

Wiltshire Council

Cabinet

13 October 2020

Questions from Chris Caswill

Agenda Item 10 – Chippenham Housing Infrastructure Fund

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

Question 1:

In para. 5, the Cabinet paper says that the then Chief Executive Officer (Place) and yourself gave the 'authority to submit' the final bid for this HIF funding in March 2019.

a) please specify the delegations which allowed each of you to give this permission.

Response:

Under Part 3 of the Council's Constitution, Directors have authority to submit requests for grant funding, at the stage of the original decision the council was not committed to accepting grant funding subsequently offered. If/when grant funding was offered, then before accepting the grant funding it would be considered as per Part 9 of the Constitution, Financial Regulations, in this case, the amount of the grant requires Cabinet to decide whether to accept the grant.

b) Was the CEO (Place) not the principal author of the original outline proposal and in effect the principal proposed of the HIF Bid? And if so, how could he be a proper person to give the authority to submit?

Response:

The decision that Executive Director Place took was an operational decision to apply for the grant so that if the proposal was taken forward by Cabinet they could be informed as to whether there was government funding for the proposal. It is in effect due diligence needed to inform any executive decision which may or may not be taken in the future (an operational decision).

The Executive Director is authorised under the constitution to make such operational decisions in consultation with Relevant Members and other Officers. If the application was accepted by the DfT (as it was) then before any draw down could occur it would need to be considered by Cabinet as to whether to accept the grant agreement or not.

c) The HIF Bid contains the intention to allocate 7500 houses to Chippenham as a part of the case for the £75 million for the road. Will you confirm that this number had not at that time been approved by any democratic process? And that therefore the two who provide the 'authority to submit', including yourself, were responsible for imposing this number on the Chippenham community?

Response:

The HIF bid does not contain the intention to allocate 7500 home to sites in and around Chippenham.

The Bid identified the opportunity to provide 7500 homes with supporting evidence. The number of homes allocated will be established via the Local Plan process including required consultation.

d) Will you confirm that this proposal for 7500 houses and a roads around two sides of Chippenham was not consulted with the local communities in Chippenham, Calne and the local villages before it was submitted in March 2019?

Response:

The HIF bid aims at securing the opportunity to drawdown government funding for infrastructure should development proceed. We can confirm there has not been consultation with the community of Chippenham for 7500 houses and a road around two sides of Chippenham.

Growth at Chippenham is being considered through the separate Local Plan process

e) And also that the only evidence of local support that was provided came from only one of the two MPs whose constituencies would be affected, and a letter from the CE and Leader of Chippenham Town Council which had not been approved by that Council?

Response:

Letters of support for the Bid were received from numerous stakeholders of the project including those detailed above.

Question 2:

Where is the evidence base that supported the choice of the 7500 number for Chippenham, and how can it be examined for its validity?

Response:

The HIF bid identified the potential of sites to support the viability and deliverability of 7500 homes in Chippenham.

Question 3:

Are any of the studies listed in para. 12 of the paper available to the public, and if so which? And if not, why not?

Response:

Any studies relating to a project required in support of a planning application will be placed in the public domain at the time of the application.

Question 4:

In para. 33 of the paper it is claimed that there are 'no Environment and Climate Change Considerations to be made at this stage'. To quote a popular catchphrase - you cannot be serious! This is a proposal to build miles of what would be traffic intense road across open countryside and destroy the Avon and Marden valley open space and farmland by building thousands of houses on it. How can that not have any negative environmental and climate Impact?

Response:

The statement in the paper is correct. The proposal under consideration relates to whether the council enter the Grant Determination Agreement on the terms proposed, which will secure the opportunity to draw down HIF funding if development proceeds. The environmental and climate change considerations of any future development proposals will be addressed and consulted on through the planning process.

Question 5:

This proposal has been publicly promoted with the benefits to the local community from monies subsequently recovered as a part of this HIF process. Indeed the Chippenham MP cited this as the main reason for her support of the project. Para 43 of the report makes a brief but important statement that 'critical to this (proposal) is a recovery strategy.....'. Yet this vital strategy is being kept secret by including it in 'Part II' ie those papers which are hidden from public sight and scrutiny. How can that be justified?

Response:

The Recovery Strategy is exempt information under Paragraph 3 of Section 12A of the Local Government Act 1972 as amended because it contains details of the business and financial affairs of both the council and other parties.

The provisions under the Local Government Act 1972 as amended exist to protect peoples' financial and business interests, including authorities. The conditions of the grant are business sensitive and confidential between the council and Homes England.

Question 6:

para 21. I lists a number of the issues included in the proposed agreement which are only include in Part II. Of particular concern are the references to confidentiality and freedom of information. Will you confirm that none of these proposed conditions include any restriction or weakening of the Councils responsibilities under the Freedom of Information Act 2000?

Response:

Our responsibilities under FOI remain the same.

Question 7:

In addition to the Recovery Strategy, it seems the secret Part II paper includes the actual conditions of the grant for which the Cabinet is about to approve acceptance. There is a clear public interest in knowing the actual conditions to which the Cabinet is asked to agree, not least so that the public can judge their implications for local communities, the Council's financial position, local taxation and the governance of the project. How can keeping this information from the public be justified, beyond the usual bland and meaningless references to ' the Local Government Act 1972 as amended'?

Response:

The provisions under the Local Government Act 1972 as amended exist to protect peoples' financial and business interests, including authorities. The conditions of the grant are business sensitive and confidential between the council and Homes England

Question 8:

Why is such a large, financially significant proposal, with huge implications for the people of Chippenham, Calne and the neighbouring villages, not being considered, debated and decided by the full Council?

Response:

Once again it is important to point out that this is the Council securing the opportunity for funding for infrastructure if development proceeds. Any development proposals as set out in the Local Plan will be considered by Full Council.