

# AGENDA SUPPLEMENT (3)

**Meeting:** Cabinet  
**Place:** Online Meeting  
**Date:** Tuesday 1 December 2020  
**Time:** 10.00 am

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The Agenda for the above meeting was published on 23 November 2020. Additional documents are now available and are attached to this Agenda Supplement.

Please direct any enquiries on this Agenda to Stuart Figini, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 718221 or email [stuart.figini@wiltshire.gov.uk](mailto:stuart.figini@wiltshire.gov.uk)

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

This Agenda and all the documents referred to within it are available on the Council's website at [www.wiltshire.gov.uk](http://www.wiltshire.gov.uk)

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- 5 **Public participation and Questions from Councillors (Pages 3 - 44)**  
Public questions with responses
- 6 **COVID-19 Update and Financial Update (Pages 45 – 46)**  
Public questions with responses
- 8 **Consultation to inform the Wiltshire Local Plan Review (Pages 47 - 78)**  
Public questions with responses

DATE OF PUBLICATION: 30 November 2020
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**Wiltshire Council**

**Cabinet**

**1 December 2020**

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**From Darren Hopkins**

**To Councillor Philip Whitehead, Leader and Cabinet Member for Economic Development, MCI and Communications**

## **Item 5 – Public Participation**

### **Question 1**

What financial risks are the council expecting to carry and how has it arrived at this figure given that the route has not been agreed and therefore the costs not known? How can the council agree an unknown future financial risk?

### **Response**

The Council has taken professional advice on the risks and made appropriate financial provision based on that advice which is included in the overall cost plan.

### **Question 2**

Is the HIF funding paid pre or post construction? If it is post construction how is the council proposing to fund the initial outlay?

### **Response**

The HIF funding covers an element of historic costs and the costs incurred to reach agreed milestones pre-construction as well as construction costs.

### **Question 3**

As the HIF funding is linked to housing and, as yet, the council has no agreed development plans for housing in the area, what risk analysis has been completed to understand the chances of housing not being built, can the council share this? Does the council have to repay HIF funding if housing is not completed?

### **Response**

The HIF funding is linked to housing delivery. If the housing delivery is not achieved repayment of HIF funding will be dependent upon the reasons why the housing delivery was not achieved and whether the reasons were considered a general or fundamental default under the HIF funding agreement.



**Wiltshire Council**

**Cabinet**

**1 December 2020**

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**From Adrian Temple Brown**

**To Councillor Philip Whitehead, Leader and Cabinet Member for Economic Development, MCI and Communications**

**Item 5 – Public Participation**

**Statement**

**I have serious concerns about the massive and unsustainable housebuilding in all of Wiltshire which is being planned and supported by Cabinet members. There is no recognition by the personnel in cabinet that there will be destruction of natural assets, closure of council farms, generation of extra traffic, immense carbon emissions and carnage of the lifeforms that currently live in the soils which cabinet members actively condone digging up and concreting over.**

The set of documents for the Chippenham eastern expansion, which have been released under Freedom of Information (or by appeal) to date are available in the following public folder:

[https://drive.google.com/drive/folders/1hJuQS9EmTVOG3nktKgnT-8iUzwujeo\\_E?usp=sharing](https://drive.google.com/drive/folders/1hJuQS9EmTVOG3nktKgnT-8iUzwujeo_E?usp=sharing)

Within this folder, the Atkins document “*Chippenham Urban Expansion Environmental TAG Report Wiltshire Council 07-February 2018*”, listed as Appendix 33 of the HIF Bid has one single section related to the impact of Greenhouse Gas emissions from this WC Cabinet project, as follows:

## 4.3. Greenhouse gases

### 4.3.1. Assessment

The scheme will introduce a new source of greenhouse gas emissions from road transport. It may also serve to change journey distances due to traffic rerouting via the distributor road rather than through central Chippenham. The proposed scheme may also affect average vehicle speeds on existing and proposed routes.

Construction of the scheme would include additional embedded carbon emissions.

### 4.3.2. Impacts

The potential impact of the scheme on greenhouse gases is anticipated to be slight adverse.

Cabinet is aware that I would particularly like to spotlight the huge amount of environmental damage and the immense quantity of GHG emissions that will occur from the site preparation and construction associated with this 6.5million m<sup>2</sup> of countryside being turned into a housing and industrial estate. The above Atkins document considers GHG emissions from the extra vehicle journeys which this Countryside Expansion will bring in *excruciating* detail, but it does *not* consider the CO<sub>2</sub> emissions from it's construction in any detail at all.

In the concluding GHG "Impacts statement" presented by Atkins to Cabinet (copied above), the phrase "slight adverse" is:

- a. not defined,  
and is:
- b. utterly meaningless, when used alongside the other words in the impact statement.

Significant emissions will occur from the following sources which are not detailed by Atkins in this document:

- CO<sub>2</sub> and CH<sub>4</sub> emissions from the removal and the compost of (incineration of) trees, shrubs, vegetation, insects and soil bio-matter prior to site clearance
- Inorganic Carbon CO<sub>2</sub> Soil emissions from site levelling
- Inorganic Carbon CO<sub>2</sub> Soil emissions from excavation of foundations
- CO<sub>2</sub> and NO<sub>x</sub> emissions from all on-site construction equipment through the clearance, build and finishing phases
- CO<sub>2</sub> emissions from all personnel through the project and fuel for their transport to and from site during the project
- Carbon footprint of concrete and steel materials used in foundations and utility channels
- Carbon footprint of all construction materials for houses and industrial units built to current HMG planning regulation standards
- Carbon footprint of all construction materials for roads, pavements and street furniture

- Carbon footprint of all internal finishes for new houses and industrial units
- CO<sub>2</sub> and NO<sub>x</sub> emissions from all transport of personnel and materials to and from the site through the duration of the project

The arguments that “cabinet is just following orders”, that “there is a housing crisis”, that “there is no money”, that “new houses will be sustainable”, that “we can’t we don’t have any detail” have all been repeatedly trotted out as justification for cabinet members not needing to accept personal responsibility for these emissions and this ecological destruction. It is clear from the HIF application documentation that this development is about money and jobs and there is no quantification or consideration of Emissions and Ecological destruction from it’s construction. It’s obvious to all why extracting *any* detailed information from cabinet about this project has been like pulling teeth - totally obvious.

Since each cabinet member is individually responsible for driving forward green-belt housing/industrial/road development by voting this project through both in public and in secret, each cabinet member really must be aware of the immense damage that they are personally planning to do to the environment and to the atmosphere. You need to take your heads out of the sand and open your eyes **NOW** to this damage - at the *outset* of the project - rather than when you’ve gotten Wiltshire Council fully pregnant with it. The information which quantifies this damage in terms that cabinet members can understand is completely missing from the documentation set for the Chippenham Eastern Expansion – so in the context of the Climate and Ecological crisis which you purport to understand, how can you possibly proceed without requesting this information ?

There is no Wiltshire Council Policy that forces Carbon and Ecological budgeting for building projects in Wiltshire and Cabinet currently has no plan at all, nor any intent to put such a policy in place. It is therefore unclear if the lack of detailed GHG emissions data in the Atkins documentation set is due to incompetence, ignorance or deliberate suppression.

Cabinet members cannot possibly balance the economic and social gain of this project against Climate Damage and Environmental Loss because you don’t have the key information to weigh up the pros and cons and make an informed decision. It’s obvious that you don’t even want to see it.

I often ask myself how long you guys will string out doing nothing about stopping huge destructive infrastructure projects, whilst fiddling around with the little green projects - despite having declared a Climate Emergency *18 months ago!*

So I have a few of questions for the *people* – parents, grandparents, great-grandparents - who make up cabinet, on the documentation associated with the Chippenham Eastern Expansion project, questions that are relevant to documentation for any and all proposed new building within Wiltshire:

### **Question 1**

Is Section 4.3 of Appendix 33 of the 1000s of pages associated with the HIF Bid the only place where CO<sub>2</sub>, CH<sub>4</sub> and NO<sub>x</sub> emissions are considered and an impact statement about GHG is made ?

### **Response**

The question would require a full review of all of the HIF bid documentation in order to provide an answer to the question and resource capacity is not available at this immediate time to undertake that exercise. The Council intends to publish HIF bid in the near future where members of the public will be able to review the document.

### **Question 2**

If the answer to 1. Above is 'No', could you list all HIF-bid document references that consider GHG emissions – and release the [redacted] documents (or relevant sections), if required, so that the full detail and calculations which drive the 15-word impact assessment in “Section 4.3.2” can be reviewed by the public?

### **Response**

As previously stated , the Council has confirmed that it intends to release the HIF bid documentation once it has been fully reviewed and the appropriate areas redacted.

### **Question 3**

Considering the existing peaceful countryside *today* vs the proposed Chippenham Urban Expansion *when finished*, what is the reasonable worst case figure for the number of extra vehicle journeys in Wiltshire brought about by this project [document reference for this figure much appreciated] ?

### **Response**

The road route option has yet to be consulted on and therefore it is premature at this stage in the project to ascertain the information requested



**Wiltshire Council**

**Cabinet**

**1 December 2020**

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**From Ian James – Bremhill Parish Councillor**

**To Cllr Philip Whitehead, Leader and Cabinet Member for Economic Development, MCI and Communications; and  
Cllr Pauline Church Cabinet Member for Finance, Procurement and Commercial Investment**

**Item 5 – Public Participation**

**Statement**

It is the Council's Policy to operate at minimum reserves to maximise the funds available for investment.

**Question 1**

Please can you tell me how much the Council has in the minimum reserve fund?

**Response**

The statement is not a recognised Council approved policy and the Councils does not hold a reserve titled the minimum reserve.

However, the Councils General Fund reserve, held for emergency one off spend and to deal with financial shocks, stands at just over £15.4m at the start of 2020/21.

**Question 2**

Prior to 22nd March this year how much did Wiltshire Council hold in the investment reserve fund? After 22nd March 2020 the Stock Market lost 30% of its value.

**Response**

The Council does not hold a reserve titled the investment reserve fund.

The Councils Treasury Management Strategy does not permit investments into the stock markets. Although we have the option available to invest in Government Gilts and the CCLA property fund the Council currently does not hold any funds in those investments.

**Question 3**

Was the Council quick enough to cash in investments before large losses were incurred, and if so how much liquidity did the Council save?

**Response**

See response to question 2.

**Question 4**

What is the percentage today of taxpayers money held in investment funds?

**Response**

See response to question 2.

**Question 5**

And what was the value of the losses in £GB incurred by the Council as a result of the stock market crash?

**Response**

See response to question 2.

**Question 6**

Did you not consider having so much Council money in investments was risky, and who was responsible for the risk assessment on these investments?

**Response**

The Council makes investments based on its Annual Treasury Management Strategy. The investment strategy sets out the strict criteria the Council must adhere to when investing, and its priority is security, then liquidity and then yield.

The risks involved are set out clearly in the Councils Treasury Management Strategy Statement which are presented to Council as part of budget setting.

**Question 7**

COVID 19 will put further strain on the Council finances, even your own financial reports show that Wiltshire Council has one of the lowest reserves in the country, 2020/21 will bring less revenue to the Council for all the obvious reasons, and yet demands on the Council will rise. At the height of the pandemic Cabinet agreed to provide Future Chippenham £4.2m to continue the HIF bid. In hindsight was this not a poor decision?

**Response**

Continued work on the HIF bid has enabled the Council to enter into contract with Homes England and secure infrastructure funding should development come forward and also to finance historic costs incurred to date.

**Question 8**

The HIF bid for the road around Chippenham is a high risk project, time constrained and budget constrained. Has the cabinet discussed what options it has in respect of withdrawing from the bid?

**Response**

Review mechanisms are built in the grant funding agreement.

**Question 9**

The Essex HIF bid to Homes England was £90m, it now faces an increase in infrastructure costs to £120m which under Homes England contract rules Essex Council now has to find £30m to complete the project. Can Wiltshire Council afford £30m in this climate should the bid costs be wrong?

**Response**

The funding agreement includes a HIF funding recovery strategy which provides risk mitigation in the event that costs increase.

**Question 10**

If Wiltshire Council fails to complete the road by March 2024 how will the Council repay the £75m back to the Government?

**Response**

The Council does not have to complete the road by 2024 , the Council has to defray HIF funding on the road by that date.

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**Wiltshire Council**

**Cabinet**

**1 December 2020**

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**From Ian James – Bremhill Parish Councillor**

**To Cllr Philip Whitehead, Leader and Cabinet Member for Economic Development, MCI and Communications; and  
Cllr Bridget Wayman Cabinet Member for Highways, Transport and Waste**

**Item 5 – Public Participation**

**Statement**

Recent information has highlighted the difficulties that Essex Council has had in negotiating terms with Homes England for a HIF bid of £90m

Due to miscalculating the costs for the roads Essex Council now faces a bill of £30m as the escalation in costs has sent the infrastructure cost to over £120m.

Is the Council confident that it can deliver the road Infrastructure for the east of Chippenham development for £75m?

What contingency has the Council set aside for any increases in costs between now and 2024?

In view of the under estimating of the costs for roads in Essex, please would the cabinet member provide the public with a breakdown of the costs to:

**Question 1**

Construct the road bridge over the GWR railway.?

**Response**

The railway bridge is part of the Rawlings Green development.

**Question 2**

Please add any additional costs required to overcome the road construction at Wavin Plant and any cost for the ransom strip the council may have to pay?

**Response**

Road construction at Wavin is not part of this scheme.

**Question 3**

Cost of roads at Rawlings Green site?

**Response**

The road route has yet to be consulted on and therefore is not confirmed at this time. Costs any specific areas of road are not finalised at this stage.

**Question 4**

Cost of river crossing the Avon, and 400m of flood plain, and roads constructed on Council land to the east of Chippenham?

**Response**

As above.

**Question 5**

Cost of road intersection at the A4, and continued road to the south of Chippenham.

**Response**

As above

**Question 6**

Cost of roads for the housing estates to the south?

**Response**

As above

**Question 7**

Cost of the 2nd river crossing over the river Avon.?

**Response**

As above

**Question 8**

Cost of road to the A350 and the road intersection?

**Response**

As above

**Question 9**

if there is an over run on the budget will this money come from the Wiltshire Council funds? Which is in fact money raised from the residents in Wiltshire.

**Response**

The cabinet paper in October 2020 confirmed “ The GDA provides a recovery mechanism that ensures there is no net cost to the Council”.

**Question 10**

If not will this be recouped from the developers, and has the Council drawn up a legal document to get the developers to pay their share of the cost of the infrastructure, if so is this document available for the public to review at the consultation in January, If not why not?

**Response**

Should the development go forward, there will need to be a recovery mechanism in place to recover the cost of delivery of the road. This is usually facilitated via appropriate planning policy.

We are consulting on road route options in January 2021.

**Question 11**

Please provide the above costs, and will they were supplied for the Consultation which starts in January.

**Response**

Costs of the road route options will be available as part of the consultation process.

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**From Patrick Kinnersly – White Horse Alliance**

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

**Item 5 – Public Participation**

**Question 1**

- a) What is the estimated total cost of all the road schemes along the A350 corridor proposed by Wiltshire Council in the Western Gateway Sub-national Transport Body draft strategy,

**Response**

Outturn costs will not be finalised for some time, however the estimated costs of schemes along the A350 at the time of the bids to DfT's MRN/LLM<sup>1</sup> fund were:

A350 Chippenham Bypass (Stages 4 & 5)	£28.7m
M4 Junction 17	£25.5m
Melksham Bypass	£50.2 – 135.8m <sup>2</sup>

- b) What is the estimated total cost of those proposed by Dorset Council?

**Response**

There are no A350 schemes in the draft STB Strategy proposed by Dorset Council.

**Question 2**

In view of aspirations to create a fast north-south link between the M4 and the Port of Poole ,

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<sup>1</sup> MRN – Major Road Network; LLM – Large Local Majors

<sup>2</sup> Depending on Route Option

- a) what proposals do Wiltshire and/or Dorset Councils have for constructing an A350 bypass of Shaftesbury?

**Response**

Dorset Council would be the scheme promoter for construction of a bypass for Shaftesbury – the question should be posed to them.

- b) is the route still safeguarded in the local development plans of Wiltshire and/or Dorset Councils?

**Response**

Part of a route is safeguarded in Wiltshire's current Core Strategy – such policies will be reconsidered as part of the Local Plan Review following consultation with Dorset Council.

The part of the question querying Dorset Council's position regarding safeguarding should be put to them separately.

**From Steve Perry – Chair of CAUSE**

**To Cllr Philip Whitehead – Leader and Cabinet Member for Economic Development, MCI and Communications**

**Item 5 – Public Participation**

**Statement**

The time allowed for reading the published documents for this Cabinet Meeting – amounting to over 1,100 pages of those required, complicated, documents just for the Agenda, Public Documents and Chippenham section - and the requirement for questions to be submitted less than 48 hours later is absolutely unacceptable, and totally undemocratic. Not even super-efficient Cabinet Members can possibly read, understand, digest, and respond to the documents in that time, so why is it expected that the public should?

From what we have been able to understand in the very limited time available to us, it is apparent that the Council has *not* taken into consideration the changing patterns of travel caused by the COVID-19 emergency, and which will almost certainly remain after the end of the current emergency? Less wasteful business travel, less travel of distances to workplaces, more working from home offices or local premises, less business investment in huge office buildings, and heightened public awareness of the Climate emergency that the Council has already apparently embraced

It appears that the Council is deeply entrenched in its massive, and long-planned, county-wide road expansion program, designed for the mid-20th century - instead of reviewing and revising those plans to meet the requirements of the current 21st century and beyond, and the Council's adopted climate obligations.

We ask the Council to review its position on their claimed (and misleading) statements that the proposed road 'distributor road' will 'relieve traffic congestion in the centre of Chippenham', because they have provided no evidence - at all - that their claims are true; indeed, a recent report by CPRE, "The end of the road? Challenging the road-building consensus - Learning from previous road schemes for a better future" suggests, using other reports, and studies conducted from existing data, *that the exact opposite* is true?

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**Wiltshire Council**

**Cabinet**

**1 December 2020**

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**From Steve Perry**

**To Cllr Philip Whitehead – Leader and Cabinet Member for Economic Development, MCI and Communications; and  
Cllr Toby Sturgis – Cabinet Member for Spatial Planning, Development Management and Property**

**Item 5 – Public Participation; and  
Item 8 – Consultation to inform the Wiltshire Local Plan Review**

My questions relate to the proposed Public Consultation on the 'Distributor Road' that Wiltshire Council has successfully bid for £75M of HIF funding.

**Question 1**

Will the Consultation ask the public's opinion on whether or not the road is necessary, or will it assume that - as a given - and just consult on the choice of route, thereby making the building of the road a fait accompli, and the consultation just a box-ticking exercise?

**Response**

**The consultation will focus on possible road routes. Whether or not the road is developed will be determined by the statutory planning process.**

**Question 2**

Prior to the Consultation, will Wiltshire Council make public their risk assessment of their Grant Determination Agreement (GDA) with Homes England, as other Councils have done - such as Essex County Council in their Report title: Housing Infrastructure Fund – Contract for A120/A133 Link Road and Colchester Rapid Transit Development?

Essex CC has been very transparent in making all information available to the public, while Wiltshire Council seems to work vigorously *against* doing so, rejecting FOI applications on very dubious grounds, hiding such detail in 'Part 2' meetings, not having a recovery program in place for the HIF funding, and including land and plans that have already been rejected by HM Inspectors twice at EIP and which are not in the current Local Plan and have yet to be consulted on in the 'emerging' one.

**Response**

**It is the Council's intention to publish the Grant determination agreement.**

**Question 3**

Will the Council not review its position on their claimed (and misleading) statements that the proposed road will 'relieve traffic congestion in Chippenham', because they have provided no evidence at all that their claims are true - indeed a recent report by CPRE, "The end of the road? Challenging the road-building consensus - Learning from previous road schemes for a better future" suggests, using other reports and studies conducted from existing data, that the exact opposite may well be true?

**Response**

**The Council will provide evidence to support the consultation process.**

**Wiltshire Council**

**Cabinet**

**1 December 2020**

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**From Mike Blanchard**

**To Cllr Philip Whitehead – Leader and Cabinet Member for Economic Development, MCI and Communications; and  
Cllr Toby Sturgis – Cabinet Member for Spatial Planning, Development Management and Property**

**Item 5 – Public Participation; and  
Item 8 – Consultation to inform the Wiltshire Local Plan Review**

**Statement**

I would like to raise my concerns about the housing developments proposed for Chippenham by providing a statement to the cabinet meeting planned for 1st December.

I am concerned that the number of houses are completely unrealistic and unreasonable for a town the size of Chippenham.

The development would bring about an indelible scar across some of the most beautiful countryside in the country with a devastating effect on the local flora and fauna. Further environmental damage would be caused by the inevitable release of vast amounts of CO2 and other forms of waste during the building of the houses and this would continue long into the future in the form of congestion and traffic-derived pollution.

As we have seen with developments currently in-progress in Monkton Park this appears to be another case of WCC imposing their will on the people of Chippenham without suitable and responsible consultation. This is demonstrated by the unreasonable and limited timescale given to review the vast amount of documentation which itself will effectively hide the full details of how devastating this development would be from many Chippenham residents. This clearly is not a fair or democratic process and so this project should be postponed to allow for a thorough and proper consultation process to be carried out and for all concerns to be appropriately addressed.

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**From Chris Caswill**

**To Cllr Philip Whitehead – Leader and Cabinet Member for Economic Development, MCI and Communications**

**Item 5 – Public Participation**

**Statement**

Copies of HIF documents published by Essex County Council and Somerset West & Taunton Council are attached. You will see that both Councils have publicly discussed the requirements and risks and nothing has been retained from public sight. This is welcome transparency for their residents and is a striking contrast with Wiltshire Council's shameful hiding behind a so-called Part II Cabinet paper and secret discussion, in October this year.

**Question 1**

Will you undertake to share these documents with your Cabinet colleagues?

**Response**

Cabinet colleagues had access to reports to enable them to make the decisions.

**Question 2**

Do you now regret – and even have some sense of shame – for the comparative lack of transparency being shown by this Council and your administration?

**Response**

The Council has been led by advice from Homes England concerning release of documents and in addition has not made documents public where it would provide commercial advantage to third parties.

**Question 3**

Will you now agree to release the Part II paper and the full Minutes of the October Cabinet discussion, minimally redacted as absolutely necessary, but only to protect commercial confidentiality?

**Response**

The Part 2 paper contained financial information which if released would provide significant commercial advantage to third parties. It will not be possible to release that paper without significant redaction.

# Somerset West and Taunton Council

## Executive – 18 November 2020

### Staplegrave New Community - Housing Infrastructure Fund

This matter is the responsibility of Executive Councillor Mike Rigby

Report Author: Kate Murdoch, Strategy Specialist

#### 1 Executive Summary / Purpose of the Report

- 1.1 In March 2019 the Government confirmed £14.2m of Housing Infrastructure Funding (HIF) to deliver the Staplegrave/North Taunton spine road and associated infrastructure early in the development, subject to specific conditions. The Government has confirmed that the HIF funding will operate as recoverable grant to Somerset West and Taunton. SWT will be responsible for loaning the HIF funding to the developers, recovering the funding and recycling it to unlock further housing on other development sites in Taunton.
- 1.2 In order to access this funding Somerset West and Taunton entered into a Grant Funding Agreement (GFA) with Homes England in December 2019 and have been negotiating the Heads of Terms for the loan agreement with the Staplegrave developers.
- 1.3 In January 2020 a late s106 education request for £9.6m, submitted by Somerset County Council, on the Staplegrave East development (ref: 34/16/0014), prevented the outline permission from being issued and HIF loan agreement from being progressed.
- 1.4 Working in partnership with Homes England, Somerset County Council and the developers, officers have negotiated the potential re-profiling of an element of the HIF funding, to ensure the early delivery of the primary school at Staplegrave East. Correspondence from Homes England confirming this new position is attached in Appendix A. On this basis Somerset County Council agreed to withdraw the s106 education request on Staplegrave East.
- 1.5 The delivery of the new spine road and primary school at the Staplegrave development, will be subject to an open book procurement process, to determine accurate construction costs.
- 1.6 A loan arrangement between Somerset West and Taunton Council and the Staplegrave developers will need to be agreed before HIF funding can be drawn down from Homes England. These are subject to ongoing negotiations and officers need to ensure they align with the requirements of the Homes England Grant Funding Agreement.
- 1.7 The Housing Infrastructure Fund needs to be fully drawn down and spent by March 2023 on the approved infrastructure. The Council risks losing this Government funding if this

deadline is not met.

## **2 Recommendations**

- 2.1 Approve delegated authority to the Director of Development and Place and s151 Finance Officer, in consultation with the Planning Portfolio Holder, to agree and enter into a suitable loan facility between Somerset West and Taunton and the Staplegrove developers (or alternatively the landowners with appropriate covenants to bind developers when they are appointed), to ensure draw down of the HIF funding in line with the requirements of the Homes England Grant Funding Agreement.
- 2.2 Approve a Supplementary Budget of £14.2m is added to the General Fund Capital Programme for the provision of the loan funding to the developer, dependent on the agreement of terms

## **3 Risk Assessment (if appropriate)**

- 3.1 The £14.2m Staplegrove Housing Infrastructure Funding has to be fully drawn down and spent on the agreed infrastructure provision by 31st March 2023, otherwise parties risk losing the Government funding for infrastructure delivery at the Staplegrove development. If the Housing Infrastructure Funding (HIF) is not drawn down the outline permission and associated s106 has agreed trigger points for the delivery of the spine road and primary school site. The HIF ensures earlier delivery of the spine road and primary school. Officers are working closely with the developers and Somerset County Council to ensure the March 2023 deadline is met. The recommendations in this report delegating authority to the Planning Portfolio Holder and Director of Development and Place should assist with minimising the risk of delay arising from the Council decision making processes.
- 3.2 The £14.2m HIF funding is not sufficient to cover the anticipated costs of the spine road and the delivery of the primary school. The costs of delivering the spine road and primary school will be subject to open book procurement process with the developers, Somerset County Council and Somerset West and Taunton, to approve the contractor's specifications for delivering the spine road and primary school. Current negotiations are seeking to minimise this risk with the developers' cash flowing the balance of the funding required for the completion of the primary school. This is subject to ongoing negotiations.
- 3.3 In the current economic climate and given the associated uncertainty for the UK housing market, there is a risk the developers chose not to draw down the funding to unlock this new community. This in turn will impact on the Council's ability to demonstrate a five year housing land supply and meet the Government's Housing Delivery Test, placing the area at greater risk of unplanned and speculative development (Corporate Risk Register 16). Officers are working closely with Homes England and the developers to minimise this risk.
- 3.4 Following advice from Natural England regarding the unacceptable levels of phosphates in the Somerset Levels and Moors Ramsar site, all affected residential applications awaiting determination are on hold. Natural England have advised that before determining planning applications, which may give rise to additional phosphates within the Somerset Levels and Moors catchment area, a Habitat Regulations Assessment be undertaken to establish the likelihood of any adverse impact, with appropriate mitigation measures where necessary, to ensure a 'nutrient neutrality' approach. This advice applies to the Staplegrove development and presents a risk to the HIF spend programme, officers are working closely with Homes England to seek an extension to

the funding spend programme to minimise this risk.

#### **4 Background and Full details of the Report**

- 4.1 In March 2019 the Government confirmed £14.2m of Housing Infrastructure Funding (HIF) to deliver the Staplegrove/North Taunton spine road early in the development subject to specific conditions.
- 4.2 The Staplegrove/North Taunton new community is allocated in the Taunton Deane Site Allocations and Development Management Plan (2016). Two outline planning applications were submitted to cover the site referred to as Staplegrove East (ref 34/16/0014) and Staplegrove West (ref 34/16/0007).
- 4.3 Staplegrove West now benefits from outline permission (with all matters reserved except access) for a residential-led, mixed use development to include up to 713 new dwellings, 1 ha of employment land, green infrastructure, landscaping, play areas, sustainable drainage systems and associated works. The site is to be developed by Redrow Homes.
- 4.4 Staplegrove East has outline approval (subject to s106) for a residential-led mixed use development for up to 915 new dwellings, a primary school, 1 ha of employment land, local centre, open space including allotments and sports pitches, green infrastructure, landscaping and woodland planting, sustainable urban drainage systems. The s106 negotiations for this site remain outstanding.
- 4.5 The Staplegrove development will be served by an internal spine road to connect the A358 Staplegrove Road with Kingston Road. Both planning applications included the points of access from Staplegrove Road and Taunton Road as detailed matters, with all other matters reserved, including the detailed design of the spine road. Trigger points for the delivery of the spine road have been agreed with the Highway Authority as part of the outline planning application and require the completion of the road prior to the occupation of 250 dwellings for Staplegrove east and 325 dwellings for Staplegrove west or five years from first occupation, whichever comes first.
- 4.6 For both sites the developers submitted viability evidence. The agreed outcome from the viability negotiations was a reduction in affordable housing provision to 15% rather than the 25% development plan policy affordable housing requirements.
- 4.7 A resolution to grant was secured for both sites in October 2017. This was agreed on the basis of a 15% affordable housing contribution, in the absence of any HIF Marginal Viability grant, with a clause to provide a higher proportion of affordable housing, up to 25%, if HIF Marginal Viability grant was provided.
- 4.8 The HIF grant application was submitted in September 2017 on the understanding that this would deliver grant funding to assist viability on the Staplegrove site, thereby delivering a more policy compliant affordable housing scheme. The funding would also ensure early delivery of the spine road and early access to the primary school site. However following submission of the HIF bid, the Government confirmed that the HIF funding will operate as recoverable grant to Somerset West and Taunton. SWT will be responsible for loaning the HIF funding to the developers, via quarterly claims to Homes England over the construction period for the spine road and the primary school up to March 2023. SWT is then responsible for recovering the HIF Loan at a later date from the development.
- 4.9 As the HIF funding is now a loan to the developers, it does not alter the currently agreed

viability position. Evidence has been submitted by the developers to confirm this position and this has been independently verified, on behalf of the Council, by Three Dragons. However once the HIF loan is drawn down by the Staplegrove developers and recovered back to the Council, Somerset West and Taunton is able to utilise the recovered HIF funding to unlock further housing, on other development sites in Taunton.

- 4.10 In January 2020 a late s106 education request was submitted by Somerset County Council for £9.6m relating to the Staplegrove East development (ref: 34/16/0014). This prevented the completion of s106 negotiations and the issuing of the outline permission for Staplegrove East, both of which are prerequisites for drawing down the Housing Infrastructure Fund grant.
- 4.11 Working in partnership with Homes England, Somerset County Council and the developers, officers have negotiated the potential re-profiling of an element of the HIF funding to ensure the early delivery of the primary school at Staplegrove East. Correspondence from Homes England confirming this new position is attached in APPENDIX A. On this basis Somerset County Council agreed to withdraw the s106 education request on Staplegrove East, thereby enabling the s106 agreement to progress.
- 4.12 Officers are working with Somerset County Council to agree an Education Funding Strategy for Taunton. This seeks to ensure a long term funding plan is agreed between Somerset County Council and Somerset West and Taunton. This should reduce the risk of (1) SCC's future education funding requirements negatively impacting on development viability; and (2) delay to the determination of key housing developments in Taunton due to education infrastructure delivery negotiations, which currently take place on a site by site basis. The draft Education Funding Strategy will be reported to members and will need to be approved by SWT Council.
- 4.13 Officers are now able to progress negotiations on the HIF Loan Agreement between the Council and the developers. Shape Legal are advising officers to ensure the HIF Loan Agreement, between the Council and the developers, complies with the Homes England Grant Funding Agreement.
- 4.14 The Housing Infrastructure Funding needs to be fully drawn down and spent on the agreed infrastructure provision by 31st March 2023.

## **5 Links to Corporate Strategy**

- 5.1 Homes and Communities is a priority strategic theme in the Council's Corporate Strategy. The HIF funding and recommendations outlined in this paper align with the Objective 7: 'seek additional funding for new strategic infrastructure and regeneration projects from developers, investors, Government and other funders, which support or enable existing or new communities without our district'.

## **6 Finance / Resource Implications**

- 6.1 In December 2018 Homes England confirmed that the HIF MV funding would no longer be grant funding but instead would be provided as a loan to the developers through a recoverable grant to SWT. The Council is responsible for agreeing and administering the loan to the developers via the submission of quarterly claims to Homes England up to March 2023. SWT is also responsible for recovering the £14.2m to reinvest in unlocking further housing development sites in Taunton.

- 6.2 The Homes England Grant Funding Agreement requires State Aid advice on the loan terms. This will be sought when terms of the loan agreement have been agreed. The initial State Aid advice concluded that if SWT satisfies itself that it is entering into a commercially prudent transaction on terms similar to, and available on the open market, it will not be contravening the State Aid rules.
- 6.3 The key point is that this is effectively a recoverable grant to SWT which bears a 0% financing cost to SWT.
- 6.4 Therefore it could be argued that the commercial return SWT should be considering is the difference between the cost and the yield of a loan made on commercial terms to any other entity.
- 6.5 In the draft Heads of Terms with the Staplegrove developers the interest rate is 0% for the first 6 months following the complete draw down of £14.2m of HIF funding, after which interest accrues at 4% per annum (this is subject to ongoing negotiation given an element of the HIF funding is now being utilised to deliver the primary school).
- 6.6 Based on the above, it is submitted that the terms in the emerging loan agreement will not breach the state aid rules as it provides for a commercial return to SWT.
- 6.7 The provision of a loan to a third party for the creation of such assets represents capital expenditure. As such the Council is recommended to approve an additional budget of £14.2m in the capital programme for the loan advance, to be funded by grant income from HE. The budget will be profiled over 2021/22 and 2022/23 financial years, reflecting the anticipated pace of drawdown of loan tranches by the developer.
- 6.8 Where the loan is repaid in cash to the Council this will represent capital receipts which can then be used to finance the reinvestment of 'recycled funds'. Related budget approvals will be needed in due course to include the reinvestment in the future capital programme when the loan is repaid.

## **7 Legal Implications (if any)**

- 7.1 Any Loan Agreement between the Council and the developers must comply with the conditions of funding as set out in the Homes England Grant Funding Agreement. A copy of the Funding Agreement has been provided to the landowners' solicitors and legal advice is being obtained from Shape Legal.
- 7.2 Any monies loaned to landowners or developers under this scheme must comply with State Aid Regulations and this is a funding condition under the Homes England Grant Funding Agreement. The Funding Agreement also requires that independent state aid advice is provided as part of the grant pre-draw conditions and this will be commissioned through Shape Legal prior to any funds being claimed from Homes England.
- 7.3 The promoters of both Staplegrove West and Staplegrove East are requiring that any loan agreement is entered into between the Council and the current landowners, of which there are several. The intention is that once developers have been brought on board for both sites, those developers will enter into covenants to take on the obligations and responsibilities of such loan agreement (although Redrow are already in place with regard to Staplegrove West). This will require further agreements to be entered into at the time when the second developer is appointed. Such a position is preferred, however, to the option of trying to manage and co-ordinate any loan with various different landowners.

**8 Climate and Sustainability Implications (if any)**

8.1 No direct carbon/environmental impacts arising from the recommendations.

**9 Safeguarding and/or Community Safety Implications (if any)**

9.1 There are no safeguarding and community safety implications.

**10 Equality and Diversity Implications (if any)**

10.1 There are no equality or diversity implications.

**11 Social Value Implications (if any)**

11.1 The HIF funding was sought to enable the Staplegrove spine road to be completed early in the development. The £14.2m HIF 'recoverable' grant is provided to the Staplegrove developers as a loan. Somerset West and Taunton is responsible for entering in to the loan arrangements with the developers and recovering the HIF funding. This recovered funding is then available to Somerset West and Taunton to invest in infrastructure to 'unlock' other key housing sites in Taunton.

11.2 Unlocking housing and supporting infrastructure delivery (both the new spine road and the new primary school) at the Staplegrove new community will provide economic and social benefits for the local area. The environmental implications of the proposed works have been considered as part of the determination of the outline planning application.

**12 Partnership Implications (if any)**

12.1 Officers have been working closely with Homes England and Somerset County Council education and highways colleagues in progressing the HIF Grant Funding Agreement.

12.2 The £14.2m Staplegrove Housing Infrastructure Funding has to be fully drawn down and spent on the agreed infrastructure provision by 31st March 2023, otherwise parties risk losing the Government funding for this development. There is a possibility that Homes England and MHCLG may be willing to consider an extension if, for any reason, the funding could not be drawn down in that time, but there is no guarantee.

**13 Health and Wellbeing Implications (if any)**

13.1 No health and wellbeing implications arising from the recommendations.

**14 Asset Management Implications (if any)**

14.1 No asset management implications arising from the recommendation the spine road and the new primary school will be the responsibility of Somerset County Council as the Highway and Education authority.

**15 Data Protection Implications (if any)**

15.1 No data protection implications arising from the recommendations.

**16 Consultation Implications (if any)**

16.1 No consultation implications arising from the recommendations.



**17 Scrutiny Comments / Recommendation(s) (if any)**

*N/a*

**Democratic Path:**

- **Scrutiny / Corporate Governance or Audit Committees – No**
- **Cabinet/Executive – Yes**
- **Full Council – Yes**

**Reporting Frequency:**    **Once only**                       **Ad-hoc**    **Quarterly**  
 **Twice-yearly**                       **Annually**

**List of Appendices (delete if not applicable)**

Appendix A	Homes England letter confirming reallocation of HIF funds for provision of a new primary school at Staplegrove new community
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**Contact Officers**

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<b>Report title: Housing Infrastructure Fund – Contract for A120/A133 Link Road and Colchester Rapid Transit Development</b>	
<b>Report to:</b> Councillor David Finch, Leader of the Council	
<b>Report authors:</b> Andrew Cook – Director, Highways and Transportation and Steve Evison – Director, Sustainable Growth	
<b>Date:</b> 20 October 2020	<b>For:</b> Decision
<b>Enquiries to:</b> Gary MacDonnell - Programme Manager <b>M:</b> 07415 791950 email: <a href="mailto:gary.macdonnell@essex.gov.uk">gary.macdonnell@essex.gov.uk</a>	
<b>County Divisions affected:</b> All Essex	

## 1. Purpose of Report

- 1.1 To seek approval to enter into a grant determination agreement with Homes England as part of the Housing Infrastructure Fund (HIF) which could result in the grant of £99.9m to ECC to continue with works to develop the A120/A133 Link Road and Colchester Rapid Transit System (the “Project”).

## 2. Recommendations

- 2.1 To agree to enter into a Grant Determination Agreement with Homes England for £99.9m of funding for the Project.
- 2.2 To agree that the Executive Director, Place and Public Health is authorised to agree terms with TDC and CBC regarding joint working arrangements for the delivery of the Project.
- 2.3 To note that by entering into the Grant Determination Agreement with Homes England, ECC is placing reliance on the receipt of a substantive amount of S106 funding (£10m) as set out in paragraph 3.10(e). The Recovery Recycling Strategy assumes that the total amount capable of recovery is £64m, ECC will seek to receive the first allocation of this to fund final delivery of the Project through the Infrastructure Delivery Strategy. Should S106 contributions not be received, the scope of the project will be scaled back accordingly with the consent of Homes England

## 3. Summary of issue

- 3.1 HIF is a government capital grant programme from the Ministry of Homes Communities & Local Government (MHCLG) of up to £5.5 billion, which aims to help to deliver up to 100,000 new homes in England in the areas of greatest housing demand.
- 3.2 A call for expressions of interest (Eols) for HIF funding was made by MHCLG in July 2017. ECC submitted 4 Eols on 28 September 2017, 3 were successful including the bid for the Project. The three successful Eols were developed into

formal bids which were agreed by Cabinet in March 2019 and submitted to Homes England later that month. In August 2019, ECC were informed that the bid for the Project had been successful.

- 3.3 The Project will release sustainable housing growth in Essex. The grant funding will allow ECC to gain initial funding to develop infrastructure giving the market confidence to provide further investment and make more land available for development and future homes.
- 3.4 ECC has been collaborating with CBC and TDC on the bid and the Project and there is strong local support for these projects from CBC, TDC and the relevant Essex MPs. The infrastructure provision would support local councils in the delivery of their Local Plan growth, as well as supporting key Government priorities to deliver housing and economic growth nationally.

### **The Project - A120/A133 Link Road and Colchester Rapid Transit System**

- 3.5 The Project includes the delivery of two key infrastructure components: (1) A new link road running between the A120 and A133 to provide strategic road network improvements and provide access to Tendring Colchester Borders Garden Community (TCBGC); and (2) a Rapid Transit System (RTS), funding a route from the Garden Community into key destinations within Colchester including the town centre and the mainline railway station.
- 3.6 This infrastructure supports the CBC and TDC Local Plans to deliver the TCBGC, providing capacity and access to enable the TCBGC to be delivered ahead of schedule. The Project also offers improved access to the University of Essex and would provide a connection into a proposed new employment park in the vicinity of the University.
- 3.7 The A120 and A133 provide vital transport links across this part of Essex. The A120 connects towns from east to west as well as linking into the A12 - a major freight route through Essex and Suffolk - with the A133 as the main commuter route from Clacton-on-Sea into Colchester. The proposed A120-A133 Link Road will run from the A120 in the north to the A133 in the south and will unlock land to enable the development of TCBGC. It will also improve connectivity locally and within the wider region. The Link Road will also serve proposed new 'Park and Choose' sites which are part of the wider strategy for management of traffic and travel linked to the Local Plan and the developments coming forward to relieve traffic going to the University of Essex and its Knowledge Gateway technology and research park. Both are major employers and key contributors to the local and UK economy.
- 3.8 The RTS will provide an attractive public transport alternative to car use and is fundamental to the planned longer-term modal shift strategy for TCBGC. The RTS is an essential part of the CBC growth strategy and has the potential to unlock further new homes. The RTS will link the University of Essex, through the Knowledge Gateway, the research and technology park on the University of Essex Colchester Campus, the employment zone to Colchester Town Centre and key destinations including the rail stations and hospital.

- 3.9 In order to secure the release of the HIF funding, ECC are required to enter into a comprehensive grant determination agreement with Homes England (the "GDA"). The GDA sets out the terms of the funding and the deliverables for the Project including various warranties, conditions precedent and milestone dates that must be achieved by ECC in order for the funding to be released.
- 3.10 There are some areas of risk for ECC entering into the GDA which include the following:
- (a) The grant funding is being allocated on the understanding that the infrastructure works will be completed in accordance with the delivery plan so as to facilitate the delivery of the housing. If there is slippage then Homes England can withhold all further funding. All funding is claimed in arrears, exposing ECC to a risk that housing is not delivered and we are unable to reclaim money we have spent or committed to spend. This could be a significant sum. ECC is to use reasonable endeavours to ensure that any third parties responsible for delivering the housing achieve the target dates.
  - (b) To the extent that ECC has or will have a legal interest in the housing site, ECC is under an absolute obligation to deliver the housing. It is not currently envisaged that ECC will own the housing site.
  - (c) ECC must procure that the infrastructure works commence on time and are completed by the date of practical completion listed in the GDA and in any event by 31 March 2024. If delivery, which may require compulsory purchase orders to be made and implemented, is delayed then Homes England can withhold further funding as set out in (a) above,
  - (d) ECC must comply with a number of conditions before it draws down each tranche of funding. Some of these relate to land ownership which are particularly onerous given that some of the land is owned by third parties and will need to be acquired, possibly compulsorily purchased. Some land is also owned by TDC and CBC. ECC is warranting that with respect to the land it acquires there are no securities, covenants or restrictions on any of the land that could hinder the works. Further information also needs to be provided to Homes England to demonstrate compliance with necessary consents, valuations of the land and certificates of title satisfactory to Homes England. ECC will not be able to make any claims for any money with the exception of the preliminary costs until it has acquired all land for the whole project with a clean title and HE is satisfied with the position. This represents a significant risk.
  - (e) ECC have committed in the GDA to ensure that the developer of the housing pays £10,000,000 from developer s106 contributions to be used to support the Project. However, the only way to achieve this is via the planning application process. Planning authorities have to determine applications in accordance with policy prevailing at the time and without regard to the funding agreement. The emerging TDC and CBC Local Plan include policies requiring TCBGC to deliver the HIF infrastructure so there is a strong policy

basis for negotiating this contribution. However, there is no guarantee that this contributions will be made, which would mean that ECC is legally required to offer £10,000,000 from its own resources to this scheme or otherwise the scope of the scheme would have to be revised – but this would only be possible with the consent of Homes England.

(f) The GDA requires ECC to oversee the delivery of housing at the Garden Community (referred to as 'housing outputs'). The delivery of these outputs are not in the control of ECC; they are in the control of the housing developer(s) and, to some extent, TDC and CBC as local planning authorities. If the housing outputs are delayed or reduced, then Homes England has a right under the GDA to cease further funding. This could leave ECC at risk of covering the cost of the remainder of the delivery of the Project.

(g) Where a default occurs the GDA sets out various remedial action which can be taken, but should this remedial action fail, the GDA will terminate, and Homes England may withhold and/or cancel any HIF funding.

#### **Terms of Agreement with TDC and CBC**

3.11 ECC have been working with TDC and CBC to understand how the GDA obligations can be most appropriately shared with the local planning authorities. Partnership working between ECC and the local planning authorities will be essential given that the GDA creates obligations on ECC to oversee the delivery of housing at the Garden Community.

3.12 ECC has already been working closely with TDC and CBC for many years in the planning of the Garden Community through NEGC Ltd and its role as statutory authority covering highways, education, etc. A draft MoU has been approved in principle by the three authorities (ECC, TDC and CBC) to continue this partnership working and to commit the parties to deliver the GDA obligations relating to housing delivery and recovery of funding from the development.

3.13 TDC and CBC have stated that they are not prepared to enter into legally binding indemnity agreements and but have agreed to enter into non legally binding agreements with ECC. A legally binding agreement would provide significantly more protection to ECC and, if ECC cannot secure this, it will need to rely on partnership working between the three authorities.

#### **4. Options**

4.1 Option 1 – Enter into the Grant Determination Agreement and enter into non legally binding agreements with TDC and CBC

Option 1 is to enter into the GDA. Entering into the GDA would unlock the funding that is available and enable ECC to recover some of the preliminary costs it has incurred to date. However, option 1 is not without risk due to the detailed obligations and provisions in the GDA relating to delivery of the Project

in accordance with the agreed dates and compliance with warranties and conditions precedent as set out in paragraph 3 of this report. It is also envisaged that compulsory purchase orders will be required to obtain some of the land. The overall deliverability of the Project will also be dependent on third parties including the professional team, contractors, CDC and TBC carrying out their obligations in accordance with the agreed timescales.

#### 4.2 Option 2 - Enter into the Grant Determination Agreement and enter into further discussions with TDC and CBC about a legally binding agreement

Option 2 would provide all the benefits of Option 1 in that we will enter into grant agreement, but it would also allow for further negotiations with TDC and CBC about the terms of the agreements that will be in place between TDC/CBC and ECC. The agreement of robust terms with TDC and CBC will assist ECC with delivering the Project and meeting the timescales and requirements set out in the GDA. It is possible to negotiate legally binding agreements with TDC and CBC since the Garden Community project is key to the delivery of long term housing growth in their areas. However, there is a small risk that Homes England could withdraw the offer of funding during the negotiations given the spending review expected in the next six weeks. Discussions with TDC and CBC have suggested that indemnity agreements with ECC would have to be approved by their respective Cabinets, delaying ECC's securing of the funding although this requirement has been known about for many months. A withdrawal of funding leave the infrastructure without a confirmed source of funding but it would also mean that the £4.126m of costs already incurred could not be claimed back.

#### 4.3 Option 3 – Do not enter into the Grant Determination Agreement

This would potentially undermine both CBC and TDC's Local Plans and would result in the housing and associated business developments not coming forward. Reputationally, there is also a risk that that ECC would be viewed as an authority that Government and Governmental Departments would not want to do business with given the significant amount of resources that have been committed to get the Project to this stage. ECC would also not be able to recover the costs that it has incurred to date in undertaking some of the preliminary works for the Project.

### 5.0 Financial implications

#### 5.1 The total cost of the A133/A120 Link Road and RTS project is estimated to be £111.9m, funded by £99.9m of HIF and £12m of S106 contributions. Of the S106 contributions £2m has been secured and £10m is anticipated from TCBGC. The table below sets out the current capital programme allocation for this scheme

	2019/20 Historic Expenditure	2020/21 Budget	2021/22 Aspirational Budget	2022/23 Aspirational Budget	2023/24 Aspirational Budget	Total MTRS Budget
	£000	£000	£000	£000	£000	£000
A133/A120 Link Road	2,016	1,000	7,500	30,000	17,886	58,402
RTS	4	1,000	3,500	6,000	41,500	52,004
<b>Total</b>	<b>2,020</b>	<b>2,000</b>	<b>11,000</b>	<b>36,000</b>	<b>59,386</b>	<b>110,406</b>

The most recent profile of spend and funding is shown below, adjustments will be made to the capital programme via quarterly reporting to Cabinet to ensure it reflects the most recent profile of expenditure.

Expenditure	Outturn	Forecast	Forecast	Forecast	Forecast	Forecast	TOTAL
	2019/20	2020/21	2021/22	2022/23	2023/24	Future Years	
	£000	£000	£000	£000	£000	£000	£000
A133/A120 Link Road	2,020	1,949	7,729	32,865	24,439	-	69,002
RTS	-	2,680	12,080	10,008	8,135	10,000	42,903
<b>Total</b>	<b>2,020</b>	<b>4,629</b>	<b>19,810</b>	<b>42,873</b>	<b>32,573</b>	<b>10,000</b>	<b>111,905</b>
<b>Funding</b>							
HIF	2,020	4,629	19,810	42,873	30,573	-	99,905
S106	-	-	-	-	2,000	10,000	12,000
ECC	-	-	-	-	0.2	-	0
<b>Total Funding</b>	<b>2,020</b>	<b>4,629</b>	<b>19,810</b>	<b>42,873</b>	<b>32,573</b>	<b>10,000</b>	<b>111,905</b>

5.2 There are the following key financial risks to ECC associated with this scheme:

5.2.1 It has been confirmed by MHCLG that any cost overruns will be the responsibility of the bidding authority, therefore ECC will be the funder of last resort and expected to fund any cost overruns. Contingency has been factored into the HIF ask totalling £16.2m which represents 17%, but anything above and beyond contingency will fall to ECC to fund. The project team assessment is that this represents a sufficient level of contingency for projects at this stage of design and noting the ability that projects teams have to alter the scope of work on the RTS to ensure compliance with budget allocations. There is no formal benchmark to evidence that the contingency allocation is sufficient.

5.2.2 Current guidance issued by Homes England stipulates that the HIF funding is required to be spent by March 2024. The current spend and funding profile reflects this requirement is met. However, there is a risk that any programme delays could result in this target date being missed. There is a risk that any HIF funding unspent as of March 2024 will be clawed back by Homes England and the resulting funding gap will require funding from ECC where ECC is the funder of last resort.

5.2.3 The £10m of S106 funding that is anticipated to be received post March 2024 to fund final delivery is at risk as the agreement is yet to be negotiated (although the principle of the contribution has been established with the housing developer through the Local Plan examination process) and the future of S106 contributions could change due to the proposals in the current Planning for the Future White Paper. If this funding is not confirmed and received within the required timeframe, the scope of the project will need to be scaled back with the consent of Homes England to be contained within budget or ECC will be required to find alternative equivalent funding. If equivalent funding is not sought it could lead to a potential funding gap with the authorities considering alternative sources of funding such as through the



Recovery & Recycling Strategy (to recoup the HIF grant from the Garden Community's development), or from their own capital resources.

- 5.2.4 The contract requires the total value of historic expenditure that has been incurred before the date the agreement is signed to be stipulated as well as this value being approved by Homes England (in its absolute discretion). ECC has forward funded £2.020m of expenditure incurred in 2019/20 and £2.160m to date in 2020/21. The project team are currently preparing the necessary evidence and anticipate receiving all money expended (excluding legal fees) to be refunded in the first drawdown. There is a risk that Homes England do not authorise this historic expenditure resulting in a funding gap.
- 5.2.5 The contract asks for the total preliminary costs to be stipulated, the total is £4.599m, there is a risk that if the amount stipulated in the contract is less than actual preliminary costs incurred that ECC may be liable to fund additional costs.
- 5.2.6 The contract stipulates that where 'fundamental default' has occurred Homes England shall require ECC to immediately repay the HIF funding and all other amounts due under the agreement together with interest. A fundamental default will occur whereby a report or direction is made, ECC, or where applicable, any Contractor, subcontractor, employee, officer or agent commits any prohibited act under the contract (in respect of which the Waiver Condition has not been satisfied), there has been an act/omission on the part of the Grant Recipient, or any of its contractors (including contractors) that in Homes England's opinion (using its absolute discretion) harms the reputation of Homes England, the HIF Programme or to brings Homes England into disrepute.

## **6.0 Legal implications**

- 6.1 The risks associated with the drawdown of funding under the GDA are set out in detail in section 3 of the report . In particular, the acquisition of the sites, the provisions of certificates of title acceptable to Homes England, compliance with all necessary consents and planning permission all need to be achieved before the funding will be available.
- 6.2 ECC will need to follow appropriate procurement procedures when appointing the professional team and contractors. There are specific requirements within the GDA that must be covered in contracts with contractors in order to comply with the terms of the GDA.
- 6.3 Separate reports to cover the formal governance for specific project matters relating to the preferred route of the Link Road (completed May 2020), land, procurement and Compulsory Purchase Orders (if required) will need to be prepared at the relevant time and in sufficient time to meet the milestones set out in the GDA.
- 6.4 As part of the bid, ECC obtained a legal opinion from Counsel that confirmed that the provision of this funding did not amount to state aid. There is an

ongoing requirement that ECC obtain regular state aid opinion throughout the life of the contract at intervals of every 12 months.

- 6.5 ECC will be agreeing to a number of obligations when entering into the GDA which are outside of ECC's control including the delivery of housing outputs. Housing outputs are linked to the milestones under the Contract and failure to deliver milestones will amount to a default of the GDA. Whilst there will be opportunity for ECC to remedy any default, if it cannot, the ultimate consequence may be that the GDA is terminated, resulting in no further payment of HIF funding. Funding will be claimed by ECC in arrears and this could therefore leave ECC with a substantive shortfall.
- 6.6 Any fundamental default of the GDA will enable Homes England to terminate the GDA in its entirety, suspend or alter the timing of the payment of any HIF funding, withhold and cancel any further payment of HIF funding due to ECC under the Contract, and require the Grant Recipient to immediately repay the HIF Funding and all other amounts due under the GDA together with interest.
- 6.7 HIF funding may also be reduced in the event that there are variations arising out of the operation of the delivery plan and/or expenditure forecast, changes to the infrastructure works or the housing outputs agreed between the parties or increases in income or other sources of financial assistance becoming available to ECC or a Contractor in relation to the delivery of the infrastructure works.
- 6.8 ECC will need to ensure that it has adequate sub-contracts and appointments in place to protect itself, in so far as possible, and to assist it in complying with the terms of the GDA.

## **7.0 Equality and Diversity implications**

- 7.1 The Public-Sector Equality Duty applies to the Council when it makes decisions. The duty requires us to have regard to the need to:
- (a) Eliminate unlawful discrimination, harassment and victimisation and other behaviour prohibited by the Act. In summary, the Act makes discrimination etc. on the grounds of a protected characteristic unlawful
  - (b) Advance equality of opportunity between people who share a protected characteristic and those who do not.
  - (c) Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.
- 7.2 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, marriage and civil partnership, race, religion or belief, gender, and sexual orientation. The Act states that 'marriage and civil partnership' is not a relevant protected characteristic for (b) or (c) although it is relevant for (a).

7.3 The equality impact assessment indicates that the proposals in this report will not have a disproportionately adverse impact on any people with a particular characteristic. The TCBGC development will be subject to further equality impact assessments by CBC and TDC as the relevant local planning authorities.

## 8.0 List of appendices

8.1 Equality impact assessment.

## 9.0 List of Background papers

9.1 MHCLG Guidance on applying for Housing Infrastructure Fund weblink: <https://www.gov.uk/government/publications/housing-infrastructure-fund>

I approve the above recommendations set out above for the reasons set out in the report.	<b>Date</b>  <b>11/11/2020</b>
<b>Councillor David Finch, Leader of the Council</b>	

### In consultation with:

<b>Role</b>	<b>Date</b>
<b>Executive Director, Place and Public Health</b>  <b>Mark Carroll</b>	10/11/2020
<b>Executive Director for Corporate and Customer Services (S151 Officer)</b>  <b>Nicole Wood</b>	9/11/2020
<b>Director, Legal and Assurance (Monitoring Officer)</b>  <b>Paul Turner</b>	9/11/2020

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Wiltshire Council

Cabinet

1 December 2020

From Susan McGill

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

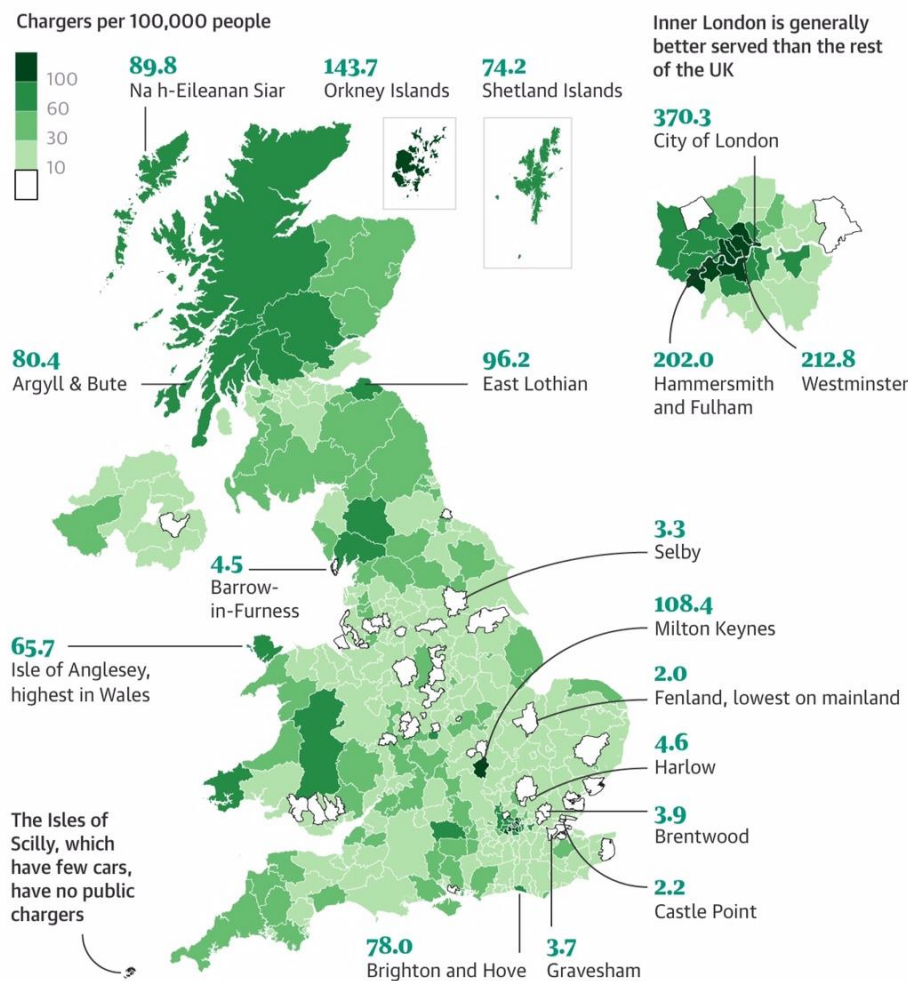
## Item 6 – COVID-19 Update and Financial Update

### Statement

Cabinet Agenda Item COVID-19 update para 73 “Environmental and Climate Change Considerations, p. 27. Wiltshire Council is reported to have fewer than 10 electric vehicle charging points per 100,000 people—see attached map.

### 46 local authorities have fewer than 10 electric car charge points per 100,000 people

<https://bit.ly/3kTrwwr>



Guardian graphic. Source: Department for Transport/Zap Map

## **Question 1**

How does the council plan to increase this number, thereby enabling drivers who wish to move to electric vehicles before 2030 to make the transition without delay?

## **Response**

The map supplied by the questioner identifies those authorities who have less than 10 electric vehicle charging points per 100,000 people. The map does not identify Wiltshire as one of those authorities.

The council needs to develop a strategy that establishes a coordinated approach to the provision of Low Emission Vehicle Infrastructure. Such a strategy will form part of the current review of the Local Transport Plan and will be guided by the Department for Transport (DfT) Decarbonisation Plan due by the end of 2020. This will set out an implementation plan of how to put the UK's entire transport system on a pathway to deliver the necessary greenhouse gas emissions reduction. Plans devised at a local level will have to rely significantly on the key steer given by the DfT's plan.

In the short term, the council has engaged the Energy Saving Trust (EST) and commercial providers to identify possible short-term opportunities to deliver infrastructure and EV provision for its internal fleet. The EST are also providing independent advice on the emerging fleet strategy and aligning outcomes with the council's commitment to becoming carbon neutral in the next 10 years. Beyond that, the council is exploring opportunities for government funding to provide additional electric charging infrastructure in a number of its car parks.

The viability of installing renewable energy at council car parks for charging electric vehicles is being investigated so as to establish the most cost effective way of delivery.

Wiltshire Council

Cabinet

1 December 2020

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From Steve Perry

To Cllr Philip Whitehead – Leader and Cabinet Member for Economic Development, MCI and Communications; and  
Cllr Toby Sturgis – Cabinet Member for Spatial Planning, Development Management and Property

Item 5 – Public Participation; and  
Item 8 – Consultation to inform the Wiltshire Local Plan Review

My questions relate to the proposed Public Consultation on the 'Distributor Road' that Wiltshire Council has successfully bid for £75M of HIF funding.

#### Question 1

Will the Consultation ask the public's opinion on whether or not the road is necessary, or will it assume that - as a given - and just consult on the choice of route, thereby making the building of the road a fait accompli, and the consultation just a box-ticking exercise?

#### Response

**The consultation will focus on possible road routes. Whether or not the road is developed will be determined by the statutory planning process.**

#### Question 2

Prior to the Consultation, will Wiltshire Council make public their risk assessment of their Grant Determination Agreement (GDA) with Homes England, as other Councils have done - such as Essex County Council in their Report title: Housing Infrastructure Fund – Contract for A120/A133 Link Road and Colchester Rapid Transit Development?

Essex CC has been very transparent in making all information available to the public, while Wiltshire Council seems to work vigorously *against* doing so, rejecting FOI applications on very dubious grounds, hiding such detail in 'Part 2' meetings, not having a recovery program in place for the HIF funding, and including land and plans that have already been rejected by HM Inspectors twice at EIP and which are not in the current Local Plan and have yet to be consulted on in the 'emerging' one.

#### Response

**It is the Council's intention to publish the Grant determination agreement.**

**Question 3**

Will the Council not review its position on their claimed (and misleading) statements that the proposed road will 'relieve traffic congestion in Chippenham', because they have provided no evidence at all that their claims are true - indeed a recent report by CPRE, "The end of the road? Challenging the road-building consensus - Learning from previous road schemes for a better future" suggests, using other reports and studies conducted from existing data, that the exact opposite may well be true?

**Response**

**The Council will provide evidence to support the consultation process.**



**Wiltshire Council**

**Cabinet**

**1 December 2020**

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**From Mike Blanchard**

**To Cllr Philip Whitehead – Leader and Cabinet Member for Economic Development, MCI and Communications; and  
Cllr Toby Sturgis – Cabinet Member for Spatial Planning, Development Management and Property**

**Item 5 – Public Participation; and  
Item 8 – Consultation to inform the Wiltshire Local Plan Review**

**Statement**

I would like to raise my concerns about the housing developments proposed for Chippenham by providing a statement to the cabinet meeting planned for 1st December.

I am concerned that the number of houses are completely unrealistic and unreasonable for a town the size of Chippenham.

The development would bring about an indelible scar across some of the most beautiful countryside in the country with a devastating effect on the local flora and fauna. Further environmental damage would be caused by the inevitable release of vast amounts of CO2 and other forms of waste during the building of the houses and this would continue long into the future in the form of congestion and traffic-derived pollution.

As we have seen with developments currently in-progress in Monkton Park this appears to be another case of WCC imposing their will on the people of Chippenham without suitable and responsible consultation. This is demonstrated by the unreasonable and limited timescale given to review the vast amount of documentation which itself will effectively hide the full details of how devastating this development would be from many Chippenham residents. This clearly is not a fair or democratic process and so this project should be postponed to allow for a thorough and proper consultation process to be carried out and for all concerns to be appropriately addressed.

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**From Kim Stuckey**

**To Cllr Philip Whitehead – Leader and Cabinet Member for Economic Development, MCI and Communications**

**Item 8 – Consultation to Inform the Wiltshire Local Plan Review**

**Statement**

The HIF Bid is obviously a key component of delivering the 9,225 housing numbers outlined in the Chippenham Settlement Statement. In a media article "HIF Bid: More strings attached than a puppet", Essex Council have been clear with the public and media by clearly outlining the risks associated with their HIF Bid in their Grant Determination Agreement report to Cabinet. Obviously, there was no contractual issue in doing this with Homes England. In contrast Wiltshire Council have been obfuscating and hiding any risks behind a need to "Part 2" the decision.

In the interests of transparency with the public and media, can Wiltshire Council simply answer the same points on risk, put in the public domain by Essex.

**Question 1**

Is the HIF grant funding claimed in arrears, and is it reliant on housing numbers being delivered?

**Response**

Not all HIF funding is claimed in arrears. The funding agreement includes a housing delivery projection which is delivered.

**Question 2**

Is Wiltshire Council, through Stone Circle, under an absolute obligation to deliver the housing on Council owned land?

**Response**

The Council is not obliged to employ specific developers for development on its own land.

**Question 3**

Are there any compulsory purchase orders required to deliver the HIF bid?

**Response**

The funding agreement includes a compulsory purchase strategy that will be implemented if agreement cannot be reached with landowners concerning planning permissions granted.

**Question 4**

Can Wiltshire Council draw down anything other than preliminary costs until it has acquired the whole of the land for the whole project with clean title?

**Response**

Yes the Council can draw down funds in advance of acquiring land for development.

**Question 5**

Will the funds be drawn down in tranches? Are there conditions to be complied with for each tranche?

**Response**

Funds will be drawn down in tranches subject to submitting invoices providing evidence of our costs

**Question 6**

Has Wiltshire Council committed in the GDA to raising a sum from developer contributions? How much is this? If the developers negotiate their way out of the full contributions does Wiltshire Council need to make up the shortfall?

**Response**

There is no legal commitment for the Council to recover the entire HIF funding or any specific sum, but the Council must have a Recovery Strategy for the purpose of raising money for the scheme. The Recovery Strategy which is to be attached to the GDA provides a statement of principle that developments that have impact on the road infrastructure will be required to contribute via a future section 106 supplementary planning document (SPD) which will be based on a new local plan policy. If such an SPD is adopted, there is very little chance that developers will negotiate their way out of making contributions. The Council is not required by the GDA to make up any shortfall

**Question 7**

Does Wiltshire have the requirement to oversee housing delivery within the HIF Bid? If these housing outputs are reduced or delayed does Homes England have a right under the GDA to cease further funding?

**Response**

The funding for the road must be fully drawn down by 31 March 2024. The Council has a legal commitment to completely deliver housing on its own land, as well as to facilitate the delivery of the rest of the housing by 2045.

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**Wiltshire Council**

**Cabinet**

**1 December 2020**

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**From Isabel McCord – Bremhill Parish Council**

**To Cllr Toby Sturgis – Cabinet Member for Spatial Planning, Development Management and Property**

**Item 8 – Consultation to Inform the Wiltshire Local Plan Review**

**Statement**

There has been insufficient time to fully review the Consultation on the Wiltshire Local Plan Review item as the papers were published at 7.30 pm on Monday 23 November and written statements are required to be submitted by midday Wednesday 25 November.

What is clear though is that development to the east of Chippenham falls largely in Bremhill Parish Council. The council has not been included as a stakeholder in developing what is a huge urban expansion whilst it appears landowners and Chippenham Town Council have been consulted.

In the earlier informal consultations expansion on this scale in Bremhill Parish was not considered. Residents are dismayed by these proposals and such concerns are consistent with their response to our survey undertaken for the neighbourhood plan.

Housing development on this scale is not supported in that plan and any development north of the cycle track is explicitly excluded.

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**From Isabel McCord**

**To Cllr Philip Whitehead – Leader and Cabinet Member for Economic Development, MCI and Communications; and  
Cllr Toby Sturgis – Cabinet Member for Spatial Planning, Development Management and Property**

**Item 8 – Consultation to Inform the Wiltshire Local Plan Review**

**Question 1**

From the Chippenham Settlement Statement it appears that you may not proceed with building the relief road from the A4 to A350 (Lackham) despite you saying that the HIF bid was for relief roads to the east and south of Chippenham. Are you saying this because the grant of £75m will not cover both roads and the essential bridge infrastructure. Please state how will the relief road to the south will be funded ?

**Response**

From the perspective of what infrastructure is necessary to support growth proposed in the Local Plan, it has been established that any meaningful growth at Chippenham, small or large, requires a new road link from the A4 north to the A350. It is highly likely, but not so certain, that a second road link from the A4 to the A350 (Lackham) will also be needed as Chippenham continues to grow. The evidence for the Local plan points to a different priority for each arm of the road rather than if the whole route will be needed.

The HIF grant is a separate factor. The HIF funding would be available to support development should it come forward through the Local Plan process. The HIF funded scheme supports delivery of a Distributor Road through to the East and South of Chippenham if development comes forward.

**Question 2**

Did you undertake a risk assessment on providing the road and bridge infrastructure required for Future Chippenham and if so please can it be published.

**Response**

The Future Chippenham programme has a full risk management strategy. Risks have been identified and assessed and have management plans identified to

manage and mitigate the risks identified. As risks have been quantified in terms of financial impact publishing would be commercially sensitive.

### **Question 3**

Will you apply for planning permission for the relief roads before the new local plan is adopted.

### **Response**

The timing of planning applications for the relief road will be determined by the progress made in adopting the local plan and may be before adoption.

### **Question 4**

The Chippenham Settlement Statement shows one route for the relief road to the east of Chippenham yet you have stated in your consultation on Future Chippenham that you will consult the public on 2 road options. This document shows you have decided where the road will be located without consulting those residents affected.

Will you include options for the road route in your master plan and add a specific question to gain the views of the public on them.

### **Response**

Views are invited on all aspects of the Chippenham Settlement Statement. The Statement includes concept plans to illustrate how areas may be developed. They are informed by the evidence gathered to date and, if the proposals progress, a good deal more detailed evidence will amend and improve all its elements. This further work includes addressing the many comments and suggestions we hope to receive once consultation commences in the new year.

Future Chippenham work is separate to the review of the Local Plan. It is the intention of the Future Chippenham to include options for the road route and seek specific responses in relation to them.

**From Myla Watts**

**To Cllr Philip Whitehead – Leader and Cabinet Member for Economic Development, MCI and Communications; and  
Cllr Toby Sturgis – Cabinet Member for Spatial Planning, Development Management and Property**

**Item 8 – Consultation to Inform the Wiltshire Local Plan Review**

**Statement**

I find the availability of your agenda and papers, to allow sufficient time to prepare a proper question, as usual, much too late. How are busy members of the public supposed to have time to wade through the 900+ pages provided, digest the information and respond in just a matter of days? It's totally unacceptable.

Regarding WCCs planning processes: it is clear to me that you are working within an increasingly out-dated model of economic growth at all costs ("We must build more houses and grow the economy so we can build more houses, etc"). However, it is also clear our planet will not survive if we continue in this way – we need a green, sustainable future which must start now – we have already run out of time. You are not supposed to be in charge, you are here to serve the people of Wiltshire and if you put all these planning decisions to referendum I'm certain you would get a clear 'No' from the public. Don't think that one county council can't make a difference – if you lead and push back against government directives and pressure local MPS, others will follow because let's face it, MPs (like Councillors) all want to be voted back in!

Each of you should realise you are personally responsible for the massive destruction of our very depleted countryside and associated biodiversity loss when voting through builds on non-brownfield sites. Don't you realise Britain has experienced a 41% decrease in wildlife populations since 1970? Also, don't you realise that humans cannot survive without biodiversity? We are 100% depended on it and if we lose it, we have no future.

**Question 1**

My question to you is, when will you stop pussy-footing around the edges of green policy and essentially just performing tick box exercises, and put the climate change and biodiversity loss at the forefront of your planning decisions?

**Response**

The Local Plan process is complex and must be undertaken in accordance with legislation, national planning policy and guidance. It is not a simple tick box exercise.

Climate change and biodiversity are an integral part of the process. However, the Government's National Planning Policy, at paragraph 8, recognises that the planning system has three overarching objectives - economic, social and environmental - *"...which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives)."*

**From Peter Cousins**

**To Cllr Toby Sturgis – Cabinet Member for Spatial Planning, Development Management and Property**

**Item 8 – Consultation to inform the Wiltshire Local Plan Review**

**Statement**

Over past months Conservative leaders in councils are becoming increasingly vocal in their opposition to the plans for further housing which they fear could result in countryside being concreted over for housing and core voters deserting them in disgust.

Martin Tett, the Conservative leader of Buckinghamshire council stated demands for an extra 1,000 homes to be built a year in his country were “undesirable and undeliverable”

Cllr David Renard, Conservative leader of Swindon council and planning spokesman for the Local Government Association said. “What local government would like to see is numbers based on local needs rather than some algorithm imposing numbers from above. We are hopeful the government will reshape their proposals. The planning system can be improved and we don’t think this is the right way to do it.”

A survey carried out on behalf of BECG, a planning communications firm, showed that 70% of Tory councillors in England want to increase the size of the greenbelt,

Are WCC pushing back this policy as other Tory councils in England? I understand from Councillor Clewers comments at Chippenham Area Board, Wiltshire have identified 2000 families or people in need of a home currently living in Wiltshire, yet they are accepting that 40, 000+ houses are to be built in the county, just because central government tells them to do so. Surely the council should represent the needs of the counties residents and push back on these crazy demands from Westminster.

**Question 1**

Why have plans for this development in Chippenham, and presumably others in Wiltshire, gone forward in secret, with secret discussions in councils where members of the public and press were not allowed, resulting in no local consultation or scrutiny. What have WCC got to hide?

**Response**

The purpose of the report on Agenda Item 8 'Consultation to inform the Wiltshire Local Plan Review' is to approve documents for public consultation, providing the opportunity for local communities and other stakeholders to put forward their view when the consultation starts early 2021. The outcome of the consultation will inform the preparation of the draft Plan.

The overall level of new homes that are referred to in the consultation material (see Appendix 1 Emerging Spatial Strategy) was considered by Cabinet in April 2019 and are publicly available.

**Wiltshire Council**

**Cabinet**

**1 December 2020**

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**From Helen Stuckey**

**To Cllr Philip Whitehead – Leader and Cabinet Member for Economic Development, MCI and Communications; and  
Cllr Toby Sturgis – Cabinet Member for Spatial Planning, Development Management and Property**

**Item 5 – Public Participation; and  
Item 8 – Consultation to Inform the Wiltshire Local Plan Review**

**Question 1**

Wiltshire Council's bid for £75m from the Housing Infrastructure Fund (HIF) was to enable The Chippenham Urban Expansion project to deliver 7,500 new homes. How does this compare to the draft Chippenham Settlement Statement (at Item 8 of this meeting) which sets out a plan to deliver 5,100 homes at Chippenham. Please explain the difference of 2,400 homes between these two documents.

**Response**

Consultation on the Local Plan Review suggests a need to plan for an additional 5,100 homes at Chippenham up to 2036.

The Chippenham Future work supports a bid to the Housing Infrastructure Fund to provide road infrastructure that can support the provision of 7,500 additional homes up to and beyond 2036.

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**From Chris Caswill**

**To Cllr Toby Sturgis – Cabinet Member for Spatial Planning, Development Management and Property**

**Item 8 – Consultation to Inform the Wiltshire Local Plan Review**

The core underpinning assertion that Chippenham is particularly suited for a large housing expansion due to its proximity to a train station on the London to the West lines and to the M4 needs urgent reconsideration in the light of well argued expectations that (post COVID) much more work will be carried out remotely without the need for daily commuting – hence leading to increased demands for housing dispersed away from tightly packed urban centres.

There is no mention of COVID in the Chippenham Site Selection Report, and the only references to it in the covering paper relate to the timing and delivery of the statutory consultation. The failure to take account of changing work, travel and recreation papers in a set of proposals for the allocation of housing renders this whole exercise invalid and liable to substantial challenge.

These documents are COVID blind and should be withdrawn and revised.

**Question 1**

Who conducted the Sustainability Appraisal for Chippenham, and when was it completed?

**Response**

An Interim Sustainability Appraisal Report has been prepared by the Council (Spatial Planning), as is common practice, and it was completed in November.

**Question 2**

Paragraph 46 of the Chippenham Site Selection Report says that “the sustainability appraisal methodology is provided in a separate report.” This is clearly an extremely important document. Where and when will it be made publicly available?

**Response**

The Interim Sustainability Appraisal Report will be published alongside all the other supporting material when the consultation commences on the Local plan // in the

new year. Relevant results are summarised in appropriate appendices to the report to Cabinet.

### **Question 3**

There is no mention of COVID in the Chippenham Site Selection Report, and the only references to it in the covering paper relate to the timing and delivery of the statutory consultation. The failure to take account of changing work, travel and recreation papers in a set of proposals for the allocation of housing renders this whole exercise invalid and liable to substantial challenge. Will you therefore agree to suspend this process now, and require the proposals to be reconsidered to take account of changes that are already evident and widely anticipated to continue post-COVID?

### **Response**

The Government has expressly urged all local planning authorities to continue the preparation of Local Plans and not to suspend work. To stop would incur the risk of speculative ad hoc development being permitted outside the Council and communities' control.

It is too early to draw conclusions on what long term effects, if any, the pandemic experience may have on long term needs and future patterns of development. The consultation is an opportunity to add to our understanding on this, amongst other shifting potential influences upon the Plan's content. This is a vitally important part of the process and does not render it invalid.

**Wiltshire Council**

**Cabinet**

**1 December 2020**

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**From Susan McGill**

**To Cllr Toby Sturgis – Cabinet Member for Spatial Planning, Development Management and Property**

**Item 8 – Consultation to Inform the Wiltshire Local Plan Review**

The consultations regarding the Local Plan Review and Future Chippenham appear to be scheduled to run concurrently early next year.

This does not enable full public participation in either decision process, because assumptions underpinning Future Chippenham are embedded in the Local Plan Review.

**Question 1**

Please would Cllr Sturgis assure me that consultation and other actions outlined in the Future Chippenham document will not be progressed until the new Local Plan is finalised.

**Response**

**The planned consultation on the road route options within the Future Chippenham project are separate to those of the Local Plan Process and as such can take place at any time. A HIF funded road is being progressed should development of sites come forward, ensuring that any development is infrastructure led.**

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**From Susan McGill**

**To Cllr Toby Sturgis – Cabinet Member for Spatial Planning, Development Management and Property**

**Item 8 – Consultation to Inform the Wiltshire Local Plan Review**

**Statement**

Before it even considers the possibility of 7,500 houses and a 4-5 kilometre road cutting over the Chippenham Avon and through the River Marden valleys, Wiltshire Council is obligated to address the deep contradictions in its published strategies for land allocation, housing need, and transport requirements. Only then can it responsibly appraise, let alone propose a future strategy for Chippenham.

The contradictions include the following—

Wiltshire Council’s Housing Land Supply statement (August 2019, base date 2018), acknowledging compliance with NPPF and PPG, said that the five-year (2018-2023) housing requirement for North and West [Wiltshire] Housing Market Area, including a 5% buffer, was 6,910 houses. (Housing Land Supply Statement, 2019, p.7)

According to the Chippenham Area Strategy, adopted as part of the Wiltshire Core Strategy in early 2015 (the date of adoption isn’t clear—the adoption statement of January 2015 refers to “xx January 2015”), phased housing development in Chippenham would “enable employment development to come forward in advance of further residential development”. (5.48, p. 93)

In 2017 as part of the Wiltshire Development Framework. It used a developer’s proposal for developing 50ha of land at Rawlings Green, a Wiltshire Council County Farm east of Chippenham. It specified no more than 200 dwellings initially, followed by 450 more.

However, in December, 2019, MHCLG approved a bid by Wiltshire Council to build 7500 houses along the unspecified route of a road linking the B4069 and the A350, which the council, in 2017, had stipulated for approval of initial development of 250 houses, followed by 450 more in due course. (Chippenham Site Allocations Plan, 2017, p. 34).

The plans and proposals in the public domain that have been published by Wiltshire Council (including its own environmental assessment of the Chippenham Avon and

its assessment of employment opportunities in Chippenham) are substantially and significantly incompatible with the limited information available about:

- the council's bid in 2019 to the Housing Infrastructure Fund (HIF)
- how the HIF bid and the associated 7,500 houses fit into Wiltshire's Core Strategy
- Chippenham's newly assessed housing "need"
- the assessed need for a link road
- the assessed purpose of a link road.

There are no grounds whatsoever for consultations with Chippenham residents until they have full and transparent access to information. This information must account for the major discrepancies between press briefings, or off the cuff statements in Council meetings, and published Council policy documents that claim to comply with national guidance.

**From Cllr Nick Murry**

**To Cllr Toby Sturgis – Cabinet Member for Spatial Planning, Development Management and Property**

**Item 8 – Consultation to Inform the Wiltshire Local Plan Review**

**Statement**

Gro Harlem Brundtland's now universally accepted definition of sustainable development is: "development that meets the needs of the present without compromising the ability of future generations to meet their own needs." For the people of Wiltshire's sake, Wiltshire Council, or rather its Cabinet members, need to think seriously about what this means.

It should be clear to by now that Wiltshire Council cannot continue to promote and facilitate 'business as usual' and that what may have worked in the past, is not appropriate for a sustainable and resilient future. Nowhere is this truer than in relation to spatial and transport planning.

Large urban extensions that promote car dependency, create even bigger commuter towns and drive up carbon emissions are part of an out-dated model for development. So too is 'predict and provide' transport planning, which simply perpetuates a cycle of generating more traffic, requiring more roads, which promotes more traffic, and so on.

Such antiquated thinking also fails to attribute economic value to irreplaceable natural assets, treating them as short term and expendable, with minimal regard for their current benefits or the longer term implications of their removal.

Wiltshire's 'natural capital' provides a range of valuable ecosystem services, including carbon capture and storage (in soils and trees), natural drainage and cleansing of the environment, wildlife habitats, biodiversity benefits (pollination of crops) and public amenity and wellbeing. It also includes farmland, some of it the 'best and most versatile' in the country, important at a time of increasing need for local food production and for national food security (as import prices rise as a result of climate change).

In addition to the destruction of these assets, this 'in-migration, out-commuting' development model the Cabinet continues to pursue creates huge additional costs, which in the past have simply been externalised and left for future generations to pick up. This critically includes the future costs of climate damage as a result of

additional carbon emissions generated and/or the costs of the additional mitigation that will be needed as a result. All this during a Climate and Ecological Emergency in response to which the Council has pledged “to seek to make the county carbon neutral by 2030.” Destroying natural capital, removing carbon sinks and generating more additional carbon emissions is unlikely to achieve this.

Further irony (or perhaps a case of adding insult to injury as far as the next generation is concerned) is that the unsustainable housing numbers don't even address local housing need, and are based on a formula is grounded in house prices as an indicator of market demand (not local housing need, which is a fraction of the proposed housing numbers).

The proposals being put forward for Chippenham are a case in point. An urban extension the size of a small town is proposed that would destroy irreplaceable natural assets, permanently removing carbon sinks, natural flood prevention, wildlife habitats, historical landscapes and valued public amenities, whilst generating huge quantities of additional carbon emissions and the misery of even more traffic congestion for those who live here (traffic from the additional houses far outweighing the effect of the proposed housing distributor road).

The proposals were developed on the back of a Housing Infrastructure Fund (HIF) bid that required well over twice the number of houses (7,500) to be built than had been previously proposed (c.3,000) and effectively predetermined the next stages of the Local Plan Review as far as Chippenham is concerned. Endorsement for the HIF bid was obtained from Chippenham Town Council in 2018 without it even being discussed at a Town Council meeting. When Town Councillors were finally informed in 2019, they were told by the Leader of Wiltshire Council to keep it confidential. The HIF bid was never discussed at a Wiltshire Council meeting. To date, there has been no public consultation on these proposals and despite assurances to contrary, it now seems they have been worked up to become the preferred site options in the Local Plan Review. Still without public consultation and lacking evidence as basic as the methodology that resulted in this 'selection'. *A fait accompli* it would seem.

I therefore have a number of questions for Cllr Sturgis:

### **Question 1**

What value has been calculated for the natural capital that would be permanently lost as a result of the preferred options being developed for:

- a) the county (less Swindon)?
- b) the Chippenham Housing Market Area?
- c) Chippenham?

### **Response**

No value has been calculated.

### **Question 2**



What methodology has been used to calculate this and where can it be found?

**Response**

See response to Question 1.

**Question 3**

What value has the Council declared on its Balance Sheet for the County farms and any other publicly owned land that it intends to develop for:

- a) the county (less Swindon)?
- b) the Chippenham Housing Market Area?
- c) Chippenham?

**Response**

The existing use value for County farms at Chippenham is £ 2.87m.

**Question 4**

What has been recorded in the Council's Environmental Risks Register (or Risk Register) in relation to potential development on the County farms and any other publicly owned land that it intends to develop?

**Response**

As part of the statutory planning process Environmental Impact Assessments and surveys will be carried out, which may give rise to environmental mitigations being required and that the risk associated with this has been recorded and a mitigation plan is in place. There is an existing environmental risk in the project risk register.

**Question 5**

What is the Council's calculation for the quantity of carbon (tonnes CO<sub>2</sub>e) that:

- a) are currently sequestered by soils and vegetation on its preferred site options in Chippenham?
- b) will be emitted from soils and vegetation, as a consequence of development of the preferred options in Chippenham?
- c) will be generated as a result of the estimated additional settlement and traffic created by development of the preferred options in Chippenham?

## **Response**

No calculation has been undertaken in relation to the work on the Local Plan.

## **Question 6**

How does the Council plan to mitigate these carbon sequestration losses and the additional carbon emissions generated?

## **Response**

As anticipated by the National Planning Policy Framework (paragraph 170) the development of planning policies and proposals for development should contribute to and enhance the natural and local environment.

Therefore, as the Local Plan is developed, mitigation measures will also be developed including measures to address, as far as is reasonably practicable, carbon emissions.

## **Question 7**

What is the Council doing in terms of identifying, measuring and putting a value on its direct and indirect ecological impacts and dependencies on natural capital?

## **Response**

The planning system requires that the process of plan making delivers sustainable development and is supported by Sustainability Appraisal and Strategic Environmental Assessment.

The development of ecological measures to address potential harm is integral to sound plan making. For example, the preparation of the concept plans anticipates requirements for net-biodiversity gain signalled in the Environment Bill.

## **Question 8**

How does the Council plan to mitigate the loss of natural capital and ecosystem services associated with the proposed development in:

- a) the county as whole (less Swindon)?
- b) Chippenham?

## **Response**

See response to question 6.

**Question 9**

How does the Council factor in the value of agricultural land/ food production (in general) and the value of its County Farms (in particular)?

**Response**

The Local Plan uses data on agricultural land value supplied by Natural England to assist with the process of appraising sites for the purpose of plan making.

**Question 10**

What are the Agricultural Land Classification grades within the preferred sites and the alternative sites put forward for Chippenham?

**Response**

The proposed and reasonable alternative sites at Chippenham are underlain with Grade 3 and 4 agricultural land.

**Question 11**

Where can the public see the basis of and methodology for the 'sustainability appraisal' and who carried this out?

**Response**

The Interim Sustainability Appraisal (including the revised Scoping Report, September 2020) will be made available as part of the consultation materials for the Local Plan consultation early in the new year (see paragraph 29 of the Cabinet report).

The work is being carried out by the Council (Spatial Planning), as is common practice.

**Question 12**

Where can the public see the basis of and methodology of the housing needs calculation for Chippenham?

## **Response**

Forecast housing need for the Chippenham Housing Market Area, including calculation of the Government's Standard Method, is contained in the document: 'Swindon Borough and Wiltshire Council Local Housing Needs Assessment 2019, ORS (April 2019)', which was considered by Cabinet in April 2019. Paragraph 3 of the Cabinet paper provides a link to the papers for that meeting.

Further explanation and summary are provided in the Emerging Spatial Strategy, in appendix one to the report to Cabinet. Further supporting information will be made available as a part of the consultation in the new year.

## **Question 13**

What relation (if any) does this bear to actual local housing need (i.e. local people seeking housing or people seeking to relocate for local employment?)

## **Response**

At least seventy percent of all house moves, including to new dwellings, take place within each Housing Market Area. A minority therefore take place from elsewhere within Wiltshire or further afield.

A detailed explanation of the various components that help forecast housing need is provided in the document referred to in the response to question 12.

## **Question14**

Where can the public see a calculation of the carbon emissions and pollutants (NO<sub>x</sub>, particulates) emitted from the additional vehicles resulting from the 7,500 houses and use of the distributor road by external traffic?

## **Response**

No calculation has been done as part of the Local Plan process at this early stage. Further evidence will be commissioned, as appropriate, as the draft Plan is developed.

## **Question15**

What is the probability that the Council will pause for thought, adopt a more enlightened, genuinely sustainable approach and adapt its Local Plan accordingly, relative to the probability that the HIF bid has essentially predetermined will happen in Chippenham?

## **Response**

No part of the review of the Local Plan is pre-determined. This early informal consultation comes before a draft plan is prepared. The results of the consultation will help shape its content to better achieve sustainable development, the purpose of the Plan and the planning system.

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