

## AGENDA

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**Meeting:** Environment Select Committee

**Place:** Council Chamber - Council Offices, Monkton Park, Chippenham, SN15 1ER

**Date:** Thursday 4 April 2013

**Time:** 10.30 am

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Please direct any enquiries on this Agenda to Kieran Elliott, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 718504 or email [kieran.elliott@wiltshire.gov.uk](mailto:kieran.elliott@wiltshire.gov.uk)

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### Membership:

Cllr Chuck Berry  
Cllr Rosemary Brown  
Cllr Nigel Carter  
Cllr Christopher Cochrane  
Cllr Peter Doyle  
Cllr Jose Green  
Cllr Alan Hill

Cllr Charles Howard  
Cllr Jon Hubbard  
Cllr Tom James MBE  
Cllr Ian McLennan  
Cllr Stephen Oldrieve  
Cllr Leo Randall

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### Substitutes:

Cllr Jane Burton  
Cllr Trevor Carbin  
Cllr Brian Dalton  
Cllr Peter Davis  
Cllr Bill Douglas  
Cllr Nick Fogg

Cllr Russell Hawker  
Cllr George Jeans  
Cllr Julian Johnson  
Cllr Jeffrey Ody  
Cllr Ricky Rogers  
Cllr Anthony Trotman

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# AGENDA

## PART I

### Items to be considered while the meeting is open to the public

1 **Apologies**

To receive any apologies or substitutions for the meeting.

2 **Minutes of the Previous Meeting (Pages 1 - 6)**

To approve and sign the minutes of the meeting held on **20 December 2012**.

3 **Declarations of Interest**

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

4 **Chairman's Announcements**

To receive any announcements through the Chair.

5 **Public Participation**

The Council welcomes contributions from members of the public.

#### Statements

If you would like to make a statement at this meeting on any item on this agenda, please register to do so **at least 10 minutes prior to the meeting**. Up to 3 speakers are permitted to speak for up to 3 minutes each on any agenda item. Please contact the officer named above for any further clarification.

#### Questions

To receive any questions from members of the public or members of the Council received in accordance with the constitution. Those wishing to ask questions are required to give notice of any such questions in writing to [committee@wiltshire.gov.uk](mailto:committee@wiltshire.gov.uk) **no later than 1700 on Tuesday 26 March 2013**. Please contact the officer named on the first page of this agenda for further advice. Questions may be asked without notice if the Chairman decides that the matter is urgent.

Details of any questions received will be circulated to Committee members prior

to the meeting and made available at the meeting and on the Council's website.

6 **Report of the Waste Task Group and Update (Pages 7 - 10)**

- a) To receive the report of the Waste Task Group and consider its recommendations;
- b) To receive an update on the development of the Waste Contract.

7 **Report of the Community Infrastructure Levy (CIL) Task Group and Update (Pages 11 - 20)**

- a) To receive the report of the CIL Task Group and consider its recommendations;
- b) To receive an update on the development of the Community Infrastructure Levy (CIL) in Wiltshire.

8 **Report of the Air Quality Joint Task Group (Pages 21 - 24)**

To receive the report of the Air Quality Joint Task Group and consider its recommendations.

9 **Environment Select Committee Work Programme for O&S Management Approval (Pages 25 - 28)**

The Overview & Scrutiny Management Committee at its meeting held on 28 February agreed that each Select Committee should prepare a report at its last meeting identifying key items that they feel should be kept on the Forward Work Programme for consideration by Councillors post election in May.

Due to the limited timeframe between the Management Committee and the Environment Select Committee, it is proposed that the items identified at the meeting be compiled into an appropriate report that will be approved by the Chairman and Vice Chairman and subsequently circulated to the Environment Select Committee members before it is submitted to the Management Committee at its final meeting to be held on 11 April 2013.

Items proposed include:

Waste Task Group

CIL Task Group

Air Quality Task Group (joint with Health Select Committee)

Members may have other items for discussions.

10 **Date of Next Meeting**

The next meeting of the Committee is scheduled for **11 June 2013 at 10:30am in Committee Rooms B and C, Monkton Park, Chippenham, SN15 1ER.**

11 **Urgent Items**

Any other items of business which the Chairman agrees to consider as a matter of urgency.

**PART II**

**Items during whose consideration it is recommended that the public should be excluded because of the likelihood that exempt information would be disclosed**

None

## **ENVIRONMENT SELECT COMMITTEE**

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### **DRAFT MINUTES OF THE ENVIRONMENT SELECT COMMITTEE MEETING HELD ON 20 DECEMBER 2012 AT COUNCIL CHAMBER - COUNCIL OFFICES, MONKTON PARK, CHIPPENHAM, SN15 1ER.**

#### **Present:**

Cllr Chuck Berry, Cllr Rosemary Brown, Cllr Trevor Carbin (Substitute), Cllr Nigel Carter, Cllr Peter Doyle, Cllr Jose Green, Cllr Alan Hill (Vice Chairman), Cllr Charles Howard, Cllr Jon Hubbard (Chairman) and Cllr Leo Randall

#### **Also Present:**

Cllr Richard Gamble

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#### **35 Apologies**

Apologies were received from Cllr Ian McLennan and Cllr Stephen Oldrieve. Cllr Trevor Carbin substituted for Cllr Stephen Oldrieve.

#### **36 Minutes of the Previous Meeting**

The minutes of the previous meeting held on 1 November 2012 were approved and signed as a correct record.

#### **37 Declarations of Interest**

There were no declarations of interest.

#### **38 Chairman's Announcements**

No announcements were made.

#### **39 Public Participation**

There was no public participation.

#### **40 Community Infrastructure Levy (CIL) Task Group - Interim Report**

The Chairman of the CIL Task Group, Cllr Tony Trotman, was in attendance to present an interim report on the work of the Group to date.

In presenting the report clarification was made that the Group had considered consultation documents prior to the first round of public consultation which commenced on 1 October 2012 and had sought the views of stakeholders on the implications of the CIL.

The Committee were drawn to the recommendations contained which requested that the work of the Task Group be put on hold until further clarification had been provided from central government, noting that the views of local authorities were currently being sought which could result in revisions to the guidance issued.

The Chairman thanked the Task Group members on behalf of the Committee for the hard work undertaken and upon vote all were in favour of the recommendation provided.

**Resolved:**

**That the Committee agree to the work of the Task Group being held in abeyance until the latest guidance from Central Government on CIL is published.**

41 **Community Teams**

Following agreement by the Committee on 1 November 2012 a request for expressions of interest was circulated for participation in a Rapid Scrutiny Exercise to consider the new Community Teams.

As no interest was received a report from the Head of Local Highways and Street Scene, Adrian Hampton, was presented for the Committee's consideration.

In presenting the report clarification was made that the formation of the Community Teams within the new Highways and Streetscene Contract would help to alleviate the duplication of work that currently existed and bring together generic officers to ensure robustness across the service.

Current trials had highlighted the benefits of the revised structure with officers working to community area priorities as set by Community Area Boards. Continued feedback between the new Co-ordinator post, the Community Area Transport Group (membership as set by the Area Boards) and Town and Parish Councils would provide a consistent line of communication and ensure the priorities of each area were addressed.

In highlighting the scope of services that could be identified as priorities within each area, it was noted that future provision would be sufficiently flexible to accommodate the service demands of the individual communities.

The Committee noted the report, thanked the officer for his attendance and resolved as follows:

**Resolved:**

- 1) **That the Overview & Scrutiny Management Committee be requested to consider the impact on town and parish councils as a result of available resources; and**
- 2) **That the Overview & Scrutiny Management Committee at the appropriate time be requested to consider the IT system being implemented to support the revised structure and how this would fit into other client facing systems.**

42 **Wind Farm Visit**

A number of members undertook a visit to the Westmill Community Wind Farm (WCWF) on 8 October 2012 following an invitation extended by Mark Luntley, Chair of the WCWF Cooperative.

A report, prepared by Cllr Chris Cochrane, providing information on the visit undertaken by the Group was included with the agenda.

Unfortunately none of the members who undertook the visit were in attendance to present the report or to answer questions arising.

**Resolved:**

**To note the report.**

43 **Street Light Saving - rapid scrutiny exercise**

A report on street light savings plans, arising from the rapid scrutiny exercise undertaken on 7 December 2012, was circulated as an agenda supplement on 14 December 2012 to allow members time to consider the report ahead of its submission to Cabinet on 18 December.

The lead member of the rapid scrutiny exercise, Cllr Nigel Carter, introduced the report and confirmed that a healthy debate was undertaken when the report had been presented to Cabinet and the recommendations duly considered.

Although a response had yet to be formally received from the Cabinet member to the recommendations of the rapid scrutiny exercise, it was noted that the recommendation proposed by the Task Group that option 4 (installation of LED lighting) be considered alongside option 3 was not favoured by Cabinet but that option 4 would be reviewed in 12 months.

In noting that the report had been circulated to all members ahead of the meeting to allow for comment prior to consideration by cabinet it was resolved as follows:

**Resolved:**

- 1) **To note the report; and**
- 2) **That the response from Cabinet to the recommendations of the Committee would be circulated once received.**

44 **Task Group Updates**

The Committee considered the updates as provided and the additional information as detailed below:

**Low Carbon and Renewables rapid scrutiny exercise**

In noting that only one expression of interest had been received, Cllr Nigel Carter agreed to meet with climate change officers and report back to the Committee thereafter. A further scoping meeting would, if required, take place thereafter if so agreed by the Committee.

**Resolved:**

**The updates as provided were noted.**

45 **Forward Work Programme**

The Committee considered the Forward Work Programme and acknowledged that final reports from Task Groups and Rapid Scrutiny activity would need to be presented to the Committee ahead of elections to ensure business had been duly concluded where possible.

**Resolved:**

**To note the Forward Work Programme.**

46 **Date of Next Meeting**

Thursday 21 February 2013.

47 **Urgent Items**

There were no urgent items for consideration.



(Duration of meeting: 10:30 am – 12:25 pm)

The Officer who has produced these minutes is Sharon Smith, of Democratic Services, direct line 01225 718378, e-mail [sharonl.smith@wiltshire.gov.uk](mailto:sharonl.smith@wiltshire.gov.uk)

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**Wiltshire Council**

**Environment Select Committee**

**21 February 2013**

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## **Report of the Waste Task Group**

### **Purpose of report**

1. To present the recommendations of the Waste Task Group and seek endorsement for them.

### **Background**

2. On 30 August 2012, the Environment Select Committee (ESC) established the Waste Task Group to consider the future options for the delivery of the waste services. This was endorsed by the Overview and Scrutiny Management on 6 September 2012.
3. The Task Group met on four occasions between October 2012 and January 2013 with the following membership:

    Cllr Alan Hill (Chairman)  
    Cllr Rosemary Brown  
    Cllr Nigel Carter  
    Cllr Brian Dalton  
    Cllr Jose Green

4. The Task Group received evidence from Tracy Carter, Director of Waste Management Services on 10 October 2012 and from Andy Conn, Head of Waste Management, on 7 January 2013.
5. The Task Group reviewed the following documents:
  - Waste Management Service Delivery Review (Report to the ESC 30 Aug 2012);
  - Wiltshire Council Draft Waste Management Strategy 2012;
  - Future delivery of the Waste Management Services (Report to Cabinet 6 Nov 2012);
  - Councillor Briefing Note No. 124: Waste Performance – Results for first half 2012 – 13;

### **Summary of information**

6. The Task Group was informed that the Waste Management Services team has created a unified service delivery across the County since the formation of Wiltshire Council. The Task Group acknowledges that the implementation of the new scheme, which was considerably different in some parts of the County could have led to confusion and complaint from the public. However, due to the efficient and well-organised way that the transition was managed, very little

disruption to the service occurred and consequently very few complaints were received.

7. The contract for collection of non-recycled waste, plastic bottles and cardboard and garden waste for the west Wiltshire area could terminate in 2014 or be extended by up to seven years. The decision to extend the contract for the west Wiltshire area will depend on whether the Council decides to deliver the service in-house or to outsource it. There is a commitment that delivery of all kerbside collections should be by one provider.
8. The contract for the collection of glass, paper, cans and textiles, the provision of landfill capacity, the provision of material recovery facilities and markets for dry recyclable materials, waste transfer stations, composting facilities, treatment of wood waste and management of the household recycling centres and mini recycling centres will terminate in 2016 with no option to extend.
9. There is a commitment to split the services delivered currently by the 2016 contract into three parts – landfill, composting and recycling services, enabling different contract periods to be considered and a wider range of providers to bid.
10. The Task Group noted that the Waste Management Service is currently developing a number of business cases to inform decision making on future contracts.
11. The Task Group identified a number of specific concerns and suggested key lines of enquiry which are represented in their recommendations.

## **Recommendations**

### **The Task Group recommends that:**

- 1. The Environment Select Committee within the newly-elected Wiltshire Council should establish a Waste Task Group to action the recommendations below.**
- 2. The Waste Task Group should seek assurance that the Waste Management Services team has sought and considered advice from independent advisors regarding waste management strategy; in particular, to review the performance of the current contractor in managing Wiltshire's waste and identifying potential improvement areas.**
- 3. The Waste Task Group should seek assurance that the Waste Management Services team has taken the proximity principle into account in the development of its waste strategy. The Task Group believes that the creation of the site at Porte Marsh Industrial Estate in Calne has demonstrated good practice in materials recycling, embracing the proximity principle, and forms a good template for similar facilities to be considered in other Wiltshire communities.**
- 4. The Council reviews its terminology to reflect the concept of waste being a resource.**

5. **The Waste Task Group should seek assurance that the Council reflects the recent trend for shorter contracts in waste management, to ensure that the Council benefits more than under the current long-term contracts and to retain flexibility.**
6. **The Waste Task Group should seek assurance that no opportunities for the encouragement of green technology are lost.**
7. **The Task Group should consider the lines of enquiry identified in Appendix 1, along with others it may indentify, to ensure that it is fully informed in respect of the future delivery of the waste and recycling collection services.**

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**Cllr Alan Hill – Chairman, Waste Task Group**

Report Author: Maggie McDonald, Senior Scrutiny Officer  
01225 713679 [maggie.mcdonald@wiltshire.gov.uk](mailto:maggie.mcdonald@wiltshire.gov.uk)

**Appendices**

Appendix 1 – Recommended key lines of enquiry

## Appendix 1

### Recommended Key Lines of Enquiry

It is suggested that the Waste Task Group:

1. Seeks to gain a better understanding of the financing of recycling activities and how the returns for the Council are managed.
2. Requests a report from officers on the management of clinical waste in Wiltshire. This topic seems to have been the subject of discussion between the GPs practices/hospital outpatients departments and waste management services for some time now and seems to be handled differently in various parts of the County, which is unsatisfactory when we are supposed to be providing a unified service.
3. Seeks to gain a better understanding of the financial implications and risks associated with the proposed options for the collection of waste service, ie in-house or outsourced.
4. Considers the paper to be presented to Cabinet on the redesign of waste collection rounds and future working patterns. The Task Group suggests that the times currently proposed in the new working pattern arrangements under the two-shift pattern be moved to more acceptable times ie 6am – 2pm and 2pm – 10pm.
5. Seeks to know what options the Council has investigated with regard to the collection of green waste; in particular, varying collections according to the season. Consideration should be given to charging for this service.
6. Investigates how the Council can make efforts to raise awareness and educate the public over which plastics can be successfully recycled in Wiltshire to increase recycling rates.
7. Investigates and compares the waste management strategies in other Authorities, similar to Wiltshire, eg Lincolnshire and Northumberland.
8. Monitors the performance of a current contractor so that, if they make efficiencies or improve effectiveness, Wiltshire Council derives some benefit from the savings.
9. Monitors the operation of the anaerobic digester sited at Warminster to assess its success or otherwise with a view to establishing similar sites elsewhere in Wiltshire if appropriate.
10. Seeks to know to what extent the energy generated from Wiltshire waste is reflected in the gate price paid by the Council.

**Wiltshire Council**

**Environment Select Committee**

**04 April 2013**

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## **Report of the Community Infrastructure Levy (CIL) Task Group**

### **Purpose of report**

1. To present the recommendations of the CIL Task Group and seek endorsement for them.

### **Background**

2. The CIL is a proposed new charge that local authorities can choose to impose on development in their area. It will contribute towards bridging the funding gap between the total cost of infrastructure necessary to deliver new development and the amount of funding available from other sources. From April 2014, Section 106 obligations will be restricted to site specific infrastructure and the Council will be restricted in its ability to pool infrastructure contributions from the new development through the existing mechanism of Section 106 agreements.
3. Cabinet and the Corporate Leadership Team identified the introduction of CIL as one of its corporate priorities and were supported by the O & S Management Committee, who included it in the overall O & S work programme under the Environment Select Committee (ESC). The CIL Task Group was established by the ESC, endorsed by the O & S Management Committee and held its inaugural meeting on 24 September 2012.

### **Terms of Reference**

4. The CIL Task Group was asked to test out the charging proposals for CIL and report on recommendations on the future implementation of CIL.

### **Membership**

5. The Task Group comprised the following members:  
Cllr Tony Trotman (chairman)  
Cllr Jon Hubbard  
Cllr Chris Humphries  
Cllr George Jeans  
Cllr Ian McLennan

### **Witnesses**

6. The Task Group sought the views of a number of building developers, working across a range of size of development sites, and a housing association.

Briefings were provided on matters of policy and statutory responsibilities by officers of Wiltshire Council.

## Documentation

7. The Task Group considered:
- Eight documents submitted as part of the Council's consultation exercise (Sept 2012),
  - CIL Preliminary Draft Charging Schedule Consultation Interim Highlight Report (Nov 2012),
  - Written report from a local developer,
  - CIL guidance, DCLG (Dec 2012),
  - Briefing paper on the new CIL guidance (Jan 2013),
  - Cabinet Paper: Wiltshire CIL – update submitted on 12 Feb 2013.

## Proposed CIL rate

8. The preliminary draft charging schedule was approved by Cabinet on 10 September 2012, see below.

<b>Development type</b>	<b>CIL charge £/m<sup>2</sup></b>
Residential	£70
Retail (except retail warehouse, supermarkets and similar development)	£0
Retail warehouse, supermarkets and similar development	£175
Student housing and hotels	£70
All other uses	£0

9. CIL is charged in £/m<sup>2</sup> on the net additional increase in floor space of any given development. Development, whether a new building or an extension must pay CIL if it has 100m<sup>2</sup>, or more, of gross internal floor space. CIL is also liable if the development involves the creation of an additional dwelling, or dwellings, even if the development is less than 100m<sup>2</sup>.
10. CIL can be charged on most buildings that people normally use, however there are some exceptions. These include social housing and development that will be used wholly, or mainly, for charitable purposes.
11. CIL is charged on new builds permitted through some form of planning permission and on the following types of planning consent:
- Permitted development rights
  - Local planning orders
  - Acts of Parliament.



## **Section 106 and CIL**

12. Once CIL is adopted, Section 106 will still be used to secure site-specific infrastructure and affordable housing. To ensure that there is no double charging through both CIL and Section 106 agreements, the Council must publish a list of items, or types, of infrastructure that it intends to fund through CIL on its website.

## **Administration of CIL**

13. The CIL regulations allow the Council to use a maximum of 5% of its total CIL receipts for administrative expenses in connection with CIL. These include set-up costs and ongoing functions such as establishing and running billing and payment systems, and enforcement. The Council has built the 5% allowance into its proposed CIL charge. The Council can decide how it wishes to administer CIL.
14. The regulations allow the implementation of an instalment policy for the collection of CIL monies. If an instalment policy is not adopted, the full CIL payment is due within 60 days of the development commencing.

## **Evidence base for CIL**

15. The required evidence base for the charging schedule for CIL comprises:
  - An up-to-date development plan (Wiltshire Core Strategy)
  - An economic viability assessment
  - An infrastructure delivery plan.
16. The Council employed consultants BNP Paribas to develop the economic viability evidence base. This tested the impact of a range of CIL rates against residential developments and schemes, including affordable housing, and commercial schemes.

## **Government guidance on CIL**

17. Government guidance on CIL (charge setting and charging schedule procedures) was published in March 2010. It advised charging authorities, ie Wiltshire Council, to use an area-based approach, which involved a broad test of viability across their area as the evidence base to underpin their charge. They were required to take a strategic view across their area and not focus on the potential implications of setting a CIL for individual development sites within their area. The Council prepared its draft CIL charging schedule according to this guidance.
18. The latest Government guidance, published in December 2012, requires additional evidence to inform the charging authority's draft charging schedule. The Council should show that the proposed CIL rate would not threaten delivery of its Core Strategy as a whole. It is also required to sample directly an appropriate range of types of site across its area to supplement existing data. The focus should be, in particular, on strategic sites on which the Core

Strategy relies and those sites (such as brownfield sites) where the impact of the levy on economic viability is likely to be most significant.

19. BNP Paribas have been commissioned to prepare the further detailed evidence as required by the new CIL guidance. It is anticipated that this will be completed by June 2013.
20. Allied to the latest guidance, a Ministerial Statement on 10 January 2013 described how CIL would benefit communities. Although this is only a statement of intent it is expected that further formal guidance will be issued. Communities with a neighbourhood development plan could receive 25% of the revenues from the development that they choose to accept. Communities without a plan, but where CIL is still charged, could receive a capped 15% share of the CIL arising from development in their area.

### **Developers' views**

21. It only became apparent in late 2012 that there were likely to be additional requirements in the December 2012 guidance, compared to the March 2010 guidance. It should be noted that the evidence from developers was taken before the December 2012 guidance was published.
22. Developers were critical of the Viability Study undertaken by BNP Paribas, the main criticism being that the report was based on generic sites which were not based on reality nor did it reflect the complexity of 'real life'. It was not as simple as 'one size fits all'.
23. The proposed zero rate for retail development was welcomed, if the Council wished to support the development of town centres. A key factor in the viability of town centre properties was occupation; if there was no occupier, the development was not viable.
24. It was generally agreed that the proposed rate for retail warehouses and supermarkets (£175/m<sup>2</sup>) was reasonable and would not deter large companies eg Tesco, coming to Wiltshire. It was suggested that some areas of Wiltshire could bear a higher rate.
25. Different sectors have different profitability. It was suggested that 'out of town' and the food sector generated similar values, whereas retail and counter trade were less profitable. Therefore it might be possible to look at different rates based on products.
26. It was noted that employment land, industrial and distribution centres (B1, B2 and B8) were included in 'all other uses' in the charging schedule, at a proposed zero rate. It was agreed that these should be zero rated but that they should be listed separately as a category in their own right.
27. Developers were clear that they could not charge more for houses as the market could not support it. In addition, the requirement for them to build to

higher codes of energy efficiency in the future would add to their costs and would impact negatively on development.

28. One witness explained that on a development of six houses he paid £11,750 as an R2 payment. He believes that under the CIL system the payment would have been £40,020. His view was that the land owner would not have accepted the lower land price required under the new system and the houses would not have been built, which in turn would have impacted on local construction workers and businesses.
29. There was a view that, following the implementation of CIL, developers would build in areas of both high and low profitability, on the basis that these would balance out. It was stated that this would not happen and developers would only build in areas of high profitability.
30. The option for phased payments of CIL was welcomed, particularly on large developments, where it could be 5 years into the scheme before the developer broke even. It was suggested that the final payment might be linked to occupation as this would reduce anxiety if properties were empty and a developer close to 'going under'. It was thought that the higher the CIL, the more instalments there should be.
31. Developers disagreed over the discretion available to the Council to exempt sites from payment under 'exceptional circumstances'. One view was that this would be a common occurrence and that, as the Royal Institute of Chartered Surveyors (RICS) had produced guidelines for surveyors to negotiate with local authorities, they must believe it was likely. An alternative view was that exemptions would be in the order of 1% of cases. It was acknowledged that it was possible to 'pay in kind' eg donate land, but not negotiate. This view was that once CIL had been set, it had to be paid. It was also noted that if the Council did exempt a site, it would need to be sure that the relief did not constitute notifiable state aid.
32. It was considered that the legislation was poor and there were a number of areas, such as the discretion to exempt, where it was open to interpretation.
33. It was noted that where a site was viable, a housing association could have an advantage when bidding for land. As it is proposed that affordable housing should be exempt from CIL, the housing association could turn over some of its planned private housing to affordable housing, thereby giving it a £70/m<sup>2</sup> advantage over a commercial developer.
34. It is believed that the Government's view is that, if CIL has an impact, it will be on land prices and will not affect development, if set correctly. The developers did not agree with this. The consensus was that owners would not sell unless the price was right. They believed that, with many costs set, the only area for negotiation would be the level of affordable housing on a development, and that this could seriously impact on the ability of the Council to meet its own target of 40% affordable housing. It was suggested that the actual level could be 0% – 20%.

35. One developer did not support the CIL but did favour a tariff system, where larger plots pay more, rather than Section 106. Others thought the proposed rate of CIL would be acceptable in some areas and not in others, so they favoured a two-tier system. One considered that the viability of the £70/m<sup>2</sup> rate was not proved and suggested £30/m<sup>2</sup>.

### **Additional information**

36. It was emphasised that CIL could not be used to deliver policy.
37. It was confirmed that neighbourhood plans could contain more development than laid out in the Core Strategy, but not less. Neighbourhood plans could be a mechanism for expanding settlements and allowing a small amount of considered development eg 10 – 20 dwellings.
38. As the Council is required to provide additional evidence to support its preliminary draft charging schedule, it has been necessary to amend its timetable in relation to CIL. The CIL proposals cannot be adopted until such time as the Core Strategy is in a position to be adopted. In this respect, the new proposed timeline for preparing CIL is broadly compatible with that estimated for the Wiltshire Core Strategy, and it is anticipated that CIL will be adopted and formally implemented by February 2014.
39. The Task Group raised a number of queries and was particularly keen to see the impact CIL might have on a 'real' development. The response from officers is included in Appendix A.

### **Task Group views**

40. It was agreed that the developers' response had been generally negative. They were not necessarily against CIL, per se, but did have concerns about the proposed charging schedule.
41. The Task Group was concerned that there were very different views on the subject of discretionary exemption and agreed that the guidance was not clear on this point.
42. Concerns were raised about the 'Assumption of Liability' referred to in relation to the administration of CIL on a planning application. The background document states,

The council will expect to receive an assumption of liability from the developer, landowner or another interested party. This may be submitted any time prior to the commencement of development. Liability defaults to the land owners if this notice is not received before the Demand Notice is issued.

When the Council produces its guidance, the Task Group would like the situation in relation to this liability made clear.

43. In relation to the allocation of CIL monies to communities (15% or 25%), there was some uncertainty about how this might be allocated, who would receive it where plans had been developed between more than one area and where/how it might be spent. It was suggested that smaller communities may be reluctant to join with larger areas to formulate plans if it reduced the money they might receive.
44. The Task Group had concerns about the impact of CIL on the rental market. It was suggested that if affordable, rental housing was built on private land, that it could be exempt from CIL, but if any properties were subsequently sold, then CIL would become due on those properties. It was acknowledged that a definitive legal view may not be possible on this scenario as the guidance was still evolving.
45. It was noted that the Council was required to maintain a comprehensive database in relation to CIL and had a statutory duty to report on this. The Task Group was keen to see a robust recording system, such as the Section 106 database already in place, which would allow the monitoring of CIL collection to ensure that none was lost. It should also allow reporting to communities to demonstrate how and where CIL monies had been spent.
46. Concerns were raised over the payment of CIL in respect of Permitted Development Rights. It raised issues such as what would the position be in respect of claiming CIL retrospectively, how would such development be identified and what would trigger collection? It was thought that this could be a very complex area, requiring a great deal of officer time and yet would yield a very small amount of CIL, bearing in mind that administration costs are limited to a maximum of 5% of CIL receipts.
47. The Task Group was concerned that whatever rates were decided upon, they should be fair. From what it had heard, the Task Group considered that differential rates for residential development may be appropriate. It was acknowledged that it would be a difficult exercise to define areas with different rates and that, if different rates were adopted, difficulties could arise in the subsequent 'border areas', but it did not believe those should preclude investigations into possible differential rates.

## **Recommendations**

### **Task Group recommends that:**

- 1. In the light of evolving guidance and the requirement for further statutory consultation, the Environment Select Committee, within the newly-elected Wiltshire Council, should establish a CIL Task Group to undertake further work considering possible new guidance coming forward, consultation results and other relevant evidence.**

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**Cllr Tony Trotman - Chairman, CIL Task Group**

Report Author: Maggie McDonald, Senior Scrutiny Officer  
01225 713679 [maggie.mcdonald@wiltshire.gov.uk](mailto:maggie.mcdonald@wiltshire.gov.uk)

## **Appendices**

### **Appendix A**

Additional information provided by officers at the request of the Task Group

## Appendix A

### Additional information provided by officers at the request of the Task Group

#### 1. Rough comparison of current and proposed CIL system on a notional but real development

- To the best of our knowledge, planning permission has now been granted for the development, subject to agreement over s106 terms.
- Based on the development bringing forward 1,250 houses, CIL would be chargeable on 750 (assuming 40% affordable housing delivery). Based upon the open market mix agreed between the developers and the Council (as set out in the Committee Report for Planning Application S/2012/0814); and the typical floor space per unit size indicated in the Initial CIL Viability Study (Page 16, Table 4.8.1), we could assume there might be an estimated 71,781sqm of CIL liable floor space. This would give a potential CIL receipt of £5,024,670 (based on a £70 per sqm). However, the application involves the demolition of some existing floor space (existing farm buildings, a residential bungalow from which commercial dog kennels operate, and a residential property) and, if these have been in 'lawful use' for at least six months in the last 12 months then the amount of floor space demolished may be discounted from the total CIL liable floor space. This element of the CIL calculation would require input from other departments – development management, enforcement, building control etc.
- S106 terms are still to be agreed with the developers. However, a contribution of £3,300 per dwelling is being sought for off-site highways improvements and public transport in accordance with the Salisbury Transport Plan (to be applied to all strategic sites until the commencement of the Wiltshire CIL, or April 2014 (whichever arises first)). This would amount to £4,125,000. As outlined in previous Task Group meetings, the government intends for these types of s106 contributions (i.e. wider than directly related, or commuted sums arrangements) to come through CIL in future. However, other s106 contributions directly relating to the development include education (involving a new primary school and site within the development) will still fall into the arrangements for and ambit of s106.
- For 1,250 dwellings, education requirements would be 278 secondary pupil places at a total cost of £5,647,848 (draft Infrastructure Delivery Plan 2 - 2013). Various other s106 off-site contributions are likely to include provisions towards a phosphate management plan and the local stone curlew project; plus potentially public open space and leisure facilities, public art, health care and a new fire station (the latter are either contentious or sufficient provision may have already be provided).
- So, in this scenario, the main message is that the council will secure more through the current s106 arrangements for the highways and education alone than **if CIL were in force today**. However, **after April 2014**, the Council's ability

to secure contributions through s106 will be greatly reduced whether CIL is in place or not. CIL will then recapture some of the 'lost s106 contributions'.

**Scenario Summary (as at March 2013):**

- Potential CIL income = c.£5m (minus deductible floor space); Potential s106 income (transport/ education only) = £9.8m (based on all housing); c.£5.9m (market dwellings only – i.e. after delivery of affordable housing).

**2. Additional evidence required by the new guidance**

- The council's consultants - BNP Paribas are currently preparing the further detailed evidence as required by the new CIL guidance (published December 2012). In any event all required information will be available to support the proposed Draft Charging Schedule and Cabinet Report (scheduled for June 2013).

**3. If outline planning permission is given but the land is not built on until 2014, can the Council get CIL on it or does the s106 apply?**

- Having revisited the regulations, it is clear that the council will not be able to collect CIL on 'reserved matters' planning permissions if you have granted outline planning permission prior to CIL coming into force locally.

**4. An indication of whether CIL will be available on any potential army developments, in the light of the Defence Secretary's announcement.**

- Military accommodation is included within Use Class C2A - Secure Residential Institution (for reference, C1 refers to hotels; C2 refers to residential institutions, including care homes; C3 refers to dwelling houses, and C4 refers to houses in multiple occupation). As it stands, the Preliminary Draft Charging Schedule is applying a flat £70 charge to all 'Residential Uses', including all of the above. Neither military accommodation or care homes have been specifically tested in the viability study, so we would have to have evidence to show that neither use is viable when the proposed CIL rate is applied. Some councils - e.g. Oxford City have charged a higher rate for dwelling houses (including sheltered housing, HMOs and student housing); and a lower rate for C2 uses (including care homes) and C2A (military accommodation). Bearing in mind the projected uplift in military housing requirements associated with the latest government announcements, the officer team will request that the council's consultants consider this in the further viability work that is being undertaken now. The Cabinet will then have the best available information upon which to base its decision on the forthcoming proposed Draft Charging Schedule.



**Wiltshire Council**

**Environment Select Committee**

**04 April 2013**

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## **Report of the Air Quality Scrutiny Task Group**

### **Purpose**

1. To present the conclusions and recommendations of the Air Quality Joint Scrutiny Task Group for endorsement.

### **Background**

2. The Environment Select Committee has held a longstanding interest in the development of the Council's Air Quality Strategy and considered drafts in the run up to its adoption in July 2010 and 2011 and November 2011. Wiltshire Council adopted its Air Quality Strategy in December 2011.
3. At its meeting on the 17 July 2012, it was agreed by the O&S Management Committee that air quality should be a part of its forward work programme as a legacy issue.
4. A report containing proposals as to how this could be achieved was presented at the meeting on 30 August 2012. This Task Group was established to undertake this work with the following terms of reference:
  - a) To review and scrutinise the implementation of the Air Quality strategic objectives and actions plan;
  - b) To scrutinise the effectiveness of Council Services working together holistically to ensure that respective service contributions are embedded within service delivery plans;
  - c) To jointly report to the Health and Environment Select Committees, from which membership of the Task Group has been sourced.

### **Methodology**

5. Due to some difficulty establishing membership and resourcing issues the Task Group began its work in February 2013. It met formally on two occasions and comprised the following membership:

Cllr Alan Hill (Chairman)  
Cllr Chris Cochrane  
Cllr Rosemary Brown  
Cllr David Jenkins  
Cllr Bill Roberts  
Cllr Nigel Carter

6. The intent of the Task Group was to scope the potential work to be done in order to provide background to any future task group established on the subject if accepted as a recommended legacy item by the new Council after May elections.
7. The Task Group met with Cllr Keith Humphries and Mandy Bradley, Head of Public Protection from Wiltshire Council as part of this scoping exercise.
8. The Task Group wish to express their gratitude to the witnesses who contributed their time to this initial work on the scrutiny review.

### **Air Quality in Wiltshire**

9. Air Quality is covered in the Wiltshire Core Strategy by Core Policy 55, with the aim of:

“Wiltshire Council working collaboratively will seek to maintain the good air quality in the county and strive to deliver improvements in areas where air quality fails national objectives in order to protect public health and the environment.”

This Policy is supported by documentation such as the Air Quality Supplementary Planning Guidance which is currently subject to public consultation.

10. Work has commenced on reviewing existing Air Quality Action Plans, and developing a new format for the Wiltshire-wide Air Quality Action Plan with a stronger community focus. Various areas have formed their own community working groups with a focus on Air Quality, called Air Quality Alliances.
11. Air Quality Action Plans must be produced where AQMAs have been declared. The Plan must demonstrate that the Council is working towards meeting the air quality objectives. The Action Plan is submitted to DEFRA for approval. Once accepted the Council must provide annual progress reports on work undertaken to achieve the actions contained within the plan. We are currently reviewing action plans produced by the District Councils with the aim of producing one overall action plan for Wiltshire. The new AQMAs will be incorporated into this plan.

Under the Local Air Quality Management Regime, Wiltshire Council must carry out regular reviews and assessments of air quality in their area against standards and objectives prescribed in regulations and report them to DEFRA.

12. There is a Health and Environment Group established by Frances Chinemana of the Public Health Team. The group is composed of the Health Protection Agency, Public Health, Public Protection Services, Environment Agency and the Local Commissioning Board. This forum has been consulted on the Supplementary Planning Document for Air Quality.
13. Representatives from Public Protection and Public Health are meeting shortly with the Head of Spatial Planning with regard to Health Impact Assessments which may become a planning requirement, with implications for air quality and noise.
14. The monitoring equipment in Wiltshire is now over 10 years old and there is a need to consider its replacement as it comes towards the end of its operating life. The Task Group felt that an equipment management policy should be drawn up, assessing, inter alia: equipment performance trends, measurement sensitivity requirements and recent technology improvements.
15. The Task Group also received a report on school transport from Ruth Durrant.

### **Recommendations**

16. That the Task Group was impressed by the progress made on implementing the new Air Quality Strategy, and recommends:
  - a. Scrutiny of it remains in the Forward Work Plan for the new Council's Overview and Scrutiny function, subject to any comment from the inspector.
  - b. Oversight of the monitoring regime and the equipment be undertaken to ensure it is fit for purpose
  - c. The Task Group believes that, whilst Wiltshire Council is not legally obliged to achieve national air quality objectives, we are required to work towards the objectives by drawing up action plans setting out the measures we intend to take in pursuit of them. It is incumbent upon us as a responsible Authority to attempt to reduce the exceedances to below recommended levels.
  - d. That Air Quality Alliances review all the Council, school and business travel plans in their area.

## **Proposal**

17. The Committee is invited to endorse the recommendations of the Air Quality Task Group.
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### **Cllr Alan Hill – Chairman of the Air Quality Task Group**

Report author: Teresa Goddard – Scrutiny Officer

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## Overview Scrutiny Work Plan

(last updated 25/10/12)

Committee	Review / Task Group	Oct-12	Nov-12	Dec-12	Jan-13	Feb-13	Mar-13	Apr-13	May-13	Jun-13	Jul-13	Scrutiny Officer	STATUS (incl. date)	
		Cabinet 23rd Oct	Cabinet 6th Nov	Cabinet 18th Dec	Cabinet 22nd Jan	Cabinet 12th Feb	Cabinet 19th Mar	Cabinet 16th Apr	Cabinet 21st May	Cabinet 18th June	Cabinet 23rd Jul			
O & S MANAGEMENT	Budget Task Group	Ongoing										TLG	Regular reports provided to Committee	
	Campus & Operational Delivery Programme Task Group	Ongoing - currently dormant										HP	Task Group will meet at key milestones in the relevant projects	
	Member Support in the Locality Task Group	Ongoing - currently dormant										TLG	Task Group will meet when appropriate to consider councillor support and Standards arrangements	
	Procurement & Commissioning Task Group	Review in Progress		O & S Mang Dec 2012									PK/SS	Task Group stood down. Committee monitoring procurement and commissioning. The Committee to review Category Management at a future date to be advised by the relevant officer.
	Traded Services Task Group	Review in Progress				O & S Mang Feb 2012							TLG	
	Information Services Technology Plan 2011-15	O & S Mang Oct 2012	O & S Mang Dec 2012									PK/SS	Possible annual update	
	Job Creation and Economic Development	O & S Mang Oct 2012							O & S Mang Apr 2012				PK/SS	
	Housing Allocations Policy					O & S Mang Feb 2012					O & S Mang Jun 2012	PK/SS	Outcomes of the consultation to be reported in June	
	Scrutiny Representation on Project Boards and Focus Groups	Ongoing										PK/SS	Regular updates provided to Committee	
CHILDREN'S	Further Education in the Salisbury Area Task Group	Review to reconvene in Spring 2013								Children's June 2013	HP	Task Group report endorsed May 2012. Exec response received July 2012		
	Major Contracts Task Group	Review in Progress								Children's June 2013	HP			
	Safeguarding Children & Young People Task Group	Review in Progress						Children's Mar 2013				HP	Established May 2012. Interim report rcv'd July 2012.	
	Special Schools and Post-16 SEN Task Group	Review in Progress								Children's June 2013	HP	Task Group report endorsed July 2012. Exec response received Sept 2012		
	Children's Attainment							Children's Mar 2013					HP/RB	Deferred from the cancelled January meeting.
	Family Information Service Update									Children's June 2013	HP/RB	Rapid Scrutiny undertaken May 2012. Exec response received July 2012 (update requested).		
	Services for Disabled Children							Children's Mar 2013				HP/RB	Report received Sept 2012 (update requested).	
	Educational provision for excluded children	Children's Nov 2012											HP/RB	Update requested for November 2013

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ENVIRONMENT	Air Quality Joint Task Group (Env / Hlth)	Review in Progress				Environment Feb 2013							TLG/MM	Report to be submitted to Environment Select Cttee on 4 April
	Community Infrastructure Levy (CIL) Task Group	Review in Progress				Environment Feb 2013							MM/KE	Task Group has considered latest Government guidance on CIL and is due to review officers response to it.
	Waste - Future Service Delivery Project Task Group	Review in Progress				Environment Feb 2013							MM/KE	Report prepared for submission to Environment Select Cttee on 4 April
	Energy Efficient Homes Rapid Scrutiny			Environment Dec 2012									MM/KE	Rapid scrutiny will no longer take place as guidance expected from service area is now not being produced.
	Street Lighting Savings Rapid Scrutiny			Environment Dec 2012									MM/KE	Report to Cabinet Dec 2012. Exec response Dec 2012.
	Community Teams (highways) Rapid Scrutiny		Environment Nov 2012										MM/KE	No committee members volunteered to do rapid scrutiny. Environment Select Cttee received report from service on community teams.
	Low Carbon and Renewable Energy Plans Rapid Scrutiny		Environment Nov 2012										MM/KE	Low response for rapid scrutiny, agreed to roll over into new Council.
HEALTH	Air Quality Joint Task Group (Env / Hlth)	Review in Progress					Health March 2013						TLG/MM	Report to be submitted to Health Select Cttee on 14 March
	Public Health Task Group	Review in Progress					Health March 2013						MM/TLG	Report to be submitted to Health Select Cttee on 14 March
	Transfer to Care Task Group	Review in Progress					Health March 2013						MM/TLG	Report to be submitted to Health Select Cttee on 14 March
	Clinical Commissioning Group (CCG) Task Group	Review in Progress					Health March 2013						MM/TLG	Report to be submitted to Health Select Cttee on 14 March
	Continuing Healthcare (CHC) Update				Health January 2013									Update on action plan to be submitted to Health Select Cttee on 14 March.
	Continence Services Rapid Scrutiny Exercise				Health January 2013	Review in Progress	Health March 2013						MM/TLG	Report to be submitted to Health Select Cttee on 14 March
	Local Safeguarding Adults Board Annual Report										Health July 2013		MM/SS	Annual Report

KEY/CONTACTS			
PK	Paul Kelly	Scrutiny Manager	01225 713049
TLG	Teresa Goddard	Scrutiny Officer	01225 713548
MM	Maggie McDonald	Senior Scrutiny Officer	01225 713679
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		KE	Kieran Elliott	Democratic Services Officer	01225 718504								
		SS	Sharon Smith	Democratic Services Officer	01225 718378								

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