

Responses to questions received

Meeting: Chippenham Area Board
Place: Need Hall, Chippenham, SN15 3ER
Date: Tuesday 10 September 2013
Time: 7.00 pm

Wiltshire Council

Chippenham Area Board

10 September 2013

Item 8 – Chippenham Skate Park Task Group Report

Mr Gould, Chippenham Resident

Question 1

I wish to ask a question but to do so I need to give background information about the expectations of nearby residents about the level of noise likely to be generated from use of a skatepark were it located in Monkton Park.

To do so, It is apt at this critical meeting of the Board to remind members of the promise given to residents in Sadlers Mead in her letter of 2 April 2012 by Councillor Allen, still a member of this Board and at that time its Chairman and also the then Chairman of the Skatepark Task Group: and, in the light of that promise, to ask members of the Board to consider whether they are willing to take a decision to proceed with a planning application for a skatepark in Monkton Park when the chances are very strong that the promise given in April 2012 will be broken: and the integrity of Wiltshire Council would then be called into question?

A copy of her letter can be provided to anyone wishing to see it.

The part of the letter I wish specifically to remind you of is the beginning of the third paragraph, which relates to the reference in the previous paragraph to the consideration of Monkton Park as a possible location for a skate park. The paragraph referred to says:-

“The first consideration is whether there will be any increase in noise levels for nearby residents, above what is normally experienced. If this can't be achieved then this location will no longer be considered”.

You will notice that Cllr Allen did not qualify the word “noise” or identify any particular noise source or sources as part of this consideration.

She did not say, for example, “noise from the physical use of the skate park itself”

She did not say “noise from skaters going to and from the skate park”.

She did not say “noise from any anti-social behaviour which might occur”.

There was no such qualification. Cllr Allen said “noise” and any reasonable person would judge this to be the total noise level emanating from use of the skate park itself and incidental to use of the skate park. It would be that total noise which would contribute to any EXTRA noise level in decibels which would be heard in the houses

and gardens of “nearby residents”, as defined by Cllr Allen (nearby houses of course also include St Mary’s Street so this issue is as relevant to residents there as it is to those in Sadlers Mead).

Personally, I regard this promise as unequivocal and binding upon the Skate Park Task Group, the Chippenham Area Board and Wiltshire Council itself, given as it was by an elected member of the Council who was at the time the Chairman of the Skate Park Task Group and of the Chippenham Area Board, and who issued the letter on Wiltshire Council headed notepaper.

Given that promise, and the situation it creates for the Council, the Skate Park Task Group has had an onerous burden to bear in deciding whether to support and recommend the erection of a skate park in Monkton Park. It has finally made that recommendation.

If the Board is inclined to support this recommendation without itself being fully satisfied that Cllr Allen’s promise will be fulfilled, especially in houses in Sadlers Mead and St Mary’s Street, it will expose itself to severe challenge. It would also expose the Council itself to that challenge.

You must have certainty that there will be not one decibel of extra noise from any source associated with the skate park for the promise to be kept.

The two consultants engaged by the Task Group have been brave enough together to report that with suitable mitigation measures the noise levels at the said houses can be limited to 0Decibels extra, viz no increase in noise levels.

Whether this estimated level is for residents WITHIN their houses or WITHIN their gardens is unclear. Mitigation at garden level is highly unlikely, which means that complaints would immediately be received. And if the noise the consultants are endeavouring to mitigate is only the noise FROM PHYSICAL USE OF THE SKATE PARK, and ignores incidental noise at all hours from associated activities arising from the presence of the skate park, (the level of which, so far as I am aware, has never been measured or even estimated), the consultants are understating their target. These incidental noises are potentially as burdensome as the direct noise from the skate park itself.

Also, you should also insist that the consultants should consistently address themselves to the L_{Amax} (maximum) noise level rather than flitting between this and the L_{Aeq} (average) noise. Residents will hear the MAXIMUM not the average noise! And allied to that, you must NOT forget that your officers and consultants often compare the maximum mitigated noise output from a skate park with the maximum noise level heard at a property. Bear in mind however that the maximum noise at a property might occur for one minute or 5 minutes in a day. The maximum noise from a skate park can occur frequently during the whole time the skate park might be in use.

My question therefore is can the Board satisfy itself beyond reasonable doubt that not a single extra decibel of noise will be created by a skatepark located in Monkton Park? That is the promise which was given.

If it cannot it should reject the recommendation and tell the Task Group to look elsewhere at the several other more suitable sites which are available.

In submitting this question, I am fully aware that the SPTG has, in their view, and in a very minimal way, attempted to make little of Cllr Allen's promise. (See the paragraphs in Section 3.5 of the report). The use of the words "common sense" and "in the context of noise assessments" and "stringent criterion" are indicative of a frantic attempt to hide or gloss over a clear undertaking that the skatepark would not be built in Monkton Park if there was likely to be ANY increase in noise levels.

Response

This question argues for a particularly stringent interpretation of a letter sent by Cllr Desna Allen to residents of Sadlers Mead. The matter that is the subject of this question has been addressed in section 3.5 of the report and the STG considers that the interpretation proposed is not appropriate.

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Ian Keasey, Chippenham Resident and Town Councillor

Question 2

Can the Board clarify why the report makes no attempt to address the visual impact of the proposed location in Monkton Park?

It is not enough to say that this will be considered in the planning process as the visual impact (as well as cost implications) are a necessary part of the decision making process alongside the factors already taken into consideration. How can it be possible to make a decision on a location unless all the implications are considered and factored into a cost-benefit analysis of all available locations, existing and potential?

As mentioned in the noise assessment reports, though noting that these were estimates and not a confirmed design, the installation may be quite sizeable and could run from the MUGA area to the footpath bordering the riverfront and lie adjacent to the young children's play area. This would split the park and could well form a visual barrier to those approaching from the Town Bridge direction. It could equally prove a deterrent to those needing to access the broader grassed area of the park through the visual impact but also limiting transit which would be confined to the footpath only. The noise assessment reports (despite being 'tweaked' excessively and adjusted to fit what may be considered a pre-determined decision) mention the need for significant mitigation, even suggesting a 14' tall barrier. As the Board is no doubt aware sound energy obeys the laws of physics and to counteract the potential for disturbance will require particular solutions which may well be costly to provide the most effective mitigation. Taking into account the Environment Agency requirements for an installation on a flood plain this mitigation is likely to be even more costly and significant in its visual impact.

That these considerations are not included in the report might suggest that the Skate Park Task Group has failed in its task by delivering an inadequate, contradictory and biased report. If the Board were to proceed with a decision without thoroughly considering the visual impact then it should only consider those sites where the implications (including visual and cost) can be minimised.

Response

The report has addressed visual impact in section 3.6 Design.

See Skatepark report 3.6.1. – 3.6.5

Indicative designs were on display at the public meeting in July. The STG has researched other Skatepark facilities and consulted independent contractors and is confident that a design for a Skatepark facility can be produced that would be an asset to the area.

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From Marc Allum, Chippenham Resident

Question 3

I am a resident of St Mary Street and am Submitting a question for the board in relation to the proposed skatepark development in Monkton Park.

This is a highly contentious project and has raised many questions concerning the validity and authority of the council to build a skatepark. I would draw to the attention of the board the Wiltshire Council Chippenham Conservation Area Appraisal of November 2007 which is, to say the least very scathing of many aspects of the previous development of the 'historic parkland' of Monkton Park. Monkton Park actually starts at the large gates outside the council offices, unfortunately, this is no longer park as was intended. The report is peppered with comments such as 'the bulk and massing of the Olympiad is particularly unsympathetic to the space, particularly when viewed from the open parkland' and 'This view in particular, in conjunction with the council offices, telephone exchange and college buildings creates a particularly and unattractive jarring view'.

Many of these buildings should have arguably never been built and serve as a constant reminder of poor planning decisions in a conservation area. Unfortunately, and despite the very words (and there are plenty more damning comments in the report) commissioned by Wiltshire Council in this comprehensive paper http://www.wiltshire.gov.uk/chippenham_caa_april_08-3.pdf there seems to be little or no serious interest on the part of the Task Group to preserve the remaining integrity of the conservation area. I for one live in St Mary Street proudly as a custodian of an historic property, one for which I have to seek permission at all times to affect even minor repairs. My question is therefore straightforward; in the light of such a report which I am assuming all the concerned parties are aware of, are any of them interested in endeavouring to preserve the important historic elements of this historic town? Let's not make any more mistakes, let's give the kids their skatepark but not in the middle of an already stressed conservation area!

Response

Yes, the STG is interested in endeavouring to preserve important historic elements of the town. The STG has researched other Skatepark facilities and consulted independent contractors and has concluded that a design for a Skatepark facility can be produced that would be an asset to the area.

See Skatepark report 2.3

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John Lewin, Chippenham Resident

Question 4

Why has no attention been given the costs of location in Monkton Park, when the report highlights:

1] the noise abatement efforts- walls up to 14' high & even a roof

2] the possibility of massive excavation where extra work would be needed to address flooding issues, and any requirements of the Environment Agency

Why has no attention been given to the likelihood and costs of high security fencing, which was required for the previous skate park in Monkton Park? Nor to the running & maintenance costs - which will probably have to be borne by the Town Council?

Given that the Bristol Rd site is relatively unused , rather wild & has splendid natural contours , why has no attention been given to the costs of location there being much less there, along with far less disturbance & far fewer controversial issues?

It would not be surprising if the costs of a Monkton Park location could easily exceed £200,000.

At a time when Wiltshire Council's funds are under intense pressure with massive job losses & front line cut backs, can you explain to Council taxpayers why the no attention has been given to the relative costs of these two sites?

Response

Wiltshire Council has an obligation to ensure that best value is achieved for Tax payers and therefore the cost issue will always be part of each stage of the considerations.

The STGs first task was to identify site. The design of the proposed Skatepark has not yet been defined, awaiting the identification of a specific site/location and then consideration of planning requirements which will address these issues in detail. It is therefore premature to estimate the cost of fencing, excavation and flooding mitigation. These costs may or may not apply to any site chosen.

See Skatepark report 3.1, 3.6

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Richard Taylor on behalf of Chippenham Residents (Skatepark Petition)

Question 5

To all members of the Area Board

Dear Sirs,

We are asking why you are not considering this large group of objectors to Monkton Park as a skatepark site.

You will be aware that as residents of Monkton Park, we collected 1123 signatures in a petition requesting that the skatepark be sited in an alternative position to Monkton Park.

There have been many reasons given not to put the skatepark in this lovely conservation area, and most were included on the petition.

This petition was done on a face to face basis with local residents, mainly living on Monkton Park and St Mary Street area. Although addresses were not included, a quick look at the Register of Electors will show that this is the case. Other residents of the town requested to be included in the petition, also some who visited the Folk Festival every year. Incidentally, many of those from the Folk Festival were appalled that the park they enjoyed each year was being considered for the skatepark. However, **the majority of signatories were from Chippenham, and felt very strongly about this.**

This petition seems to have been largely brushed under the carpet and **deemed unimportant.** Surely in a democratic society every effort should be made to seriously consider other sites because of the number of objections. Bristol Road is an ideal site, and the reasons given by the Task Group as it not being acceptable, seem to be the very ones that our petitioners are raising not to use Monkton Park – using footpaths, skating down banks, noise, complaints from dog walkers and nearby residents etc.

.Please, when you vote, do not be persuaded by some who feel they have the power to sway your vote, but honestly make your very own decision. Please base your decision on the genuine concerns of so many local people who really believe we will be losing so much by completely changing the character of this lovely park. One of Chippenham's most precious assets close to the town for everyone to enjoy.

Wiltshire Council slogan is “Where Everybody Matters”, but apparently this does not include the 1123 signatories of the petition.

Response

The objections to the Monkton Park site are being considered.

Members of the public have had the opportunity to comment on the Skatepark Project at every Area Board meeting since the launch of the project in November 2010. Members of the public have taken the opportunity to comment and voice their objections at Area Board meetings on: 9th January 2012, 9th July 2012, 3rd September 2012, 5th November 2012, 7th January 2013, 4th March 2013, and 1st July 2013.

In September and October 2012, a survey was carried out both on line and via newsletter delivered to every household in Chippenham.

See Skatepark Report 1.4.12

A visit to other Skateparks was arranged for members of the public with objections on 13th February 2013, 3 individuals from 2 households took up this offer.

See Skatepark Report 2.1.7

Officers of Wiltshire Council have met with members of the public to hear objections on 3rd October 2012, 10th April 2013 and 25th July 2013.

An additional noise assessment was carried out at number 40 Sadlers Mead at the request of the resident to address his concerns.

A second independent noise consultant was engaged to provide reassurance to concerned residents.

3 public meetings have been held, 26th November 2012, 10th July 2013 and 24th July 2013. 10th July was dedicated specifically to the gather the concerns and comments of local residents adjacent to the site.

See Skatepark Report 1.4.12, 1.4.12.6.3 specifically lists concerns and objections

Comments and concerns collected at the public meetings in July were circulated to Front Line Services for consideration and responses included in the Skatepark report.

See Skatepark Report 2.1 - 2.6 inc. and 3.1. – 3. Inc.6, 3.8 and 3.9

1st July 2013 petition received at Chippenham Area Board meeting.

See Skatepark Report 3.3

E-mails and letters received throughout the project are being taken into consideration.

Wiltshire Council has a duty to consider the views and comments of the whole community.

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Alison Lewin, Chippenham Resident

Question 6

As Monkton Park users with small children and grandchildren, my friends & I are horrified by the prospects of the imposition of a skate park into what is such a delightful, peaceful & restful area for relaxation . We are especially worried about the proximity & scale of such a facility adjacent to the toddlers play area. It is bound to be worrying for those who go to the play area with small kids, as the noise and language would often be quite frightening & to some intimidating. Why has more weight not been given to this issue, especially since proximity to a children's playground was given earlier as a main reason not to go ahead with a different site? Why can't the Bristol Rd site be used when this would not cause any such problems?

Response

The park is already an active space used by a large number of people from a range of backgrounds and the evidence is that it's beneficial to all groups if we can encourage the whole community to share space and get to know each other. The issue of proximity to the toddler's area has been considered and in fact it can be seen as a positive reason for setting the skatepark adjacent to the play area. Skateparks have a history of older skaters actually supporting and encouraging younger skaters and it can be a very collaborative experience. In addition the ages of those using skateparks can run from 8 upwards so there will already be a mix of ages using the facility. Part of the reason why some people find some young people "intimidating" is that they don't know them and by having children, young people and adults sharing the same space the hope is that they can all get to know each other, break down barriers and build good community relations. There is no evidence that skateparks have a greater incidence of poor behaviour than other facilities and the expectation is that the skaters will manage the behaviour of other users as it's in their interests to ensure that everyone using the facility behaves in a reasonable manner. The Area Manager for the Integrated Youth Service confirms that he has no evidence and is unaware of any published research which supports the position that putting children's and young people's facilities close to each other is detrimental to either group.

See Skatepark report 2.4

Charter Road (2) site - "The existing play area owned by Chippenham Town Council would have to be moved" – this note was made by the STG because of insufficient space, not because of anticipated issues between the age groups.

Bristol Road has been considered by the STG.

See Skatepark report 1.4.12.5.5 & 4.5

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Charles Pitt, Chippenham Resident

Question 7

The sound reports produced by Mach and Hoare Lee, relied heavily on the exact positioning, dimensions and plan of the surface of the proposed skatepark, to enable the production of an accurate forecast, of the likely sound levels received in the gardens of the properties adjoining the Park but the Task Group has denied the existence of any plans or dimensions, for the proposal, saying that "those issues will be a matters for the planning stage" and indeed further to that, their Chairman Mr Hutton, at the town meeting, took issue with a leaflet that published, the location, the dimensions and the suggested mitigation of the proposals, describing the information as a "Fabrication" by the authors, and that charge was taken up by supporters of the proposals. on websites and in a broadcast on BBC radio.

There is a plan with the dimensions and the sizes of the suggested mitigation published, on page 17 of the Mach report, which was the one used in the leaflet, so clearly not a fabrication.

Is the plan and the mitigation in the Mach report the one used for the purpose of sound reports ? because if it is not then calculations in the reports are incorrect. ,

As the Mach report concludes on page 18 that, the noise from the skatepark, without mitigation, will exceed acceptable levels at number 8 Sadlers Mead and there is no built in safety margins in the reports, to allow for other variables, not taken into account, in what was mostly a paperwork exercise, reliant on data collected from sites that are different in topography, surroundings and nature, add to that the amount of rewrites by the author's of the reports, how can anybody have confidence, in the report's forecasts of the likely noise nuisance.

Therefore are the Council taking an enormous risk with the future of Monkton Park, the residents right to enjoy their homes and the Tax Payer's money, particularly in view of the previous experience with the site and the fact that they cannot specify exactly the dimensions of the proposal, it's exact positioning, or even produce an illustration of what it might look like.

Response

The indicative size and position of the provision shown in Figure 15, Page 17 of the Mach report (page 122 of the Committee report) is as given to both the acoustic consultants, for modelling purposes. Also supplied were cross sections of the

topography obtained by the Council, again for modelling purposes and reproduced in the Hoare Lea report as figure 1(A) (page 146 of the Committee report).

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Patricia Bishop, Chippenham Resident

Question 8

I would like to submit five brief questions in relation to the proposed skatepark in Monkton Park.

1) NWDC handed to yourselves a legacy requirement that any future skatepark in Monkton Park has to meet a 0dB increase in noise against background noise. How do you intend to guarantee that this target will be met?

2) The residents of Monkton Park commissioned Saunders Associates to critique the two noise reports supplied by yourselves. The critique was provided to your Environmental Health officer. This critique found the Mach Acoustics report to be "strewn with errors" and any skatepark be likely to give rise to significant disturbance when assessed under the CIEH guidelines. Have you taken this professional critique into consideration?

3) Given that your advisors recommend sinking a skatepark into the ground to reduce noise levels, have you taken into account that Monkton Park is a floodplain?

4) Why did the main body of Monkton Park suddenly become your preferred location when it was not on the original options list?

5) What is your view of the letter submitted by the Chippenham Civic Society which (amongst a number of issues) challenged the process used by yourselves in selecting Monkton Park.

Response

1) This proposal is being considered against criteria identified by Consultants working for Wiltshire Council, there is no legacy commitment from the former authority and it is for this authority to determine what the appropriate design criteria for noise are. The acoustic reports have both identified stringent standards and shown by calculation that the criteria can be met.

3) The STG took advice from independent contractors all of whom visited the site and were confident that they could design a suitable facility for the area.

Flooding issues will be addressed through the planning process.
See Skatepark report 2.3.2

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Item 9 – Chippenham Skate Park Task Group Report

Nick Murry, Chippenham Resident

Question 9

1. When will a full appraisal of the options, which will be essential before any site selection decision, take place?

For clarity; the 'site assessment' scoring that appears in your pre-meeting report cannot be considered an options appraisal in any professional sense for the following reasons:

- a.) it is series of subjective judgements and opinions, heavily weighted in favour of what seems to be a predetermined selection;
- b.) the criteria seem to have been drawn up to provide the desired answer and are lacking in a number of key areas that they would reasonably have been expected to cover;
- c.) the criteria have been applied inconsistently, so that some sites are rejected on grounds that apply equally or to an greater extent to the recommended site (e.g. proximity to a children's playground, the potential for skateboarders using paths and slopes, environmental (ecological) impact, loss of amenity to other users, disturbance to dog walkers and likely unacceptability to local residents, are all cited as reasons for unsuitability of other sites and not deemed to be reasons for rejecting Monkton Park, where their significance is almost without exception greater);
- d.) the 'assessment' takes no account of visual impact, floodplain and natural water storage issues, engineering issues or environmental impacts, which is a serious flaw and leaves the Area Board exposed to a considerable level of risk;
- e.) Neither does it take account of capital costs and on-going 'operational and maintenance' costs, which are likely to be substantially higher for Monkton Park than Bristol Road, for example.

These are not things that should be left to a planning application stage (where decisions become more difficult to reverse, more money will have been spent and the Board is likely to be pressured down a course of mitigation) and need to be considered up front. That they have not been is a serious flaw I the process that needs to be urgently addressed.

This implies a serious risk to the Area Board and the public purse, if a decision is taken to proceed with a planning application without a proper options appraisal.

2. Why has the Task Group focused, and been allowed to focus, all its efforts on promoting the case for a single site, with obvious prejudice and seeming disregard for the Area Board's own instruction to consider other sites?

In this regard:

- a.) there has been no proper appraisal of alternative sites;
- b.) there has been no public consultation on shortlisted sites;
- c.) there has been no transparency in terms of process;
- d.) there have been a range of concerns expressed about the above by a number of individuals and organisations, including, I understand the Civic Society;
- e.) the attitude of the Task Group on the rare occasions it has engaged with the public (once in Monkton Park school and once at the West End Club) has been to disparage any views that are inconsistent with its own and therefore don't support this site, which can only increase the risk of important factors being missed, resulting in additional costs or total failure of the project down the line.

3. Can the Area Board explain how it plans to manage the substantial risks involved in potentially applying for planning permission for this site?

These relate both to the feasibility of the site (flood risk, natural water storage, conservation, social and environmental impact, opposition from other park users), the costly mitigation measures that would be likely to ensue, to reduce noise, visual impact, environmental impact, antisocial behaviour, and the additional operation and maintenance costs that would be necessary for this site (and which would potentially have to be picked up by the Town Council when they take over the Park, and which they have not been consulted upon).

Response

- 1) A comprehensive selection process has taken place. The criteria used was created by adopting best practice from other Skatepark Projects, on line research and following advice from independent experts.
See Skatepark report 1.4.10, 1.4.11 and 1.4.12
- 2) The STG has followed the directions of the Area Board. The STG has not disregarded other sites.
See Skatepark report 1.4.10, 1.4.11, and 1.4.12

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Sheila Veitch, Chippenham Town Council

Question 10

Negotiations are currently under way between Wiltshire Council and Chippenham Town Council to try to reach agreement over the conditions for Chippenham Town Council to add Monkton Park to their amenities. This has been on going for some time but I understand that progress is being made and the issue will be discussed by the Strategy and Resources committee of the Town Council on 11th September. Unfortunately work commitments and the deadline for questions mean that I am unable to wait for the agenda to be released later today to confirm this before sending this email.

The town council has been asked to consider the suitability of Stanley Park and John Coles Park as sites for the skateboard park but has not been asked for it's opinion on the siting in Monkton Park. A skateboard park here will have cost and potentially manpower implications for the town council (eg will someone need to close it every evening?). Why has it not been consulted on this venue?

Response from Skatepark Task Group:

Chippenham Town Council has been consulted on Monkton Park. Chippenham Town Council Amenities Committee considered this matter on 14th March 2012 and 4th July 2012.

