

From: [REDACTED]
Sent: 18 April 2023 12:37
To: [Alexander, Lisa](#); [Democratic and Member Services](#)
Cc: [CGR](#); [Elliott, Kieran](#); [Wickham, Suzanne](#)
Subject: Electoral Review Committee Thursday 20 April 2023 Agenda item 6
(Community Governance Review 2022/23) Area 1 - Westbury/Heywood

Dear Democratic Services Officer,

Please register me to speak under Public Participation.

Please also note that my response to Recommendation 1 of the Draft Recommendations consultation (P11) is at [83] to [85] of Agenda Supplement (1), and did not include the extracts from Westbury Ironworks by RJ Cogswell (1988) at [89] and [91]. However, like Westbury Station, the site of the Ironworks (of which nothing remains) has never been within the boundaries of Heywood Parish Council and is unaffected by Recommendation 1.

Created in 1896 (and with only one small boundary change in 1909), Heywood Parish Council has survived intact for 127 years since then through many changes in local government (including the creation of Westbury UDC in 1899, WTC in 1974 and Wiltshire Council in 2009).

Yours sincerely,

Francis Morland

From: Elliott, Kieran <Kieran.Elliott@wiltshire.gov.uk>
Sent: 28 March 2023 15:42
To: F M [REDACTED] <CGR@wiltshire.gov.uk>
Cc: Democratic and Member Services <Committee@wiltshire.gov.uk>
Subject: RE: Community Governance Review 2022/23 Draft Recommendations Consultation - Recommendation 01 (Heywood/Westbury)

Dear Mr Morland

Thank you for your email, which will be provided to the Committee to consider.

Yours

Kieran Elliott
Democracy Manager (Democratic Services)
Democracy, Governance and Customer Services Legal and Governance
Tel: 01225 718504 Email: kieran.elliott@wiltshire.gov.uk Web: www.wiltshire.gov.uk

From: F M [REDACTED]
Sent: 28 March 2023 16:22
To: CGR <CGR@wiltshire.gov.uk>
Cc: Elliott, Kieran <Kieran.Elliott@wiltshire.gov.uk>; Democratic and Member Services <Committee@wiltshire.gov.uk>
Subject: Community Governance Review 2022/23 Draft Recommendations Consultation - Recommendation 01 (Heywood/Westbury)

Dear Democratic Services Officer (Electoral Review Committee),

Please accept this e-mail as my duly-made response to the consultation.

Q2 - My e-mail address is [REDACTED]

Q3 - My postcode is BA13 [REDACTED]

I am an elected member of both Heywood Parish Council and Westbury Town Council, but this response is made purely in a personal capacity.

As you know, I attended and spoke at the meeting of the Electoral Review Committee on Wed 04/01/2023, and at its meeting in Heywood Village Hall on Wed 22/02/2023.

Q4 - I support Draft Recommendation 01 of the Electoral Review Committee for the reasons set out in its Consultation document dated February 2023 (and as shown on the map on page 18).

In respect of [16] of that report, the 1896 boundary ran along Slag Lane from its junction with Station Road, and onwards along the track/public footpath running past the Sewage Treatment Works to its junction with the present boundary. At that time the only railway line in the vicinity was the Great Western Railway's Wilts Somerset and Weymouth line running into Westbury Station from Trowbridge. The railway line from Westbury Station to Stert (the Berks and Hants line) was not opened until 1901. The present boundary along The Ham was the result of a boundary change made in 1909. The Westbury Avoiding line was opened in 1933 and the loop-line crossing Slag Lane in 1942. I attach a map ("Westbury - Vivash Leisure Map") showing these.

As you know, the boundaries of the neighbourhood areas of both the draft Westbury Neighbourhood Plan and the draft Heywood Neighbourhood Plan follow the present boundary between Westbury and Heywood.

On the other governance issues raised by Westbury Town Council, I wish to record that with little or no assistance from the Town Council, Heywood Parish Council for many years pursued and eventually achieved two schemes that greatly benefited The Ham (including the people

currently within the Westbury Town boundary), viz. 1) major road improvements there, including traffic speed control chicanes, highway drainage gullies, and a continuous footway link from Paxmans Road to Station Road; and 2) the roundabout access into Link Road and the West Wilts Trading Estate and beyond, off Hawkeridge Road (as part of HPH's Hawke Ridge Business Park development).

I have seen two drafts of Westbury Town Council's Submission to this consultation (but took no part in the several meetings which have discussed them). However, I must take exemption to the criticism of myself - the only member common to both councils - in the sentence in both of them reading "Even more surprising was that despite both councils having common councillors no information was ever communicated, even on an informal level". That is a travesty of the truth, and seeks to obscure the fact that Westbury Town Council decided and submitted its proposals to Wiltshire Council without prior consultation with any of its neighbouring parishes and without notifying them afterwards either. That was not accidental but entirely deliberate, and my disagreement with such a cavalier and disrespectful attitude to those councils was well known to both the members and the officers involved. A timeline of events will show that unlike Westbury Town Council, Heywood Parish Council did not take up the Electoral Review Committee's requests for "expressions of interest" on 12/07/2019 and 28/08/2019, and that its Counter Proposals were not agreed until its meeting on Wed 23/10/2019, following news of the Town Council's proposals from Wiltshire Council (see its e-mails of 10/09/2019 and 01/10/2019). At no time did anybody at the Town Council approach me to keep them informed on any of this, and in any event, my view was then (and now) that that was entirely the task of the respective Town Clerk and Parish Clerk, and the officers of Wiltshire Council, and that I had to assume that there was an adequate formal procedure available to resolve such differences.

In [36] and [42] of the Consultation document, there is reference to a five-year period being an important consideration in Community Governance Reviews. As you know from previous CGRs (see my e-mail below of Mon 10/08/2020), I consider that that is based on a misreading/misunderstanding of the relevant statutory guidance (and hence an error of law). However, I do not think it has adversely affected the Committee's reasoning in this case so far.

Yours sincerely,

Francis Morland

Dead Maids Close Chapmanslade BA13 4AD

From: F M [REDACTED]
Sent: 10 August 2020 09:38
To: committee@wiltshire.gov.uk <committee@wiltshire.gov.uk>; Elliott, Kieran

<kieran.elliott@wiltshire.gov.uk>

Cc: Clewer, Richard <richard.clewer@wiltshire.gov.uk>

Subject: Electoral Review Committee Thursday 13 August 2020 9:30 am - Agenda Item 8 Community Governance Review - Statement

Dear Senior Democratic Services Officer,

The Agenda Report on Item 8 Community Governance Review appears to me to repeat the error of law I drew attention to in my consultation response (see at Item 34 of Appendix B) to the Draft Recommendations (May 2020), particularly in respect of Recommendation 11 at [70], [75] and [79], that there is a five-year period stipulated in the statutory guidance (issued March 2010) for the application of the requirements of Section 93{4} of the 2007 Act (referred to under the heading "Statutory Criteria" in [19] of the Agenda Report).

Although the most relevant paragraphs of the statutory guidance are brief and somewhat cryptic (see at [52] to [54], under the sub-heading "Criteria for undertaking a community governance review"), there is no mention there, or indeed anywhere else in that entire section of the guidance (Section 3: Making and implementing recommendations made in community governance reviews), of any five-year period, and my own analysis of the preceding section of the guidance (Section 2: Undertaking community governance reviews), particularly at [15] and [26], shows that it is the present circumstances on the ground, and not future projections/forecasts/plans/assumptions, etc., that are the relevant considerations (the repeated use of the word "following" in [26] is especially compelling).

The passages from the statutory guidance quoted incompletely and out of context in [21] and [22] of the Agenda Report (under the heading "Electorate Forecasting") are both drawn from a later section of the guidance (Section 5: Electoral arrangements) dealing with secondary matters (see at [170], under the sub-heading "Electorate forecasts") and are not intended to change the approach laid down in Sections 2 and 3 of the guidance. That is made clear at [147] of the guidance.

The Britwell case demonstrates that such a crucial misunderstanding/misinterpretation of the statutory guidance will be fatal to the lawfulness of the Community Governance Review.

Yours sincerely,

Francis Morland

From: [REDACTED]
Sent: 24 June 2023 16:02
To: [Elliott, Kieran; CGR](#)
Cc: [Alexander, Lisa; Democratic and Member Services](#)
Subject: Electoral Review Committee Monday 26 June 2023 at 3.00 pm -Agenda Item 8 - Community Governance Review 2022/23 - Consultation on Additional Draft Recommendations - Recommendation 01 (Heywood/Westbury)

Categories: Electoral Review

Dear Democracy Manager (Democratic Services),

I have reviewed my comments in the thread below in the light of the named criticism of me in Westbury Town Council's Further Submission dated 07.06.2023 (see Comment P8 in Appendix A - Information Pack - Agenda pages 27, 30 and 56 to 59), but found nothing inaccurate or misleading.

The map in Westbury Town Council's Further Submission appears to have been obtained from a post on the Heywood & Hawkeridge Neighbourhood Plan Facebook Page made on or about 6 Feb 2019 relating to its Rural Housing Needs Survey.

It seems unlikely, to say the least, that this was intended to illustrate a proposed extension to Heywood Parish Council's boundaries, as it used a Base Map which, from the features shown, probably dates it to before the creation of Heywood Parish Council in 1896.

Yours sincerely,

Francis Morland

From: Elliott, Kieran <Kieran.Elliott@wiltshire.gov.uk>
Sent: 08 June 2023 08:11
To: F M [REDACTED] CGR <CGR@wiltshire.gov.uk>
Cc: Democratic and Member Services <Committee@wiltshire.gov.uk>
Subject: RE: Community Governance Review 2022/23 Additional Draft Recommendations Consultation - Recommendation 01 (Heywood/Westbury)

Mr Morland

Thank you for this helpful information, which will be included for attention of the Committee.

Yours

Kieran Elliott
Democracy Manager (Democratic Services)
Democracy, Governance and Customer Services Legal and Governance
Tel: 01225 718504 Email: kieran.elliott@wiltshire.gov.uk Web: www.wiltshire.gov.uk

From: F M [REDACTED]
Sent: Wednesday, June 7, 2023 10:20 PM
To: CGR <CGR@wiltshire.gov.uk>; Elliott, Kieran <Kieran.Elliott@wiltshire.gov.uk>
Cc: Democratic and Member Services <Committee@wiltshire.gov.uk>
Subject: Community Governance Review 2022/23 Additional Draft Recommendations Consultation - Recommendation 01 (Heywood/Westbury)

Dear Democratic Services Officer (Electoral Review Committee),

I believe the attached is one of the relevant documents.

There is nothing in its text linking it with any of the Community Governance Review proposals of Westbury Town Council, and there is no mention at all in it of The Ham, Heywood or Heywood Parish Council.

There are a number of references in the text to the Vivash Park Task and Finish Group (see at [1], [1.1] on page 4, [4]and[4.1]), which was set up by a resolution of Westbury Town Council on Monday 17 May 2021 (see Minute T.210525, which is on its website, but the Agenda papers for that meeting are sadly lacking). However, it did not meet in public and neither its Agendas nor its Minutes are available on the Westbury Town Council website (nor anywhere else, as far as I am aware).

There is a mention of the Task and Finish Group in the Minutes of a Town Council meeting held on Monday 05 July 2021 - T.210713 Clerk's Correspondence b. Vivash Park, and I gather that there was subsequently a Notice in the White Horse News on Thursday 08 July 2021, a Site Visit on Tuesday 13 July 2021 and a Public Consultation event at The Laverton on the evening of Thursday 22 July 2021.

An interim recommendation of the Task and Finish Group was approved at a meeting of the Town Council held on Monday 06 September 2021 (see Minute T.210918), and the proposed acquisition of Vivash Park (including the Business Case for it dated 19 October 2021) was agreed at a subsequent meeting of the Town Council held on Monday 01 November 2021 (see Minute T. 211112).

On 04 October 2022, Wiltshire Council received the sum of £323,416.54 from the Developers under the terms of the 2011 Section 106 Instrument and the whole of this sum was subsequently passed on to Westbury Town Council following an Extraordinary meeting of the Town Council held on Monday 19 December 2022, which approved the terms of a supplementary Section 106 agreement with Wiltshire Council in respect of Vivash Park (see Minute TE.221203).

There are a number of other documents attached to the Agendas and Minutes of Westbury Town Council referred to above, which may add some further information to the attached Business Case, but none of them indicate that any contact was made by Westbury Town Council with Heywood Parish Council at any stage in the matter, nor provide any basis for the assertion now made by the Town Council that:

"the majority of users of the park come from areas that are in or planned to be in Heywood, meaning that in 9 years when the Section 106 monies run out, the people of Westbury will be expected to continue to maintain the park out of their pockets."

I believe that the Electoral Review Committee will quickly be able to conclude from Westbury Town Council's own documents that these words are not a fair or accurate statement of the reasons why Westbury Town Council acquired Vivash Park, nor a fair or accurate description of the very substantial funding it has received in respect of it.

Yours sincerely,

Francis Morland

From: CGR <CGR@wiltshire.gov.uk>

Sent: 26 May 2023 12:43

To: F M [REDACTED]

Cc: Democratic and Member Services <Committee@wiltshire.gov.uk>

Subject: RE: Community Governance Review 2022/23 Additional Draft Recommendations Consultation - Recommendation 01 (Heywood/Westbury)

Hello

Thank you – we will log this addition to your first representation and examine the points which have been included

Kieran Elliott
Democracy Manager (Democratic Services)

From: F M [REDACTED]

Sent: Friday, May 26, 2023 1:20 PM

To: CGR <CGR@wiltshire.gov.uk>; Elliott, Kieran <Kieran.Elliott@wiltshire.gov.uk>

Cc: Democratic and Member Services <Committee@wiltshire.gov.uk>

Subject: Community Governance Review 2022/23 Additional Draft Recommendations Consultation - Recommendation 01 (Heywood/Westbury)

Dear Democratic Services Officer (Electoral Review Committee),

I wish to add to my duly made response to the additional consultation on two further points:

a) Vivash Park

This has a complicated history, but essentially it was the disposal site for the large quantity of excess material from the levelling of the mixed waste tip on which David Wilson Homes constructed 117 dwellings along Slag Lane pursuant to the planning permission obtained by an Appeal Decision dated 1 Feb 2012 (APP/Y3940/A/11/2156351; LPA Ref: W/10/03406/FUL). Although Policy OS2 - New grass pitch provision - of the West Wiltshire Leisure and Recreation DPD (adopted Feb 2009) allocated Vivash Park, and it remains a Saved Policy by Appendix D of the Wiltshire Core Strategy (2015), that allocation was in effect overridden by the Appeal Decision.

The specification for and maintenance of an "Urban Park" there is set out in a Section 106 Unilateral Undertaking dated 14 Dec 2011, submitted as part of the Planning Appeal process (but after the Inquiry), and included an "Urban Park Maintenance Contribution" then computed at £225,600 (see at: <https://development.wiltshire.gov.uk/pr/s/planning-application/a0i3z000014ebGVAAAY/w1003406ful>).

However, until 2022 it was owned and exclusively maintained by David Wilson Homes.

I have been unable to ascertain the purpose, timetable or precise mechanism by which Westbury Town Council acquired Vivash Park (together with a much greater sum of Maintenance Contribution) late in 2022, but there must have been due diligence procedures undertaken at that time, including a detailed report on the business case for the acquisition.

In view of the suggestion now being made by Westbury Town Council that its acquisition of Vivash Park was exclusively or mainly for the benefit of residents of The Ham, I ask that all the relevant documents relating to its acquisition of Vivash Park should be put into the public domain, as I believe that they will demonstrate very clearly that that was not the case, and that inadequate research went into its previous Submission stating (inter alia):

"Vivash Park is a Westbury Town project that has been years in the making and has involved much negotiation before its transfer from David Wilson Homes to the Town. It has been totally ignored in the governance review, and it was apparent that the existence of the park was not known to the Committee, otherwise we are sure it would have been mentioned. The running and maintenance of the park requires daily management due to the presence of the lake and access by the public, plus the onerous requirement to deter others from moving onto the land. It currently occupies a large part of staff time. Section 106 money has been spent on capital projects to bring the area up to standard and running costs are estimated, going forward, at in excess of £25,000 per annum, not to mention the salaried staff time and equipment that is

taken up, something that Heywood Parish cannot replicate. Whilst a suggestion has been made that this land remains within Westbury, as the town is better staffed and resourced to manage it on a daily basis, this is only part of the issue as the majority of users of the park come from areas that are in or planned to be in Heywood, meaning that in 9 years when the Section 106 monies run out, the people of Westbury will be expected to continue to maintain the park out of their pockets."

b) Community Infrastructure Levy

Westbury Town Council has already received at least £72,614.05 of CIL monies from Wiltshire Council in respect of The Ham (£67,188.15 under 17/07548/FUL; £2,077.22 under 20/08163/FUL; and £3,348.68 under 16/12397/FUL - shown as 17/12397), and the remaining outstanding CIL monies there will almost certainly be paid to it before 1st April 2025. Shouldn't all or most of these amounts be passed on to Heywood Parish Council (as part of the amended Recommendation 1)?

Yours sincerely,

Francis Morland

██████████ Chapmanslade BA13 ██████████

From: Elliott, Kieran <Kieran.Elliott@wiltshire.gov.uk>

Sent: 16 May 2023 12:37

To: F M ██████████ CGR <CGR@wiltshire.gov.uk>

Cc: Democratic and Member Services <Committee@wiltshire.gov.uk>

Subject: RE: Community Governance Review 2022/23 Additional Draft Recommendations Consultation - Recommendation 01 (Heywood/Westbury)

Hello

Thank you for your email and representation.

Thank you for pointing out a typo omission, which will be updated, as you are correct the very small part of Area B would be for Westbury North

Yours

Kieran Elliott

Democracy Manager (Democratic Services)

Democracy, Governance and Customer Services Legal and Governance

Tel: 01225 718504 Email: kieran.elliott@wiltshire.gov.uk Web:

www.wiltshire.gov.uk

From: F M [REDACTED]
Sent: 16 May 2023 12:56
To: CGR <CGR@wiltshire.gov.uk>
Cc: Elliott, Kieran <Kieran.Elliott@wiltshire.gov.uk>; Democratic and Member Services <Committee@wiltshire.gov.uk>
Subject: Community Governance Review 2022/23 Additional Draft Recommendations Consultation - Recommendation 01 (Heywood/Westbury)

Dear Democratic Services Officer (Electoral Review Committee),

Please accept this e-mail as a duly made response to the additional consultation.

Q2 - My e-mail address is [REDACTED]

Q3 - My postcode is BA13 [REDACTED]

I am an elected member of both Heywood Parish Council and Westbury Town Council, but this response is made purely in a personal capacity.

As you know, I attended and spoke at the meeting of the Electoral Review Committee on Wed 04/01/2023, at its meeting in Heywood Village Hall on Wed 22/02/2023, and at its meeting on Thu 20/04/2023.

Q4 - Unless some fresh re-warding of the town of Westbury I am not aware of is also being proposed before 2025, I consider that the areas marked as B being transferred from Heywood to Westbury should become part of whichever existing Westbury Ward they are adjacent to, and hence that the words "and the Westbury North Ward respectively" should be added to [1.2] of Recommendation 1.

Yours sincerely,

Francis Morland

[REDACTED] Chapmanslade BA13 [REDACTED]