A the average price per repair has been calculated based on 2017/2018 actual cost to allow the comparison between the current model using MD contractor and DLO to the proposed model in phase 1 of growing the DLO.

Assumptions have been made regarding the future potential costs and savings that could be incurred/generated from the revised model, they include:

- Additional costs in relation to central overheads for increased staff and operational requirement.
- Additional costs for Management and Admin support.
- Savings of 10% for improved supply chain management

- Savings of 5% for efficiency gains through improved scheduling
- Savings of 4% for contract management

These assumptions are based on national and internal data and are considered to be a prudent estimate.

Overall the model is showing that based on 2017/2018 actual costs and factoring in the above assumptions a full year saving of £326,000 could be achieved by increasing the DLO and undertaking void and responsive repairs in house rather than outsourcing them to contractor MD Building Services Ltd.

Actual costs and savings can be monitored and evaluated, following implementation.

The Council will take on the risk of employing more staff in the DLO rather than operating through a contract, this will include future financial risks if operational model changes in the future around Pension liability and redundancy this needs to be considered when making this decision.

### **Legal Implications**

34. This is a report updating Cabinet on information relating to the in principle decision taken by Cabinet on 14 March 2017 to progress development of the DLO should due diligence be satisfied.
35. There is nothing contained within the due diligence to date which would negate the proposed direction of travel adopted by Cabinet on 14 March 2017.
36. At the point when due diligence is completed a formal decision will need to be taken as to whether to bring these contracts in house. Should that decision be made then TUPE, as well as any other relevant legal implications, will need to be considered.
37. Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE)
  - (i) Whilst it is difficult to identify the detail as we are still in the due diligence stage it is likely that the TUPE regulations are likely to apply to the enlargement of the DLO as the Council is proposing to insource the services currently being provided by contractors. TUPE will apply if within the contractors' organisations there is an organised grouping of employees whose principal purpose is delivering services under the contract with Wiltshire Council. The employment of employees of the contractor who are wholly or mainly assigned to the Wiltshire Council contract will transfer to the employment of Wiltshire Council.
  - (ii) Therefore this may mean that direct recruitment of or procurement of required skills may not be as extensive if suitably qualified staff are to transfer from the providers. The employees who are transferred under TUPE will transfer to the Council on their existing terms and conditions of employment.

(iii) As the transferring staff will become employees of the Council they will be eligible to join and will be automatically enrolled into the Local Government Pension Scheme (LGPS). There will be an ongoing financial cost to the Council in terms of the Employer contributions it will have to make to the LGPS in respect of those transferring staff who become members of the LGPS.

(iv) If TUPE does not apply or applies to an insufficient number of resources then a recruitment campaign will be required.

### **Options Considered**

38. The alternative to agreeing to increase resources within the DLO to enable a higher percentage of repairs and maintenance services to the council's housing stock to be provided in house is that the majority of services will continue to be outsourced and be provided by external contractors.

39. The implications of the option of continuing to provide services as we do now compared to implementing the proposal to enlarge the DLO are explained in Appendices A & C (cost analysis and risk assessment)

### **Conclusions**

40. The proposed new delivery model for the Repairs and Maintenance services will ensure the Council's stock is maintained and improved in line with the Council's statutory obligations and ensures tenants live in good quality homes with high quality services.

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1<sup>st</sup> June 2018

### **Appendices**

**As detailed in the agenda, the following appendices have been made exempt from publication:**

- A. Cost comparison
- B. Project Timescales
- C. Risk Assessment

### **Background Papers**

The following documents have been relied on in the preparation of this report:  
None

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