

AGENDA

Meeting: **Cabinet**
Place: **Kennet Room - County Hall, Trowbridge BA14 8JN**
Date: **Tuesday 17 June 2014**
Time: **10.30 am**

Membership:

Cllr Keith Humphries	Cabinet Member for Public Health, Protection Services, Adult Care and Housing (exc strategic housing)
Cllr Laura Mayes	Cabinet Member for Children's Services
Cllr Fleur de Rhé-Philippe	Cabinet Member for Economic Development, Skills and Strategic Transport
Cllr Jane Scott OBE	Leader of the Council
Cllr Jonathon Seed	Cabinet Member for Communities, Campuses, Area Boards, Leisure, Libraries and Flooding
Cllr Toby Sturgis	Cabinet Member for Strategic Planning, Development Management, Strategic Housing, Property, Waste
Cllr John Thomson	Deputy Leader and Cabinet Member for Highways and Streetscene and Broadband
Cllr Dick Tonge	Cabinet Member for Finance, Performance, Risk, Procurement and Welfare Reform
Cllr Stuart Wheeler	Cabinet Member for Hubs, Heritage & Arts, Governance (including information management), Support Services (HR, Legal, ICT, Business Services, Democratic Services)

Please direct any enquiries on this Agenda to Yamina Rhouati, of Democratic Services, County Hall, Trowbridge, direct line 01225 718024 or email Yamina.Rhouati@wiltshire.gov.uk

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

All public reports referred to on this agenda are available on the Council's website at www.wiltshire.gov.uk

Part I

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

Key Decisions Matters defined as 'Key' Decisions and included in the Council's Forward Work Plan are shown as 

Part I

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

1 **Apologies**

2 **Minutes of the Previous Meeting** (*Pages 1 - 16*)

To confirm and sign the minutes of the Cabinet meetings held on 15 May 2014 and 20 May 2014.

3 **Leader's Announcements**

4 **Declarations of interest**

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

5 **Public participation**

The Council welcomes contributions from members of the public. This meeting is open to the public, who may ask a question or make a statement. Written notice of questions or statements should be given to Yamina Rhouati of Democratic Services by 12.00 noon on Wednesday 11 June 2014. Anyone wishing to ask a question or make a statement should contact the officer named above.

Health and Wellbeing

6 **Wiltshire Dementia Strategy - Update on Public Consultation Process**
(*Pages 17 - 54*)

Report by Maggie Rae, Corporate Director

Financial Services

Reports by Michael Hudson, Associate Director – Finance, Revenues & Benefits and Pensions (Section 151 Officer)

7 **Annual report on Treasury Management 2013-14** (*Pages 55 - 70*)

- 8 **Revenue and Capital Outturn Reports 2013-2014**
8(a) **Revenue Outturn report 2013/14** (*Pages 71 - 86*)
8(b) **Capital Outturn report 2013/14** (*Pages 87 - 100*)

Highways Services

- 9 **Improvements at M4 Junction 16** (*Pages 101 - 162*)
Report by Parvis Khansari, Associate Director – Highways and Transport

Planning Services

- 10 **City of Salisbury, Milford Hill, Britford and Old Manor Hospital Conservation Area Appraisals** (*Pages 163 - 170*)
 Report by Alistair Cunningham, Associate Director - Economic Development and Planning

- 11 **Urgent Items**
Any other items of business, which the Leader agrees to consider as a matter of urgency.

Part II

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

None

The items on this agenda reflect the key goals of Wiltshire Council, namely 'Work together to support Wiltshire's Communities', 'Deliver high quality, low cost, customer focused services and 'Ensure local, open, honest decision making

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CABINET

MINUTES of a MEETING held in COUNCIL CHAMBER - COUNTY HALL,
TROWBRIDGE BA14 8JN on Thursday, 15 May 2014.

Cllr Keith Humphries	Cabinet Member for Public Health, Protection Services, Adult Care and Housing (exc strategic housing)
Cllr Laura Mayes	Cabinet Member for Children's Services
Cllr Fleur de Rhé-Philipe	Cabinet Member for Economic Development, Skills and Strategic Transport
Cllr Jane Scott OBE	Leader of the Council
Cllr Jonathon Seed	Cabinet Member for Communities, Campuses, Area Boards, Leisure, Libraries and Flooding
Cllr Toby Sturgis	Cabinet Member for Strategic Planning, Development Management, Strategic Housing, Property, Waste
Cllr John Thomson	Deputy Leader and Cabinet Member for Highways and Streetscene and Broadband
Cllr Dick Tonge	Cabinet Member for Finance, Performance, Risk, Procurement and Welfare Reform
Cllr Stuart Wheeler	Cabinet Member for Hubs, Heritage & Arts, Governance (including information management), Support Services (HR, Legal, ICT, Business Services, Democratic Services)

Also in Attendance: Cllr Trevor Carbin, Cllr Richard Clewer, Cllr Stewart Dobson, Cllr Richard Gamble, Cllr Jon Hubbard, Cllr George Jeans, Cllr David Jenkins, Cllr Gordon King, Cllr Jerry Kunkler, Cllr Jacqui Lay, Cllr Alan MacRae, Cllr Pip Ridout, Cllr Bridget Wayman, Cllr Philip Whitehead and Cllr Jerry Wickham

Key Decisions Matters defined as 'Key' Decisions and included in the Council's Forward Work Plan are shown as 

51 Apologies

All members were present.

52 Declarations of Interest

There were no declarations of interest.

53 Leader's announcements

There were no announcements.

54 Public participation

The Leader reported receipt of questions from Peter Williams and Rosie Spencer Russell, details of which were circulated in a supplement to the agenda along with responses from Cllr Laura Mayes, Cabinet member for Children's Services, copy attached to the signed copy of these minutes and available on the Council's website along with the agenda for this meeting.

The Leader explained that as usual, contributions would be welcome from those present.

55 New operating model for open access youth service (review of positive leisure-time activities for young people)

 This meeting was well attended by over 70 young people, youth workers and back bench Councillors. For the benefit of the public in attendance, the Leader introduced the Cabinet members and officers. The Leader explained that this was a specially arranged meeting to ensure there was sufficient time to consider the submitted report in detail and to consider all views expressed at the meeting.

Cllr Laura Mayes, Cabinet member for Children's Services presented a report which sought Cabinet approval for the implementation of a new community-led operating model for meeting the council's statutory duty to secure for young people aged 13-19 (so far as reasonably practicable) access to sufficient positive leisure-time activities which are for the improvement of their wellbeing, and sufficient facilities for such activities. Cllr Mayes gave a presentation to explain the main features of what was being proposed and moved the proposals and this was duly seconded.

A report had been previously considered by Cabinet in January 2014 when it was agreed to consult on four options. The consultation measures had included a Sparksite survey, direct texts to 20,000 young people, website coverage, various focus groups and participatory budget events, presentations at Area Boards and generally through the media. There had been an extremely good response to the consultation with 1,770 young people having completed a survey; 500 young people took part in focus groups, 6 groups presented ideas at Area Boards, 5 petitions were received (total c3,500 signatures); 38 letters and 26 responses from voluntary groups; 12 responses from Town and Parish Councils and a response from the Wiltshire Police and Crime Commissioner. The outcomes of the consultation were detailed in the report presented to Cabinet.

The report proposed the development of a community-led approach which would empower communities via area boards, with funding from the Council, to develop and make available positive leisure-time activities within their local area. If agreed by Cabinet, this new model would be in place in October 2014 and fully embedded by April 2015.

Under this proposal, young people and the members of the community would design a tailored and varied menu of youth activities in each area. Trained Community Youth Officers (CYO) would help co-ordinate, design, develop and quality assure a unique youth offer tailored to their needs. The aim would be to have a named CYO for each Area Board area and Area Boards would receive funding to support this. The report also detailed three other options which had been considered.

Cllr Mayes explained that young people had during their consultation feedback, made clear what they wanted. She explained that the community led model would ensure that young people would continue to have a trained and trusted adult; more young people would have access to a wider variety of activities; the youth offer would reflect community needs, the voluntary and community sector would have better opportunities to develop provision for young people, young people and community partners would have greater influence over design of local youth provision and safeguarding would be enhanced through the Targeted Youth Workers. The aim was to have more young people, having more influence and joining in with more activities in their communities.

The Leader introduced Cllr Jon Hubbard, Chairman of the Children's Select Committee who presented the report of the Positive Leisure Time Activities for Young People Task Group as agreed by the Children's Select Committee. Cllr Hubbard raised a number of questions and concerns which he considered had not been addressed in the report presented. He asked how many staff would be employed under the new scheme; would they be dedicated to a particular area or shared; how would the service be managed; who would line manage the CYOs and who would set their objectives and how many open access centres were proposed.

Cllr Mayes responded to the points raised.

The Leader invited those present to express their views. Several of the young people present addressed Cabinet on the proposals, highlighting their areas of particular concern. The Leader, Cllr Mayes and officers responded to the questions raised.

Cllr Mayes emphasised that given the financial constraints mainly due to continued reductions from central Government, the Council had no option but to review how the youth service was delivered. She compared Wiltshire to other authorities where they had simply cut their youth service. This Council was endeavouring to shape the way the service was provided to ensure it was tailored to meet the needs of each community. Area Boards would play a huge

part in determining the level of service required for its area and fund it accordingly.

Cllr Seed commented that the current service was not reaching the majority of young people and the proposals presented would provide the opportunity to put youth services on a much firmer footing.

The report advised that all Councillors should consider the equality issues and impacts of the proposal in the decision making process and satisfy themselves that the Council's Public Sector Equality Duties were being met as shown in Appendix 2 of the report presented. These issues were also raised and discussed within the public discussion. In addition, the risks associated with the proposals as detailed in the risk register as shown at Appendix 4 of the report should also be considered.

The Leader thanked all those present for their attendance, the excellent contributions made at the meeting and for their feedback during the consultation exercise.

The Leader explained the proposals as moved by Cllr Mayes and seconded by a member of Cabinet to ensure all those present were clear on what was being proposed. Following a lengthy debate, it was

Resolved:

- (a) That Cabinet agrees to implement a new community-led operating model for meeting the council's statutory duty to secure positive activities for young people aged 13-19¹.**
- (b) That in so doing, Cabinet approves the following:**
 - i) Adopt the key principles for a new operating model as set out in this report;**
 - ii) Authorise implementation of the community-led model for youth activities to increase the opportunities for young people's involvement and engagement;**
 - iii) Approve that the community-led operating model for youth activities maximises the amount of funding available to community area boards and local coordination;**
 - iv) Delegate authority to Councillor Laura Mayes, Cabinet Member for Children's Services and senior officers to develop and implement**

¹ Up to age 24 for young people with a learning difficulty.

the new operating model, taking account of i)-iii) above and the recommendations of the scrutiny task group.

Reason for Decision

The council has been considering how positive leisure-time activities for young people can be maintained while improving value for money – with the aim to safeguard a youth offer for the future that is sustainable, protects the most vulnerable, enables the council to meet its statutory duties, and responds to the modern lives of young people, increasing their participation and involvement in youth activities.

The proposed new community-led operating model represents the most appropriate way to supporting the council's overall vision, taking into account the outcomes of an extensive public consultation, and ensures that young people will continue to be able to access a range of opportunities, enabled by trained Community Youth Officers. The actions identified and contained within the Equalities Impact assessment will ensure that the Council both in the decision and in the implementation phase meets its public sector equality duties to eliminate discrimination, promote equality of opportunity and foster good relations for protected characteristics (age, sex, disability and religion).

56 Urgent Items

There were no urgent items.

Appendix

Questions and responses

(Duration of meeting: 4.00 - 6.00 pm)

These decisions were published on the 2 June 2014 and will come into force on 10 June 2014.

The Officer who has produced these minutes is Yamina Rhouati, of Democratic Services, direct line 01225 718024 or e-mail yamina.rhouati@wiltshire.gov.uk
Press enquiries to Communications, direct line (01225) 713114/713115

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Wiltshire Council

Cabinet

15 May 2014

Public Participation

New operating model for open access youth service (review of positive leisure-time activities for young people)

**Questions from Peter Williams & Responses from
Councillor Laura Mayes, Cabinet member for Children's Services**

Question 1

The model refers to "community-led"; what is being proposed is not a delegation to the community but delegation to the Local Area Boards. Would it not be more meaningful to refer to it a "locally-led"?

Response

Section 5.13 of the cabinet report outlines key features of the proposed community-led operating model. As stated, community area boards will be the focus for delivery and support for positive activities for young people in their community. Funding will be devolved to community area boards to develop and support activities. This is the rationale for describing the proposed operating model as "community-led".

Question 2

The proposed operating model includes the implementation of a quality mark scheme. What example has the Council in mind when putting this forward, how will it be introduced, how will it contribute to the arrangements for evaluating the efficiency and effectiveness of the service, and how will the Council ensure that it delivers improved outcomes and contributes to the desire for continuous improvement?

Response

Section 6 of the cabinet report states that '*Local Youth Networks, a quality mark scheme and improved internal commissioning arrangements will help facilitate high quality youth work and activities across all providers, leading to improved outcomes for young people*'.

It is our aspiration that the proposed quality mark scheme will be developed as part of the implementation process by the community-led governance and impact working group outlined in section 5.23 of the cabinet report. This will be comprised of key officers from across the council. The contribution of the voluntary and community sector and other key partners will be encouraged.

As part of the quality mark scheme the council will not recommend specific providers of positive activities but will develop a directory which providers can register to be part of. As well as contact details and an outline of the activities they offer, providers will be asked to confirm they meet certain criteria covering health & safety, equalities, safeguarding, policies and governance etc.

The council has already developed a similar scheme for personalised learning providers, which schools use to select providers which meet certain criteria.

Question 3

The report suggests that the model is likely to attract additional funding (ref 11.7), implying that applications could be submitted to external bodies. How does the Council plan to assure all voluntary groups and stakeholders that it will not seek to gain funding in competition with their fundraising efforts?

Response

Section 5.7 of the cabinet report provides information on key findings from the consultation. One key finding is that the voluntary and community sector should play a greater role in the provision of positive activities, with support from the council and better coordination of local provision.

As stated in section 5.13 of the cabinet report the proposed new operating model will include Local Youth Network's seeking out opportunities for closer partnership working to avoid overlap and duplication, as well as exploit possibilities for income generation.

It is our aspiration that through the enabling function of community youth officers voluntary and community groups will be supported to maximise their fundraising efforts as well as seek out other sources of funding. We believe that the Local Youth Networks will facilitate collaboration and not competition, encouraging providers to work together for the benefit of young people.

Public Participation

New operating model for open access youth service (review of positive leisure-time activities for young people)

**Question from Rosie Spencer Russell & Responses from
Councillor Laura Mayes, Cabinet member for Children's Services**

Question

*At the first consultation, in Trowbridge on the 10th of February, I specifically made a point of asking whether there would be youth services available locally until the new campus is accessible. Jane Scott herself responded to this by stating that the current youth service will definitely be available until alternatives are ready. We have video evidence to confirm this point. It has now been made clear to us that you intend to close the current youth services by the end of September. This statement is clearly contradicting the earlier assurance. The campus is not scheduled to be complete until at least the end of 2015. How do you propose to uphold the promise you have made to young people, to keep youth services open, when the campus will not be completed until many months after youth services close?

*At both the consultation in Trowbridge and the area board meeting on the 13th of March, we as young people made it clear that the one aspect of the youth service we did not want to be changed was the presence of professional, paid youth workers. The option you have chosen states there will only be one worker per area and these roles will not be youth workers. You have said that you wanted young people involved in these decisions; however you have ignored the feedback from both us and the area board. Why have you decided to implement this option when we, the young people were meant to be involved; but everything we have requested has not been taken into account?

In the surveys you made available to the young people and other members of the public there was no 'other' option, how do you suppose that anyone would be happy with decisions you have implemented when you tried your very hardest to not give us the opportunity to offer our own suggestions?

Have you considered the emotional damage that may occur to the young people; not as a whole but on an individual level to those who use these youth services currently when they are removed? If so how do propose compensate this damage without the presence youth workers and the current model of youth service that exists today?

The areas currently used for youth centres allow young musicians the space to rehearse, with equipment for a very cheap price as little as one pound a session. With the campus not due to be open until late 2015 at the earliest, and the current youth centres being closed/moved where do you propose that these young people can further their musical talents in an environment as cheap and as encouraging as the places such as Grosvenor House?

Response

Ms Russell has raised a number of issues regarding the proposals to Cabinet including the provision of services to young people, the need for professionally trained staff, the use of buildings as youth centres, and the special need for young musicians to rehearse.

Although the proposal presented to Cabinet does not propose that the current service should remain unchanged, the recommendations are designed to ensure that all young people will have access to a varied and innovative range of activities, shaped by them and their communities. Each area will have and well trained and named community youth officer to co-ordinate and facilitate these services. Each area board will have a budget to spend on youth services that will be guided by a new body to be called a Local Youth Network in which young people will have a leading voice.

In addition to the community youth officers, a number of specialist youth workers will ensure that those who are vulnerable will also get the right help when they need it to enable them to tackle problems before they reach crisis point, meaning they are more likely to achieve positive outcomes.

These proposals reflect the results of the recent consultation in which a community-led model was the most popular option with young people. It also responds to the fact that young people said they valued contact with a named professional person and wanted access to a wider range of activities. Unfortunately, it has not been possible to meet all the wishes of those who responded to the consultation but I believe the proposals are a fair compromise.

With regard to youth centres, the Full Council Amendment agreed on 25 February requires an audit of all properties which have been used to deliver youth work in order to yield some savings in advance of any campuses being established which can be put into the wider youth work budget. This and other measures have reduced the savings required from the overall youth budget by £250,000. The amendment modified the position that the council had previously taken, to which Jane Scott had referred in her comments earlier in February.

The audit is likely to result in some buildings closing in some areas where the cost of running them is disproportionate. Where this occurs, the council is committed to

ensuring that viable and local alternative premises can be used. This alternative might be in other council buildings or could involve community or voluntary sector facilities. In any event, the council is committed to open communication in each area to ensure that key stakeholders, including young people, are fully engaged with the issues.

It is too soon to know if Grosvenor House might be recommended for closure before Base Connection moves into the new Salisbury Campus. If such a recommendation is made, the area board may chose to retain the building using the funds available to it. Alternatively, other premises may become available in the area so that important youth activities can continue.

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CABINET

MINUTES of a MEETING held in KENNET ROOM - COUNTY HALL, TROWBRIDGE BA14 8JN on Tuesday, 20 May 2014.

Cllr Keith Humphries	Cabinet Member for Public Health, Protection Services, Adult Care and Housing (exc strategic housing)
Cllr Laura Mayes	Cabinet Member for Children's Services
Cllr Fleur de Rhé-Philippe	Cabinet Member for Economic Development, Skills and Strategic Transport
Cllr Jane Scott OBE	Leader of the Council
Cllr Jonathon Seed	Cabinet Member for Communities, Campuses, Area Boards, Leisure, Libraries and Flooding
Cllr Toby Sturgis	Cabinet Member for Strategic Planning, Development Management, Strategic Housing, Property, Waste
Cllr John Thomson	Deputy Leader and Cabinet Member for Highways and Streetscene and Broadband

Also in Attendance: Cllr Jon Hubbard, Cllr Simon Killane, Cllr Gordon King and Cllr Philip Whitehead

Key Decisions Matters defined as 'Key' Decisions and included in the Council's Forward Work Plan are shown as 

51 **Apologies**

Apologies were received from Cllrs Tonge and Wheeler.

52 **Minutes of the previous meeting**

The minutes of the meeting held on 22 April 2014 were presented.

Resolved:

To approve as a correct record and sign the minutes of the meeting held on 22 April 2014.

53 **Declarations of Interest**

There were no declarations of interest.

54 **Leader's announcements**

There were no announcements made by the Leader.

55 **Public participation**

The Leader explained that as usual at meetings of Cabinet, she would be more than happy to hear from any member of the public present on any of the items on this agenda.

There were no questions asked or statements made.

56 **Urgent Items**

There were no urgent items.

57 **Exclusion of the Press and Public**

Resolved:

That Cabinet agrees in accordance with Section 100A(4) of the Local Government Act 1972 to exclude the public from the meeting for the business specified in minute nos. 58 and 59 below because it is likely that if members of the public were present there would be disclosure to them of exempt information as defined in paragraph 3 of Part I of Schedule 12A to the Act and the public interest in withholding the information outweighs the public interest in disclosing the information to the public.

Reason for taking the items in private:

Paragraph 3 – Information relating to the financial or business affairs of any particular person (including the authority holding that information).

No representations were received on why the items should be taken in private.

58 **Update on the Waste Management Procurement Process**

 Councillor Sturgis presented a confidential report which updated Cabinet on the waste management procurement process and sought to delegate authority to the Associate Director to carry out a number of relevant actions.

Resolved:

That Cabinet:

- 1. Note the update on the Waste Management procurement process;**

2. Delegate authority to the Associate Director Waste and Environment in consultation with the Cabinet Member and the Associate Director Legal and Governance

- (a) to enter into detailed negotiations with Hills Waste Solutions to extend the Contract for the Provision of Waste Recycling and Disposal Services until 31 July 2017;**
- (b) subject to the conclusion of an extension to the contract referred to in (a) above, to extend the contract with FCC Environment for waste and recycling collection in west Wiltshire until 31 July 2017;**

3. Subject to (2) above to revise the current procurement timetable in accordance with the following programme:

Activity	Dates
Cabinet decision to extend	Apr 2014 – May 2014
Deeds to extend Hills and FCC contracts	May 2014 – Sep 2014
Complete tender documentation	May 2014 – Sep 2014
Tender period	Oct 2014 – Dec 2014
Evaluate tenders	Jan 2015 – Mar 2015
Cabinet decision to award	Apr 2015 – May 2015
Post decision to contract signature	Jun 2015 – Jul 2015
Mobilisation	Aug 2015 – Jul 2017
Contract commencement	1 August 2017
Contract expiry	31 July 2025

4. Agree to consult on options for the garden waste collection service and to bring a report to Cabinet on the outcome in due course.

Reason for decision:

To enable an extension to the procurement programme to ensure the Council provides value for money to residents in delivering waste management services. To obtain residents' views on options for changes to the garden waste service to inform future decisions by Cabinet on proposals for the 2015-16 budget.

59 Land at Bowerhill, Melksham

Councillor Scott, Leader of the Council left the meeting to attend an urgent meeting. Cllr Thomson took the chair.

 Councillor de Rhé-Philippe presented a report which detailed a proposal regarding Land at Bowerhill, Melksham. It was noted that both the local member and the Chairman of the Area Board had given their support to the proposal.

Resolved:

That Cabinet agrees the proposal as set out in the report presented.

Reason for decision:

To support businesses and improve the quality of life in the area.

(Duration of meeting: 10.30 - 10.41 am)

These decisions were published on the 30 May 2014 and will come into force on 9 June 2014

The Officer who has produced these minutes is Yamina Rhouati, of Democratic Services, direct line 01225 718024 or e-mail yamina.rhouati@wiltshire.gov.uk
Press enquiries to Communications, direct line (01225) 713114/713115

Wiltshire Council

Cabinet

17 June 2014

Subject: Wiltshire Dementia Strategy - Update on Public Consultation Process

Cabinet member: Councillor Keith Humphries – Public Health, Protection Services, Adult Care and Housing

Key Decision: No

Executive Summary

The purpose of this item is to present an update on the progress of the Wiltshire dementia strategy consultation process.

The draft Wiltshire Dementia Strategy (see Appendix 2) provides the strategic direction for Wiltshire Council and NHS Wiltshire Clinical Commissioning Group (CCG) in supporting people with dementia and their carers over the next 7 years.

The aim of the strategy is that all people with dementia in Wiltshire are treated as individuals and are able to access the right care and support, at the right time so that they can live well with dementia and can remain independent and living at home for as long as possible within supportive communities.

Following the development of the draft strategy, a consultation ran from 20 February to 19 May 2014. Wiltshire Council and Wiltshire Clinical Commissioning Group who led the development of the strategy invited the general public and interested stakeholders to participate and provide feedback on the draft document. Initial feedback and analysis of the responses (as at 15 May) from stakeholders and members of the public is presented within this paper.

Proposal

That Cabinet note the consultation process and initial draft responses on the basis that following formal analysis these will be used to review and amend the Wiltshire Dementia Strategy. The updated strategy and action plan will be presented in the near future to Cabinet for formal approval, as well as to the NHS Wiltshire Clinical Commissioning Group Governing Body.

Maggie Rae
Corporate Director

Wiltshire Council

Cabinet

17 June 2014

Subject: Wiltshire Dementia Strategy - Update on Public Consultation Process

Cabinet member: Councillor Keith Humphries – Public Health, Protection Services, Adult Care and Housing

Key Decision: No

Purpose of Report

1. This Cabinet report briefs members on the consultation process for the draft Wiltshire Dementia Strategy (see Appendix 2) which ran from 20 February to 19 May 2014. The strategy provides the strategic direction for Wiltshire Council and NHS Wiltshire Clinical Commissioning Group (CCG) in supporting people with dementia and their carers and families from the point that people notice concerns about their memory through to end of life care. It includes a commissioning action plan for 2014/2015 which details the commitments and actions that will be delivered in order to achieve the objectives and priorities identified.
2. Upon launching the consultation process, Wiltshire Council and NHS Wiltshire Clinical Commissioning Group invited people with an interest in dementia, whether through personal or professional experience, to contribute their comments and viewpoints. Initial feedback and analysis of the responses (as at 15 May) from stakeholders and members of the public is presented within this paper.
3. Cabinet is asked to note the consultation process and initial draft responses on the basis that following formal analysis these will be used to review and amend the Wiltshire Dementia Strategy. The updated strategy and action plan will be presented for formal approval at a future Cabinet meeting.

Relevance to the Council's Business Plan

4. The Wiltshire Dementia Strategy aims to ensure that people are able to live well with dementia through accessing the right care and support, at the right time. The strategy also meets the Business Plan outcomes of:
 - a. Wiltshire has inclusive communities where everyone can achieve their potential
 - b. People in Wiltshire have healthy, active and high quality lives

Main Considerations for the Council

Wiltshire Dementia Strategy

5. The draft Wiltshire Dementia Strategy (see Appendix 2) provides the strategic direction for Wiltshire Council and NHS Wiltshire Clinical Commissioning Group in supporting people with dementia and their carers over the next 7 years.
6. The aim of the strategy is that all people with dementia in Wiltshire are treated as individuals and are able to access the right care and support, at the right time so that they can live well with dementia and can remain independent and living at home for as long as possible within supportive communities.

Engagement and consultation

7. In developing the strategy, work took place to engage with people with dementia and their carers and families in Wiltshire. This involved attending various forums and talking to people about their experiences of living with dementia in Wiltshire to identify what is important to them in their life, the areas that are working well and where service improvements are required. This engagement work formed the basis of the strategy. The Wiltshire Dementia Delivery Board has overseen this engagement process and has been active in the development of the strategy.
8. Following the development of the strategy, a formal consultation process was held from 20 February to 19 May 2014 in order to seek feedback upon the proposed strategic direction from people who have experience of dementia, whether from personal or professional perspectives.
9. All relevant stakeholders were informed and invited to participate with communications being circulated to the general public, people with dementia and their carers, health and social care organisations, area boards, councillors, voluntary and community organisations, HealthWatch and town and parish councils. Consultation packs were accessible online, in hard copy by request and as reference copies in all public libraries. In addition to this, presentations have been made to the Trowbridge and Corsham Area Boards, the Westbury Memory Cafe and Healthwatch coordinated two consultation events. There has also been local press coverage in newspapers and on the radio.
10. Appendix 3 provides more detail on the engagement work that was undertaken in developing the strategy and throughout the consultation process.

Responses on the draft Wiltshire Dementia Strategy

11. Responses on the draft Wiltshire Dementia Strategy at the time of submitting this report indicate that people are supportive of the strategic direction that is being set and agree with the intentions of Wiltshire Council and NHS Wiltshire Clinical Commissioning Group. Survey responses at this point in time totalled 92 and answers to the closed survey questions may be found in Appendix 1. These responses will need to be seen alongside the interaction and responses received at a number of events including the Trowbridge and Corsham Area Boards, HealthWatch events in Chippenham and Salisbury and the Westbury Memory Café, as well as additional written feedback that was provided throughout the consultation period. People welcomed the opportunity to provide feedback through different mechanisms appropriate to their requirements.

12. In relation to the different elements of the strategy, there are some areas that respondents (as at 15 May) have highlighted as being of particular importance:
 - a. Within the different stages of dementia, 25% believe that 'living well' is one of the most important stages, which supports the current and future focus of services, i.e. supporting people to remain well, independent and living at home for as long as possible.
 - b. In terms of supporting groups of people who may not be as well served by current services as the wider population, responses indicate that the strategy should focus on people who live alone without family support (44%) and those people who live in rural areas and / or who do not have access to transport (27%). This is a challenge for all services, particularly given the rural nature of Wiltshire and further work is required to look at how improvements can be delivered innovatively within existing budgets.
 - c. 18% of respondents felt that one of the most important priorities for health and social care was to ensure that health services have in place standard processes that allow for early identification, diagnosis and treatment of people with memory problems. This supports the work that has been taking place locally and nationally to raise awareness about dementia, encouraging people to seek a diagnosis and treatment if appropriate, as well as investment in primary care and hospitals to incentivise services to identify, diagnose, treat and review people with dementia.
 - d. 14% of respondents felt that one of the most important priorities for health and social care was to review and modernise dementia related specialist services to ensure timely access to specialist memory assessments and treatment as required, as well as specialist support to other care services. This supports the clearing of the backlog of patients waiting to access specialist services and the referral to specialist assessment which is now 2 weeks (target is 4 weeks) and the referral to treatment which has a target of 13 weeks.

13. Respondents also highlighted as priorities the importance of ensuring that all public services are able to support people with dementia and their carers and families (23%) and ensuring that all staff supporting people with dementia have the training, skills and qualities to do so to a high standard (28%). This echoes the strategic direction being taken which highlights that dementia is everyone's business and not just that of specialist care services. Whilst this is already being addressed within health and social care services, there is significant work to ensure that it is embedded across all public services. Dementia friendly communities will go some way in supporting the delivery of this priority.
14. Whilst the survey has been used to identify which elements of the strategy people believe to be of most importance to them, it should be noted that the survey results will not be used to discount certain elements from being implemented. It is also acknowledged that the areas of importance that people reported on will often reflect their personal experiences. This was reflected in written feedback that was provided by respondents, as well as throughout discussions at the various events that focused upon the strategy. A range of comments have been submitted as part of the consultation and the list below indicates themes that people felt were of importance and should be strengthened within the strategy:
 - a. Easy and timely access to information
 - b. Early decision making whilst people have the capacity to contribute to the process
 - c. Supporting people during times of crisis, including the role of specialist dementia inpatient services
 - d. Supporting people who fund their own care
 - e. Supporting people with health conditions in addition to their dementia e.g. learning disability, Parkinson's, hearing and sight impairments
 - f. Reducing the stigma associated with dementia
 - g. Improving the quality of care, particularly within health services and primary care
 - h. Staff training
 - i. Safeguarding
 - j. Communication and joint working between services so that people do not fall in to gaps
 - k. Listening to and involving family carers
 - l. Supporting people with dementia who do not recognise their needs and do not wish to accept support
 - m. Equitable services across the county
 - n. A broader range of services that are able to meet the needs of all people with dementia, irrelevant of the dementia an individual may have.

15. Whilst respondents welcomed the strategy and were supportive of the strategic direction set out in the document, an initial analysis of the responses to the consultation identified that many people also had concerns about how it will be implemented and the costs associated with doing so. As detailed under the Financial Implications section, the implementation of the strategy will be undertaken within existing health and social care budgets. Work will be required to prioritise key work streams.

Review of the strategy

16. Following the end of the consultation process (19 May), all responses will be formally analysed and the draft strategy will be reviewed and amended as required. It will then proceed through the relevant governance channels in order to be formally agreed by Wiltshire Council and NHS Wiltshire Clinical Commissioning Group. The Wiltshire Dementia Delivery Board will be responsible for overseeing the implementation and review of the strategy.
17. Discussions are taking place with HealthWatch Wiltshire to plan an ongoing programme of engagement and consultation on the Wiltshire Dementia Strategy. It is anticipated that this will provide a mechanism by which Wiltshire Council and NHS Wiltshire Clinical Commissioning Group can engage with the general public and other stakeholders on a regular basis to discuss the implementation of the strategy and ongoing programme of service improvements.

Safeguarding Implications

18. Safeguarding is a key priority for Wiltshire Council and NHS Wiltshire CCG, both in terms of the services that they deliver and commission and this applies equally to the Wiltshire Dementia Strategy and its implementation. It is acknowledged that people with dementia are at greater risk of being victims of abuse, self neglect and poor and undignified care, given that they often lack capacity and their situations can give rise to increased risk of exploitation, e.g. financial, and stress within care givers, if they are not in receipt of appropriate support and training.
19. The prime aim of the strategy is to support people to live well and be as independent as possible whilst ensuring that they remain safe and that they and their families have confidence in the quality of care delivered. An important element of implementation will be to address underlying factors that contribute to abuse and to enable people with dementia to be better protected from harm. In addition to this, Wiltshire Council and NHS Wiltshire CCG and the organisations that they commission have in place safeguarding policies, procedures and workforce development plans to ensure that safeguarding is and continues to be a key priority.

Public Health Implications

20. The public consultation on the Wiltshire Dementia Strategy helps to ensure that the population continues to be included in decision-making processes regarding their health and well being.
21. Dementia is a national priority area for action. Public Health staff are working closely with Adult Social Care and NHS staff to develop and deliver this strategy, with a number of healthy living schemes already in place to assist in reducing the risk of dementia.
22. The outcomes of this strategy should help to reduce health inequalities and improve healthy life expectancy for people with dementia and their carers, and also may help to reduce the future prevalence. The Dementia Strategy for Wiltshire is thus consistent and coherent with the aims of the Wiltshire Health and Well Being Strategy.
23. In addition, it is envisioned there will be an increase in social capital regarding dementia within specific local areas and across Wiltshire as a whole.

Environmental and Climate Change Considerations

24. There are no environmental or climate implications in relation to this cabinet paper.

Equalities Impact of the Proposal

25. The strategy aims to ensure services will be delivered with due regard to equality legislation and that people with dementia will have equitable access to services. An equality analysis has been undertaken and can be found in the appendices of the strategy document. This has identified that the main equality issues that will require further attention through the implementation of the strategy include:
 - a. People with early onset dementia (are aged under 65 years old)
 - b. People with learning disabilities and dementia
 - c. People with dementia from black and minority ethnic communities
 - d. People with dementia who live alone without family support
 - e. People with rarer forms of dementia
 - f. People who live in rural areas and those who lack transport
26. The equality analysis will be reviewed following the end of the formal consultation process.

Risk Assessment

27. The main risks associated with the Dementia Strategy are:
 - a. The increasing number of people living with dementia in Wiltshire and increased demand being placed upon services. The strategy addresses this through a number of measures which include:

- i. Developing dementia friendly communities so that people are supported by their local community and informal networks to live well with dementia and maintain their independence and wellbeing.
 - ii. Working with non-specialist services to ensure that they are trained and supported to meet the needs of people with dementia, so that they can support people who require their services, with specialist services only being required at critical points in time.
 - iii. To monitor, review and implement improvements in existing services, including those that have seen recent investment including the dementia adviser service, primary care and the memory service.
 - iv. To look at alternative ways of delivering care and support, which can meet demand within the budgets available.
 - b. That due to the financial pressures on all public sector organisations the additional funding required to meet increasing demand is not available. This will be managed through:
 - a. Identification of strategic priorities with investment allocated accordingly.
 - b. Consideration of alternative ways of delivering care and support which can meet demand within the budgets available.
 - c. Engagement with the general public, customers and partner organisations to communicate risks, agree priorities and consider innovative solutions.
 - c. Raised expectations of what the dementia strategy will deliver amongst the general public, customers and partner organisations as a result of the strategy development and consultation. This will be managed through ensuring that priorities identified from the consultation are balanced within the overall resources available to deliver the strategy. This will be clearly communicated within the final strategy and through a continuing programme of engagement with the general public, customers and partner organisations which will allow for priorities and progress to be communicated.
28. The significant risks associated with not implementing this strategy would include:
- a. Placing the wellbeing, independence and safety of people with dementia and their carers and families at significant risk through a lack of suitable provision of care and support services.
 - b. An increased demand on health and social care services and budgets when people reach crisis due to a lack of preventative, skilled and responsive services.
 - c. A failure of the statutory bodies within Wiltshire to respond to national guidance, policy and legislative duties.

Financial Implications

29. In 2013/14 NHS Wiltshire Clinical Commissioning Group estimated that they would invest £7.5 million into supporting people with dementia, their carers and families. This sum includes memory services, the dementia Local Enhanced Service (LES), voluntary sector services, inpatient accommodation, community support and acute hospital liaison services. During the same period, Wiltshire Council estimated that they would invest £14.8 million into supporting people with dementia and their carers and families. This sum includes commissioning specialist voluntary sector services and individual social care packages and placements where people have a recorded dementia that has been diagnosed.
30. In addition to the amounts identified, it should be noted that many services funded by Wiltshire Council and NHS Wiltshire Clinical Commissioning Group which people with dementia and their carers and families access are not specialist and so it has not been possible to include the associated costs within these figures. Examples include non-specialist carer support services, hospital care and community services for older people. In addition many people who have dementia do not have a formal diagnosis and so have not been included in the figures above.
31. Although there are no immediate financial implications arising from the consultation on the Dementia Strategy, it is acknowledged that the number of people living in Wiltshire with dementia is highly likely to increase by circa 28% by 2020. It is anticipated that unless additional 'new' funding is made available within the future, the delivery of the strategy will be achieved through using existing health and social care spend in an efficient and effective manner in order to meet the anticipated increase in demand. As such the implementation plans will need to have a cost / benefit analysis of actions to ensure that the Council and CCG remain within their current funding, and proposed changes approved within this envelope, or alternative savings / funding found to cover investments. The implementation of the strategy and the associated investment will also be aligned with the implementation of other health and social care priorities which will deliver services to people living with dementia including the Older People's Accommodation Strategy, Care Act and Better Care Plan. This investment and related savings will need to be analysed in detail as the strategy is implemented through the Action Plan at Appendix H and service plans, and then built into the future financial planning of both commissioning organisations.

Legal Implications

32. The current relevant national policy, legislation and guidance are set out in the Strategy Appendix B, which will be reviewed in light of the introduction of the Care Act 2014.

Proposal

33. Cabinet is asked to note the consultation process and initial draft responses on the basis that following formal analysis these will be used to review and amend the Wiltshire Dementia Strategy. The updated strategy and action plan will be presented for formal approval at a future Cabinet meeting.

Maggie Rae
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16th May 2014

Background Papers

None

Appendices

Appendix 1 – Snap shot of responses to closed questions in the Dementia Strategy Consultation Survey (15th May 2014)

Appendix 2 – Draft Wiltshire Dementia Strategy

Appendix 3 – Engagement work in developing the strategy and throughout the consultation process

Appendix 1 – Snap shot of responses to closed questions in the Dementia Strategy Consultation Survey (15 May 2014)

Q1. Stages of living with dementia. Which THREE of the following do you consider to be most important in dealing with dementia in Wiltshire?		% of responses
a.	Reducing the risk of developing dementia	7
b.	Recognising memory problems	14
c.	Learning it's dementia	17
d.	Planning for the future	17
e.	Living well with dementia	25
f.	Managing at more difficult times	17
g.	Care at end of life	3

Q2. Organisations will: Which FOUR of the following statements do you think is most important when dealing with dementia in Wiltshire?		% of responses
a.	Promote the inclusion of people living with dementia in the community so dementia becomes everybody's business.	11
b.	Work together with partners to develop and deliver reliable, high quality and sustainable services that put the individual at the centre of delivery.	13
c.	Recognise and understand individuals, their identities, wishes and abilities.	9
d.	Promote health and wellbeing and support people to remain independent for as long as possible.	11
e.	Provide support and services to people with dementia and their carers in a compassionate, honest and equitable manner.	10
f.	Take a proactive approach to supporting people with dementia to live their lives to the full and to continue undertaking activities they enjoy.	10
g.	Listen to people and involve them in decision making so that they have control and influence over the care and support they receive.	12
h.	Treat people with respect and dignity.	10
i.	Improve services by listening to what people with dementia and their carers tell them about their experiences of receiving care and support.	16

Q3. Making a difference. Which FOUR of the following statements do you think is most important when dealing with dementia in Wiltshire?		% of responses
a.	I am encouraged and supported to have a healthy and active lifestyle.	6
b.	I was diagnosed early and with the correct medication and treatment package.	14
c.	I understand the implications of my diagnosis in order for me to make good decisions and provide for future decision making.	9
d.	I get the care and support which are best for my dementia and my life.	19
e.	I am treated with dignity and respect.	13
f.	I know what I can do to help myself and who else can help me, especially in times of crisis.	8
g.	Those around me and looking after me are well supported.	15
h.	I can enjoy life.	7
i.	I feel part of a community and I'm inspired to give something back	4
j.	I am confident my end of life wishes will be respected.	5

Q4. Groups of people living with dementia. Which TWO of the following groups do you think is most important when dealing with dementia in Wiltshire?		% of responses
a.	People with early onset dementia (aged under 65 years old)	20
b.	People with learning disabilities and dementia	7
c.	People with dementia from black and minority ethnic communities	0
d.	People with dementia who live alone without family support	44
e.	People with rarer forms of dementia	2
f.	People who live in rural areas and / or who do not have access to transport	27

Q5. Priorities for health and care services. Which FOUR of the following statements do you think is most important when dealing with dementia in Wiltshire?		% of responses
a.	Make sure that health promotion activities are taking place to reduce the risk of people developing dementia.	4
b.	Make sure that health services have in place standard processes that allow for early identification, diagnosis and treat of people with memory problems.	18
c.	Monitor and review the dementia adviser service and make improvements as necessary.	6
d.	Promote and improve services for carers, including carers breaks	12
e.	Continue to improve and rollout care services so that people can be supported to remain independent and living at home.	15
f.	Develop new care homes and extra care schemes designed to meet the needs of people with dementia to meet future demand.	9
g.	Improve the quality of care in different settings including care homes.	11
h.	Review and modernise dementia related specialist mental health services to ensure timely access to specialist assessments and treatment as required, as well as specialist support to other care services.	14
i.	Improve dementia care in acute hospitals.	7
j.	Improve end of life care for people with dementia.	4

Q6. Priorities for all public services (including health and social care) and communities. Which THREE of the following statements do you think is most important when dealing with dementia in Wiltshire?		% of responses
a.	Raise awareness about dementia within the general public and mainstream services e.g. leisure and libraries.	10
b.	Undertake projects to better understand the needs of people with a dementia for whom services are less accessible so that improvements can be made e.g. learning disabilities, black and minority ethnic communities.	9
c.	Establish dementia friendly communities across Wiltshire.	16
d.	Make sure that all services are able to support people with dementia and their carers and family.	23
e.	Develop additional community therapeutic activities for people with dementia and their carers.	14
f.	Ensure that all staff supporting people with dementia have the training, skills and qualities to do so to a high standard.	28



DRAFT Wiltshire Dementia Strategy

2014 – 2021

Introduction

This strategy has been developed by Wiltshire Council and NHS Wiltshire Clinical Commissioning Group (CCG) in conjunction with various local partners from the statutory and voluntary sector, as well as through talking to people with dementia and their carers and families about their experiences in Wiltshire (see appendix A).

The main purpose of the strategy is to ensure that people with dementia and their carers and families are able to live well and are supported to do so through being able to access the right services and support at the right time, whether that be from organisations or their local community.

However, it is recognised that minimising people's risk of developing dementia is also an important aspect of care for the population as a whole. Thus this strategy also highlights the links to other relevant strategies and health promotion activities and services that target the risk factors.

We want the message of this strategy to be that it is everybody's business to support people with dementia and their carers and families in Wiltshire and not just the reserve of specialist care services.

For this to happen we need to understand:

- where we are now
- where we want to be by 2021
- how we get there and what success will look like

This document will address each of the above points so that people can understand the commitments and priorities of Wiltshire Council, NHS Wiltshire Clinical Commissioning Group and other organisations that support people with dementia and their carers and families in Wiltshire.

The focus of this strategy is all people with dementia and their carers and families, right from the point that they have concerns about their memory through to the end of their lives. For clarity, several different phrases will be used within the document to describe different groups of people:

- People with dementia – People who have dementia (whether diagnosed or undiagnosed)
- Carers – People who provide unpaid support to people with dementia – they are normally family members, partners, friends or neighbours.
- Care workers - Care workers – Paid staff that support the person with dementia and their carer(s).

The word 'dementia' describes a group of symptoms that occur when the brain is affected by specific diseases and conditions, such as Alzheimer's disease and vascular dementia, amongst others. Symptoms of dementia vary but often include loss of memory, confusion and problems with speech and understanding. Dementia

is progressive and as it advances so do the symptoms, up to the point that people will have difficulty in undertaking everyday tasks and will need increasing support and assistance from others.

In Wiltshire dementia is seen as a long term condition, although it is acknowledged that many specialist dementia services are provided by a mental health organisation (Avon and Wiltshire Mental Health Partnership) and that people with dementia may also have needs relating to their mental health.

Whilst there is currently no cure for dementia, there are a number of types of support that can help someone to live well with dementia. Support and treatment can also often help to alleviate symptoms or to slow the progression of the dementia for many people.

Section 1: Where we are now

National and local policy, legislation and guidance

Within recent years there has been an increased focus on dementia at a national level due to a number of factors, including a rising older population and therefore increasing number of people with dementia coupled with a lack of awareness and understanding of dementia leading to stigmatisation and poor quality care.

As a result of this, there is now a substantial body of national policy, legislation and guidance that advises and directs organisations on how to best support people with dementia and their carers and families (see Appendix B for more detail). Amongst this there are two pieces of policy which are most relevant to this strategy:

Living well with dementia: a National Dementia Strategy (Department of Health, 2009)

The strategy focuses on driving improvements for people with dementia and their carers and families in three main areas:

- Awareness and understanding – Improved public and professional awareness and understanding of dementia and the stigma associated with it.
- Early diagnosis and ongoing support – Good quality early diagnosis and intervention; good quality information for those with diagnosed dementia and their carers; and easy access to care, support and advice following diagnosis and follow on medication management.
- Living well with dementia – High quality health and social care services so that people can live well with dementia until the end of their lives.

Prime Minister's Challenge on Dementia: Delivering major improvements in dementia care and research by 2015, (Department of Health, 2012)

This aims to deliver a number of actions that focus on three main areas:

- Driving improvements in health and care
- Creating dementia friendly communities that understand how to help
- Better research

Locally, the previous Wiltshire Dementia Strategy developed in 2009 has provided the context and direction for health and social care provision for people with dementia and their carers and families. However, many people with dementia and their carers will have needs that can be met by non-specialist services and/or have other needs that do not relate to their dementia e.g. housing, other long term conditions etc. There are a number of other local strategies (listed in Appendix B) which cover these areas and so this document should be read in conjunction with them.

People at risk of developing dementia

Age is considered the highest risk factor for dementia, and the percentage and numbers of older people in the population is increasing. However, there are a high number of people who have modifiable risk factors for dementia who can be targeted.

In addition to age, risk factors for developing dementia include vascular disease such as cardio-vascular disease and stroke plus smoking, excessive alcohol use, obesity, diabetes, hypertension and raised cholesterol levels (NICE, 2013). Those who have depression are also at higher risk of developing dementia. There are also those who have a genetic risk for dementia, though this area is not yet fully understood. There are people who will have more than one of these risk factors.

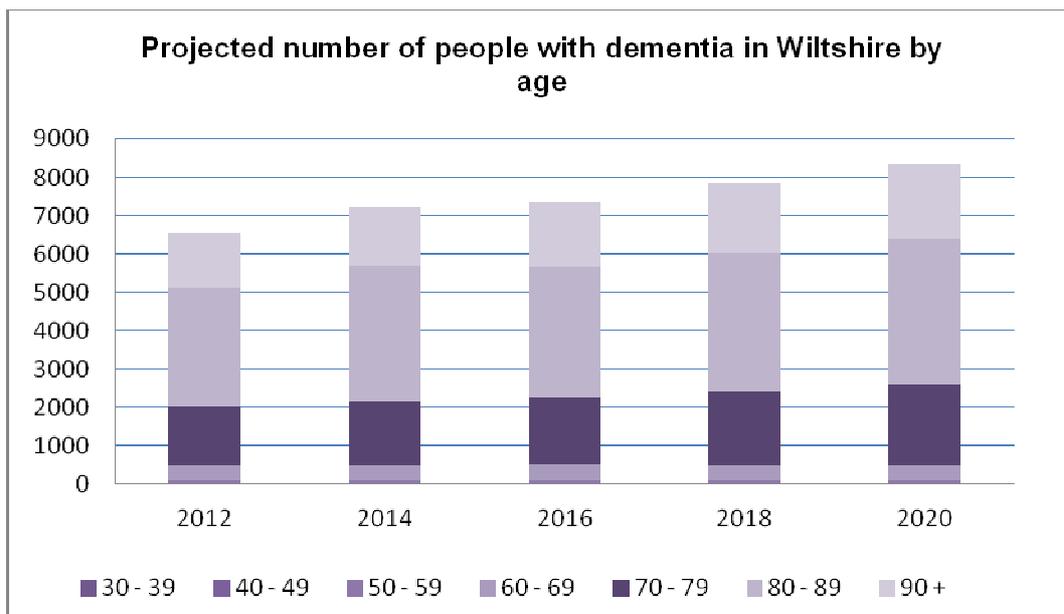
It has also been found that keeping one's mind active and also being socially active can also help reduce the risk of dementia. There is concern that due to the rural geography of Wiltshire, people are more likely to be socially isolated.

People with dementia and their carers and families in Wiltshire

Wiltshire is a predominantly rural county and in 2011 had a total population of 470,981, 21.5% of whom were at retirement age (65+ years for men and 60+ years for women). This compares to 19.4% for the whole of England. This is significant because dementia is most common in the older population as its prevalence rises significantly with increasing age. One in three people over 65 will develop dementia, whilst a much smaller proportion of the population (about 1 in 1400) will be affected by early onset dementia which occurs in younger age groups.

It is difficult to give exact figures for the number of people with dementia within the population as reported rates differ widely depending on the criteria and study methods used.

According to figures produced by Oxford Brookes University and the Institute of Public Care (2013), the population of Wiltshire with dementia in 2012 was 6,538 and they estimate that this will increase by 27.8% in 2020 – this equates to an additional 1800 people with dementia. The age groups that will see the largest increases are 90 + years old (40% increase) and 70 – 79 years old (36% increase), whilst there will be a decrease of 12% in people aged 40 – 49 years old.



Information source: Projecting Older People Population Information System and Projecting Adult Needs and Service Information (Oxford Brookes University and Institute of Public Care, 2013)

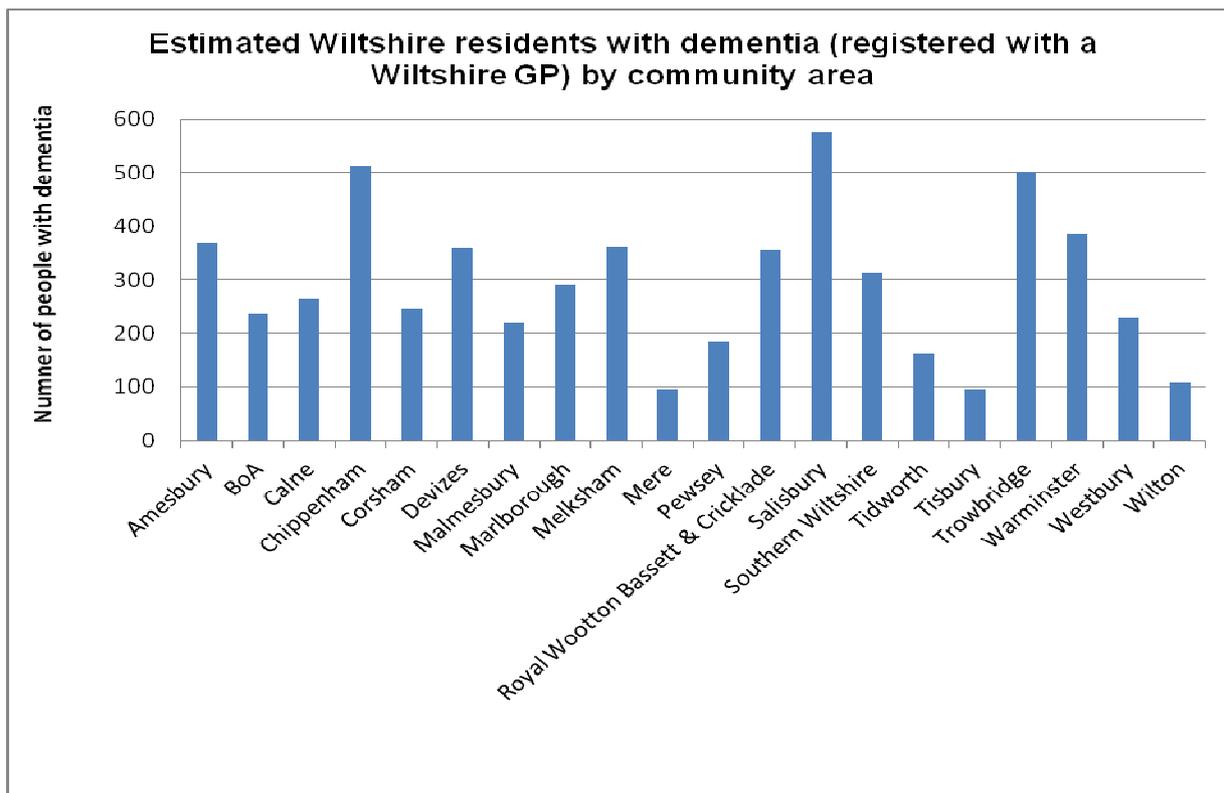
The NHS Commissioning Board and NHS South of England (2013) have also produced information about the population of Wiltshire with dementia through a tool called the Dementia Prevalence Calculator. This tells us that in 2013/14 there are an estimated 6,512 people with dementia in Wiltshire. Looking at the information in more detail we can get a better understanding of our local population (more detailed information can be found in Appendix C):

Diagnosis

According to the Dementia Prevalence Calculator, the current diagnosis rate in Wiltshire is 37.4%. This is the number of people with dementia who have received a formal diagnosis which has been recorded by their GP. This means that 62.6% of the population who have a dementia do not have a diagnosis i.e. this is an unmet need. Nationally there is a drive to promote early and timely diagnosis to ensure that people can access the care and support they require, as well as being able to plan for their futures.

Community areas

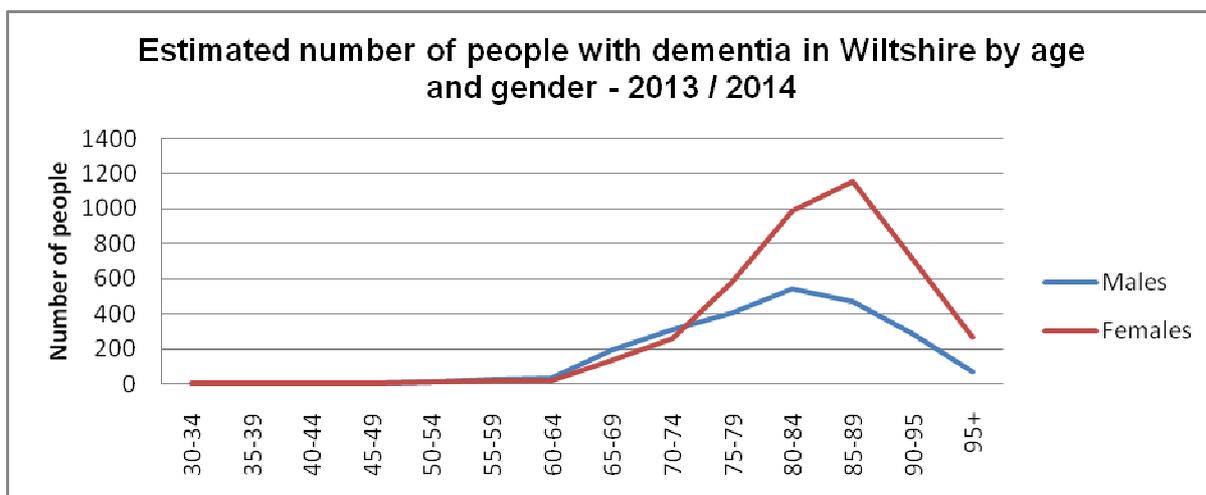
The following graph provides a picture of where Wiltshire residents who are registered with a Wiltshire GP surgery and have dementia live.



Information source: Dementia Prevalence Calculator (NHS Commissioning Board and NHS South of England, 2012)

Age and gender

In line with national figures the majority of people with dementia in Wiltshire are women (64%) whilst only 36% are men. However it is worth noting that of the 135 people who have early onset dementia (this is when the individual is under the age of 65 years old) 59% are male and 41% are female. This again reflects the national trend. Over 4,500 of people with dementia are aged 80 years of age or older, and of these 1,348 are 90 years or older.



Information source: Dementia Prevalence Calculator (NHS Commissioning Board and NHS South of England, 2013)

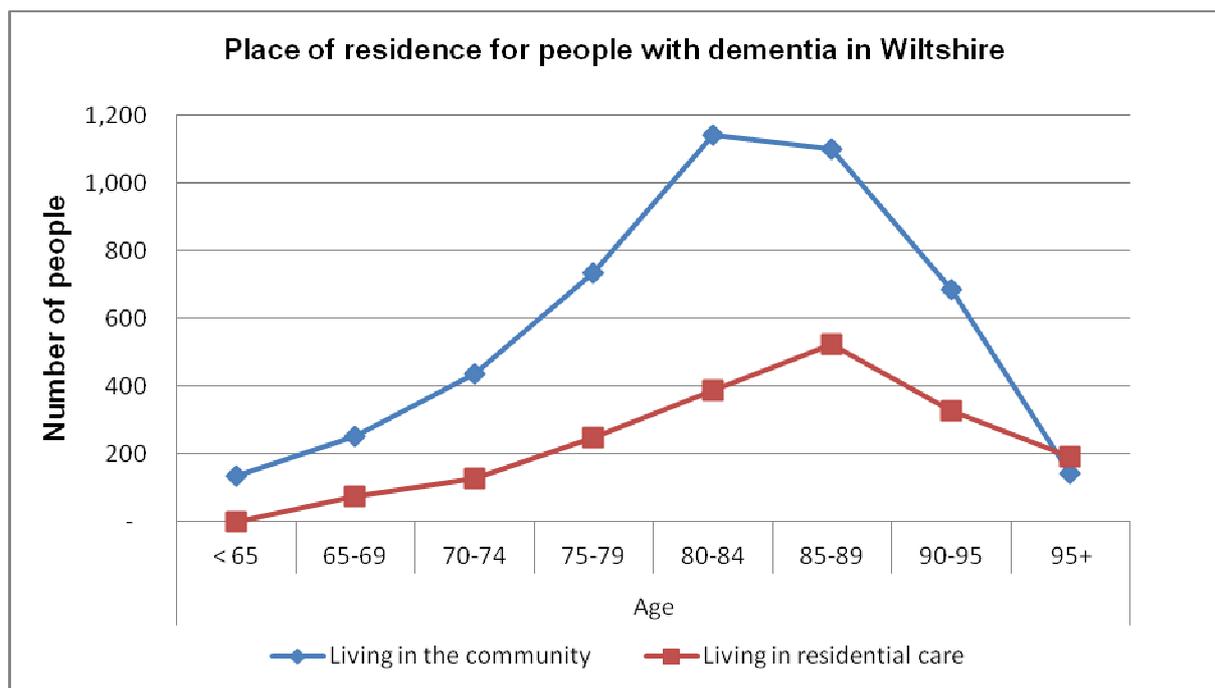
Severity of dementia

Dementia is progressive, meaning that as time passes people's symptoms will increase and they will require more help and support to live well. It is recognised that there are three broad levels of dementia, which reflect the impact that the dementia has on the individual and their ability to care for themselves. In 2013, the Dementia Prevalence Calculator identified that of the population with dementia in Wiltshire:

- 55% have mild dementia
- 32% have moderate dementia
- 13% have severe dementia

Place of residence

According to national statistics, 71% of people with dementia live within the community, whilst 29% in residential care. If applied to the Wiltshire population this equates to 4,629 people living in their own homes, whilst 1,899 live in residential care settings (residential and nursing care homes). Of those people who live in the community in their own home, Alzheimer's Society (2012) estimate that one third live alone.



Information source: Dementia Prevalence Calculator (NHS Commissioning Board and NHS South of England, 2013)

End of Life

The National End of Life Care Programme (2012) highlighted that in 2008 - 2010 in 18.3% of deaths in Wiltshire, the cause of death on the death certificate mentioned Alzheimer's, dementia and senility. This compared to the England average of 17.3%.

In Wiltshire this represented an average of 766 deaths per year and of these the place of death was as follows: 11% at home, 62% in a care home, 26% in a hospital and 0% in a hospice.

Carers

In relation to the support provided by carers, according to figures produced by Alzheimer's Society (2012) it has been estimated that there are approximately 5,454 family members and friends acting as carers to people living with dementia in Wiltshire.

Other aspects of the Wiltshire population

In relation to ethnicity and religion, there is no specific data about the population of Wiltshire who have dementia. However, we do have information from the 2011 Census which relates to the whole population. Whilst we need to take in to consideration that this may not be truly reflective of people with dementia, it would indicate that:

- The majority of people are White British (93%) followed by Other White (which mainly consists of European Accession countries, including Poland) and then Other Asian (which includes the Filipino and Polynesian communities).
- The majority of people are Christian, followed by having no religion or not wishing to state their religion.

It is important to remember that there are certain groups of people with dementia in Wiltshire that services may not be as well placed to meet the needs of when compared to the general population. However, it is equally as important to do so and work is needed to look at how this is best achieved. These groups include, but are not limited to:

- People with early onset dementia (are aged under 65 years old)
- People with learning disabilities and dementia
- People with dementia from black and minority ethnic communities
- People with dementia who live alone without family support
- People with rarer forms of dementia
- People who live in rural areas and / or lack transport

An equality analysis (Appendix H) provides more information.

Investment in services

Using estimates from Knapp and Prince (2007) and the Dementia Prevalence Calculator, the annual financial cost of dementia in Wiltshire in 2013/14 is approximately £152 million. This includes accommodation, care provided by formal care agencies, as well as approximately £55 million from informal care by family and friends.

In 2013/14 NHS Wiltshire Clinical Commissioning Group project they will invest £7.5 million into supporting people with dementia, their carers and families. This sum includes memory services, the dementia Local Enhanced Service (LES), voluntary sector services, inpatient accommodation, community support and acute hospital liaison services.

During the same period, Wiltshire Council project they will spend £14.8 million supporting people with dementia and their carers and families. This sum includes commissioning specialist voluntary sector services and individual social care packages and placements where people have a recorded dementia that has been diagnosed.

There is also approximately £0.1million invested through a budget that contains pooled funding from Wiltshire Council and NHS Wiltshire Clinical Commissioning Group that is targeted at supporting carers of people with dementia.

In addition to the amounts identified above, it should be noted that many services funded by Wiltshire Council and NHS Wiltshire Clinical Commissioning Group which people with dementia and their carers and families access are not specialist and so it has not been possible to include the associated costs within these figures. Examples include non-specialist carer support services, hospital care and community services for older people. In addition many people who have dementia do not have a formal diagnosis and so have not been included in the figures above.

In addition to this, there is a notable contribution from the voluntary sector with specialist dementia organisations bringing approximately £395,000 of fundraising in to the county in 2012/13. Alzheimer's Support also estimates that their unpaid volunteers give an average of 101 hours support each week. According to the formula recommended by Volunteering England, this volunteering activity is worth £1,324 per week or approximately £69,000 annually.

Current service provision in Wiltshire

The services currently available to people with dementia and their carers and families have been delivered to date under the direction of the previous Wiltshire Dementia Strategy which was developed in 2009 and the Prime Minister's Challenge on Dementia (2012). Successes that have been delivered during this time can be found in Appendix E.

The Wiltshire Dementia Delivery Board has been responsible for mapping current service provision for people with dementia and their carers and families in Wiltshire. This exercise was undertaken in 2013 and the model of care developed by Dr Edana

Minghella (2012) was used as the framework (see Appendix D). This model of care identifies the following six phases that people are likely to experience when living with dementia:

- Recognising memory problems
- Learning it's dementia
- Planning for the future
- Living well with dementia
- Managing at more difficult times
- Care at end of life

Minghella identifies a range of proposed services within each of the above phases that should be in place if people are to receive the care that they may need when living with dementia. It was agreed that this was the desired model of care in Wiltshire and so was used as the basis for looking at the services that already exist in the county and where there were gaps or further improvements were required. A further phase of 'Reducing Risk' has also been added to cover the work taking place to promote health and wellbeing, and therefore reduce the risk factors within the general population associated with the development of dementia.

It was identified that many of the current services accessed by people with dementia and their carers and families are non-specialist services i.e. they support people with a range of needs. These services include support for carers, hospital care, Help to Live at Home etc.

There were also a number of current specialist services identified that are designed to specifically work with people with dementia and their carers and families and these include dementia community activities, the dementia adviser service, specialist mental health service etc.

In addition there are a number of services that support people to reduce their risk of developing dementia. These focus on reducing the risk of cardiovascular disease, stroke and diabetes and aim to reduce the levels of obesity, smoking, excessive alcohol use, cholesterol and mental health conditions such as depression.

These current services can be seen in the table below on page 12.

The Wiltshire Delivery Board also looked at where the gaps were in provision for people with dementia and their carers and families and where there could be improvements made to existing services in order to deliver better care and support. These gaps and improvements included support for specific groups of people with dementia (including people who live alone, people with early onset dementia and people with learning disabilities), advanced care planning and out of hours support during a crisis.

Appendix E provides more information about the services and gaps that were identified, as well as describing what current services look like.

Reducing risk	Recognising concerns	Learning it's dementia	Planning for the future	Living well with dementia	Managing at more difficult times	Care at end of life						
NHS Health Checks ~ Wiltshire Stop Smoking Service ~ Wiltshire Substance Misuse Service ~ Active Health ~ Lift Psychology	Memory Service - Dementia assessment, diagnosis and treatment			Day services ~	GP out of hours service ~ Complex Intervention & Therapy Team							
	Primary care - Dementia assessment, diagnosis and treatment											
	Awareness raising activities and resources	RUH Community geriatrician	Life Story Groups (Alz Support) ~ Home improvement agency – part of Help to live at Home service (Equipment ICESS)	Specialist Home & Community Support Service ~ Movement for the Mind ~ Singing for the Brain ~ Active Health Programme ~ Counselling	Acute hospital liaison service ~ Acute hospitals ~ Inpatient assessment service ~ MH Care Home Liaison Service ~ Emergency Duty Service ~ STARR scheme ~ Extra Care Housing ~ Care homes ~ Respite	My Home Life programme in care homes ~ Continuing Health Care ~ Hospices						
							Dementia CQUIN in acute hospitals					
							Social care ~ HTL@H ~ Telecare ~ DPs ~ Health community teams ~ Court of Protection					
							Support for people who fund their own care					
							Safeguarding ~ Primary care liaison service ~ Dementia Adviser Service ~ Memory cafes ~ Library resources ~ Support for carers (groups, training, assessments, breaks) ~ Advocacy ~ Good Neighbour Scheme ~ Wiltshire Citizens' Advice Bureau ~ Health Matters sessions					

What do people with dementia and their carers and families tell us?

There is a large amount of research that has taken place at a national level that shares the experiences of people with dementia and their carers and families and much of this can be applied to Wiltshire.

However, in developing this strategy, work has taken place to meet with people with dementia and their carers and families in Wiltshire to find out what is important to them in relation to their lives with dementia and what their experiences of care and support services have been locally.

The things that people with dementia and their carers and families said are important to them and are going well include:

- Community activities such as memory cafes and Singing for the Brain
- Support from the voluntary sector
- Being able to meet and socialise with other people living with dementia
- Day care
- Telecare

The things that people told us are important to them and need improving include:

- Support for people living alone
- Support to plan for the future
- Direct payments
- Transport
- Support for carers
- Understanding of professionals of the challenges of living with dementia
- Processes, paperwork and the language used
- More time
- The general public's understanding of dementia
- Support from businesses
- Person centred care

There were some things that people with dementia and their carers and families told us are important to them, but people have had mixed experiences:

- Support from GPs
- Specialist mental health services
- Knowing where to go for information and help
- Carer involvement
- Acute hospitals
- Care in care homes

More detailed information about the experiences of people with dementia and their carers and families can be found in Appendix F.

Section 2: Where we want to be by 2021

Ambition

It is our ambition that all people with dementia and their carers and families in Wiltshire are treated as individuals and are able to access the right care and support, at the right time so that they can live well with dementia within supportive and understanding communities. This will be supported by providing care and support to promote people's independence, health and wellbeing and quality of life.

It is recognised that people will experience different phases of living with dementia, all of which are important, but which can differ vastly. In the model of care developed by Mingehlla (2012) these phases are as follows:

- Recognising memory problems
- Learning it's dementia
- Planning for the future
- Living well with dementia
- Managing at more difficult times
- Care at end of life

The strategy's ambition is equally applicable across all of these stages, as is the aim to minimise the number of times that people need to move within their life with dementia in order to receive the care they need, whether that be to a hospital, residential or nursing care home setting.

The ambition will be achieved by taking a proactive approach to supporting people to stay within their home and community wherever possible through the provision of care and support so that they can live well on a daily basis. At difficult times, such as crisis or illness, if people do need to travel to health or care services that cannot be delivered within their community, e.g. acute hospitals and/or specialist inpatient hospitals, this will be for as short a time as possible, with the aim to get the person back to their home as soon as possible.

Whilst it is acknowledged that there will be periods of time when people will require specialist dementia care services, it is the aim that people will be supported by generic, non-specialist care services for as long as possible and that these will be skilled and knowledgeable to appropriately support people with dementia and their carers and families.

In addition to this, it is the aim of this strategy to ensure that local communities are supportive, understanding and inclusive of people with dementia so that people can live well as active and valued members of our society. This will be achieved through implementing the concept of dementia friendly communities across Wiltshire.



This ambition and the following objectives, outcomes and principles will contribute to the service model that this strategy will deliver. In terms of delivery these elements will be structured across the phases of care identified by Minghella (2012) to form an action plan that organisations will sign up to (see Section 3 for more information).

With regard to reducing people's risk of developing dementia, we will ensure that this strategy is linked in to the various other relevant strategies for risk factor reduction.

Objectives

The objectives of the strategy are to:

- Keep up to date with the latest knowledge and research regarding dementia prevention, services and care and ensure these are integrated as appropriate into the initiatives and services provided
- Ensure that there are awareness raising resources within the community to support and encourage people to seek advice when they have concerns about their memory
- Ensure that there are processes in place across services to identify people who may have concerns about their memory
- Work with primary care and specialist health services to ensure that people are able to obtain a timely and quality assessment and diagnosis

- Ensure that following diagnosis, people (including those who fund their own care) are able to access good quality information and advice so that they can make informed and timely decisions and plan for their future
- Ensure that people have access to dementia community based services and activities that support them in their local communities
- Ensure people with dementia have access to appropriate specialist therapeutic services
- Ensure that people have access to peer support opportunities so that they can share their experiences and socialise with people in similar circumstances
- Support people to remain in their own home (whether that be a family home, extra care or residential care setting) for as long as possible through the provision of a range of care and support services
- Support people to remain independent for as long as possible through the use of telecare (assistive technology) and dementia friendly environments
- Ensure that there are a range of appropriate housing options for people with dementia, where their care needs can be met appropriately
- Ensure that carers are recognised and supported to care for as long as they are able and willing to do so through providing appropriate care and support.
- Work with local communities so that they are inclusive and supportive of people with dementia and their carers and families
- Ensure that there are good quality services in place that are able to appropriately support people with dementia and their carers at more difficult times in their lives e.g. access to specialist hospitals for assessment and treatment
- Ensure that people have access to support so that they are able to plan for end of life and have a good death
- Ensure that staff who work with people with dementia and their carers and families have the skills, knowledge and support to do so
- Ensure that people with dementia are encouraged and supported to make decisions and remain in control of their lives for as long as possible

Outcomes

Wherever organisations, services and support may be involved in a person's life, by becoming signatories to this strategy, they are committing to improving services so that people with dementia and their carers and families in Wiltshire are able to agree with the following outcomes:

- I am encouraged and given the opportunity to have a healthy, active lifestyle.
- I was diagnosed early and with the correct medication and treatment package.
- I understand the implications of my diagnosis in order for me to make good decisions and provide for future decision making.
- I get the treatment and support which are best for my dementia and my life.
- I am treated with dignity and respect.
- I know what I can do to help myself and who else can help me, especially in times of crisis.
- Those around me and looking after me are well supported.
- I can enjoy life.
- I feel part of a community and I'm inspired to give something back.
- I am confident my end of life wishes will be respected. I can expect a good death.

These outcomes were developed by the Department of Health (2010) for use by local areas to ensure that they are working to the standards in the National Dementia Strategy.

Principles

All organisations are committed to ensuring that in the delivery of the services and support to people with dementia and their carers and families they will:

- Promote health, wellbeing and social inclusion.
- Work together with partners to develop and deliver reliable, high quality and sustainable services that put the individual at the centre of delivery.
- Be person centred and recognise and understand the individual and their identity, wishes and abilities.
- Enable people to maintain their independence and have freedom to live as they wish to do so for as long as possible and appropriate.
- Provide support and services to people with dementia and their carers and families that are compassionate, honest, accessible and equitable.
- Help to keep people safe from harm, whilst also taking a positive approach to risk.
- Listen to people with dementia and their carers and families and communicate with them effectively.
- Involve people with dementia and their carers in service delivery and recognise that involvement will look different for different people.
- Treat people with respect and dignity.
- Learn from their experiences of supporting people with dementia to inform future service improvements.
- Be flexible to the changing needs of people with dementia and their carers and families, whilst promoting continuity of care.

Section 3: How we get there and what success look like

Priorities

A number of areas have been identified as priorities for the initial period of this strategy. These include, but are not limited to:

Reducing risk

- To ensure that the strategy is linked to other relevant strategies involved in minimising people's risk of developing dementia, emphasise the dementia prevention aspect of their activities and that their outcomes are being achieved with any support that dementia services are able to provide.

Recognising memory problems

- Awareness raising within the general public and across mainstream services e.g. leisure and libraries.
- Ensure that health services, e.g. GPs and hospitals, have in place standard processes to identify, diagnose and treat people when they may have problems with their memory.

Learning it's dementia

- Monitor and review the delivery of timely and quality assessments by GPs and the memory service and make improvements as necessary.
- Undertake a research project to identify the understanding of dementia within black and minority ethnic communities and access to services in order to inform future service delivery.

Planning for the future

- Monitor and review the effectiveness of the dementia adviser service and their interface with other GP based services and make improvements as necessary.
- Commission a generic information portal linked to the Council's website and which will also be available in GP practices and libraries. Information included on the portal will include community services, universal services as well as registered services.

Living well with dementia

- Continue to work to promote and improve services for carers, including carers breaks
- Continued oversight and maintenance of treatment packages by general practitioners.
- Establish dementia friendly communities across Wiltshire.
- Work with mainstream care and health services, including Help to Live at Home, Neighbourhood Teams and GPs to ensure that they are able to appropriately support people with dementia and their carers and families.

- Work with public services, e.g. libraries and leisure, to ensure that they are able to appropriately support people with dementia and their carers and families to access their services.
- Further implement Help to Live at Home and its principles, including the delivery of initial support and outcome based care planning and delivery.
- Implement personal budgets and develop a personalisation policy.
- Develop links with the Community Campus programme.
- Develop community therapeutic activities.
- Develop new care homes delivering specialist dementia and nursing care.
- Support to improve the quality of care in different settings including care homes.
- Develop new extra care schemes, designed to meet the needs of people with dementia.

Managing at more difficult times

- Work to shape and develop dementia related specialist mental health services to ensure timely access to specialist assessments and treatment as required, including the support they provide to other services e.g. care homes and hospitals.
- Ensure that all emergency / response / intermediate care services are skilled and knowledgeable about working with people with dementia
- Monitor and review progress within hospitals to deliver high quality dementia care in all relevant departments and disciplines.
- Analysis of triggers for people reaching crisis / requiring a move of home to receive appropriate care in order to inform future commissioning.

Care at end of life

- Implementation of the End of Life Strategy, which will include people with dementia as a target group.

Overarching

- Development of a needs assessment for people with learning disabilities and dementia to inform future service developments and commissioning.
- Development of a needs assessment for people with early onset dementia to inform future service developments and commissioning.
- Ensure that all staff supporting people with dementia have the training, skills and qualities to do so to a high standard.

Action plan, measuring success and governance

Supporting this strategy is an action plan that will be implemented (see Appendix H), which not only looks to address the priorities listed, but also the gaps identified within the mapping exercise and improvements required by people with dementia and their carers. This action plan will be accompanied by a set of success measures, which will be updated on an annual basis and overseen by the Wiltshire Dementia Delivery Board. The success measures will provide the Board with information to identify whether the implementation of the action plan has made a difference to people with dementia and their carers and families

The Wiltshire Dementia Delivery Board is a multi-agency board that is chaired by NHS Wiltshire Clinical Commissioning Group and consists of representatives from Wiltshire Council, health and social care organisations and the voluntary sector. It meets bi-monthly and is accountable to the Joint Commissioning Board.

Also in existence and with a role in delivering this strategy are the following groups:

- Carers Reference Group
- Wiltshire Alzheimer's Partnership Group
- Salisbury Foundation Trust Dementia Steering Group
- Transforming community services

References

The following documents and information have been used in the development of this strategy:

Alzheimer's Society (2012) Dementia 2012: A National Challenge

Department of Health (2009) Living well with dementia: a National Dementia Strategy

Department of Health (2010) Quality outcomes for people with dementia: building on the work of the National Dementia Strategy

Department of Health (2012) Prime Minister's Challenge on Dementia: Delivering major improvements in dementia care and research by 2015

Knapp, Martin and Prince, Martin (2007) Dementia UK. Published by Alzheimer's Society

Minghella, Dr Edana (2012) Transforming models of care for people living with dementia: Improving experiences and outcomes for people with dementia and their carers and families

National End of Life Care Programme (2012) National End of Life Care Profiles for Local Authorities: Wiltshire. Published by National End of Life Care Intelligence Network

NHS Commissioning Board and NHS South of England (2013) Dementia Prevalence Calculator - www.dementiaprevalencecalculator.org.uk/

NICE (2013), Dementia Pathway Overview, <http://pathways.nice.org.uk/pathways/dementia#content=view-node%3Anodes-risk-factors-and-prevention>

Our Health South West (2013) Dementia Care www.ourhealth.southwest.nhs.uk/service-data/indicator/diagnosis-rate.html?id=12253

Oxford Brookes University and Institute of Public Care (2013) Projecting Older People Population Information System - www.poppi.org.uk/

Oxford Brookes University and Institute of Public Care (2013) Projecting Adult Needs and Service Information - www.pansi.org.uk

Wiltshire Council (2012) Wiltshire's diverse communities: Results from the Census 2011

Wiltshire Council (2013) Wiltshire Census 2011- Selected Statistics Profile Tool: Wiltshire Unitary Authority

Appendix 3 – Engagement work in developing the strategy and throughout the consultation process

Activity	Forum	Date	Detail
Engagement work with people with dementia and carers to inform strategy development.	Singing for the Brain	10 September 2013	Questions were asked to identify a) What is important to people in their lives with dementia b) What is working well c) What could be improved
	Memory Café, Melksham	16 September 2013	
	Singing for the Brain, Salisbury	September 2013	
	Movement for the Mind, Melksham	25 September 2013	
	Carers Support Group, Devizes	27 September 2013	
	Carers Support Group	1 October 2013	
	Carers Reference Group, Melksham	16 October 2013	
	Carers Focus Group, Trowbridge	21 October 2013	
	3Ms memory group, Royal Wootton Bassett	1 November 2013	
Engagement with stakeholder organisations to inform the strategy development and to seek approval to proceed to consultation	Wiltshire Dementia Delivery Board	2 July 2013	Mapping and gapping exercise of all services with strategic partners
	Wiltshire Dementia Delivery Board	3 September 2013	Discussion with strategic partners to agree engagement mechanisms with people with dementia and carers
	Dementia Topic Leads Meeting	30 October 2013	Discussion to identify key issues when supporting people living with dementia.
	Wiltshire Dementia Delivery Board	19 November 2013	First draft of strategy presented to the board
	Health Select Committee	14 January 2014	Final draft presented
	Wiltshire Council Cabinet	21 January 2014	Agreement obtained for draft strategy to proceed to consultation

	Wiltshire Dementia Delivery Board	21 January 2014	Final draft of strategy and consultation plans presented to Board
	CCG Governing Body	28 January 2014	Agreement obtained for draft strategy to proceed to consultation
Engagement during consultation period	Launch of consultation	20 February 2014	Communications to all stakeholders including VCS, health and social care providers, press, community groups, area boards, town and parish councils. Documents made available online, in paper format and in libraries. Posters displayed in various settings including hospitals, libraries and GP surgeries. Articles about the consultation have been placed in various forums including the local press, VCS and community area websites, VCS newsletters etc.
	Corsham Area Board	20 March 2014	Presentation on draft dementia strategy
	Wiltshire Dementia Delivery Board	20 March 2014	Update on consultation provided to the Board
	Trowbridge Area Board	27 March 2014	Presentation on draft dementia strategy
	Wiltshire Dementia Delivery Board	6 May 2014	Update on consultation provided to the Board

	Westbury Memory Café	8 May 2014	Presentation and discussion on draft dementia strategy
	Healthwatch consultation event, Chippenham	12 May 2014	Public meeting to discuss the strategy
	Healthwatch consultation event, Salisbury	13 May 2014	Public meeting to discuss the strategy

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Wiltshire Council

Cabinet

17 June 2014

Subject: Annual Report on Treasury Management 2013-14

Cabinet member: Councillor Richard Tonge
Finance, Performance, Risk, Procurement and Welfare Reform

Key Decision: No

Executive Summary

In accordance with the Chartered Institute of Public Finance and Accountancy (CIPFA) (the leading accountancy body for the public services) Prudential Code for Capital Finance in Local Authorities 2003 (The Prudential Code), the Council adopted a Treasury Management Strategy (TMS) for 2013-14, including a set of Prudential and Treasury Indicators (PrIs/TrIs) and an Annual Investment Strategy (AIS) at its meeting on 26 February 2013. The Strategy report can be found in the Cabinet meeting on 18 February 2013 agenda in the reports pack at the following link, <http://cms.wiltshire.gov.uk/ieListDocuments.aspx?CId=141&MId=6131&Ver=4> Item 10, Page 75. This report shows how the Council has performed against the strategy.

The treasury strategy was adhered to in 2013-14; the average long term borrowing rate was 3.787%; and the return on investments was 0.50%.

Proposals

The Cabinet is asked to consider and note:

- a) **Prudential Indicators, Treasury Indicators and other treasury management strategies set for 2013-14 against actual positions resulting from actions within the year as detailed in Appendix A; and**
- c) **investments during the year in the context of the Annual Investment Strategy as detailed in Appendix B.**

Reasons for Proposals

To give members of the Cabinet an opportunity to consider the performance of the Council against the parameters set out in the approved Treasury Management Strategy for 2013-14.

This report is required by the Prudential Code for Capital Finance in Local Authorities and the CIPFA Code of Practice for Treasury Management in the Public Services.

Michael Hudson
Associate Director, Finance, Revenues & Benefits and Pensions

Subject: Annual Report on Treasury Management 2013-14

**Cabinet member: Councillor Richard Tonge
Finance, Performance, Risk, Procurement and Welfare
Reform**

Key Decision: No

1. Background & Purpose of Report

- 1.1 In accordance with the Chartered Institute of Public Finance and Accountancy (CIPFA) (the leading accountancy body for the public services) Prudential Code for Capital Finance in Local Authorities 2003 (The Prudential Code), the Council adopted a Treasury Management Strategy (TMS) for 2013-14, including a set of Prudential and Treasury Indicators (PrIs/TrIs) and an Annual Investment Strategy (AIS) at its meeting on 26 February 2013. The Strategy report is in the Cabinet 18 February 2013 agenda in the reports pack at the following link, <http://cms.wiltshire.gov.uk/ieListDocuments.aspx?CId=141&MIId=6131&Ver=4> Item 10, Page 75.
- 1.2 A quarterly report for the period from 1 April to 31 December 2013 was submitted to Cabinet on 18 March 2014. This report covers the whole financial year ended 31 March 2014.

2. Main Considerations for the Cabinet

- 2.1 This report reviews:
 - a) PrIs, TrIs and other treasury management strategies set for 2013-14 against actual positions resulting from actions within the year (see Appendix A); and
 - b) investments during the year in the context of the Annual Investment Strategy (see Appendix B).
- 2.2 There were no opportunities to restructure PWLB loans in 2013-14, mainly because of the continuing high level of premiums payable for early repayment, together with the availability of favourable interest rates at the appropriate maturity levels.

Review of Prudential and Treasury Indicators and Treasury Management Strategy for 2013-14

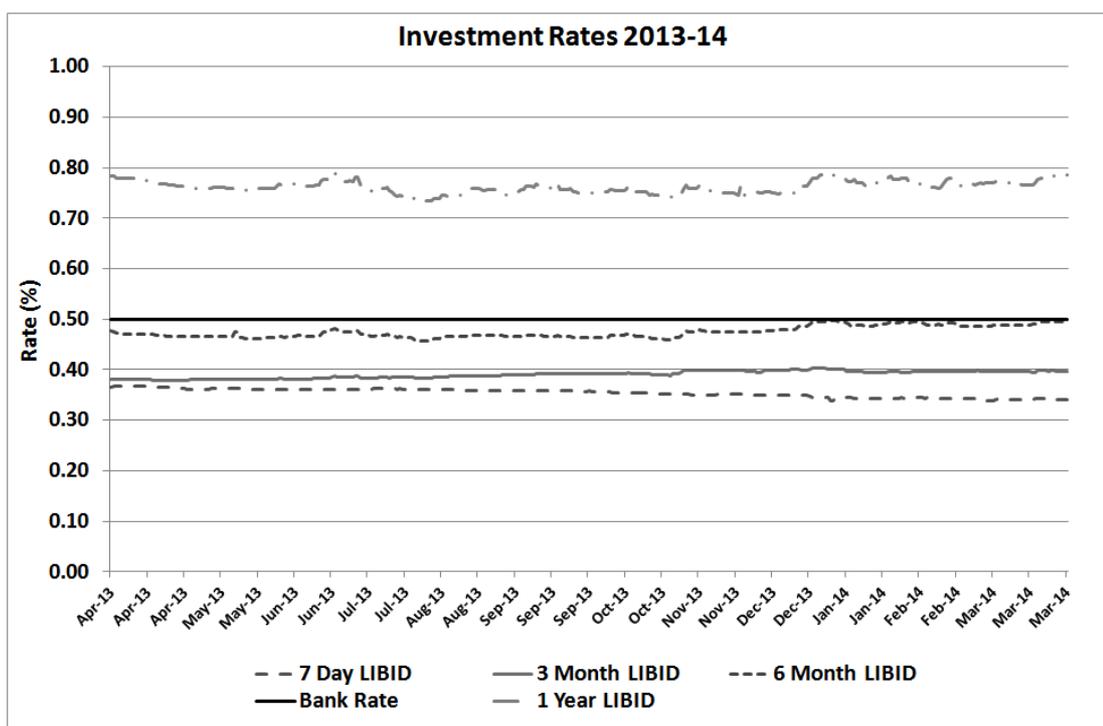
2.3 The detail of the review is given in Appendix A. The Cabinet is asked to note that:

- a) all action has been within the approved PrIs and TrIs;
- b) the Council has recovered a further £1.655 million from Icelandic banks during 2013-14. Total recoveries since the banks failed in 2008 now stand at approximately £10.2 million.
- c) the average interest rate for long term debt has increased slightly (from 3.77%) to 3.787%, the very minor increase being due to the maturity of annuity loans. There has been no significant movement in the amount of loans outstanding between 1 April 2013 and 31 March 2014;
- d) short term cash deficits and surpluses were managed through temporary loans and deposits with a return on investments of 0.50% (a decrease from 0.80% in 2012-13, reflecting overall decreases in the market during the year). This compares with the average market rate, based on the Average 3 Month LIBID Rate for 2013-14 (London Interbank Bid Rate, i.e. the rate at which banks are prepared to borrow from other banks) of 0.39% (0.56% for 2011-12); and
- e) a mid/longer term “special tranche rate” investment was (renewed) placed with Lloyds Banking Group (in August 2013, at 1.01%), for 12 months, taking advantage of favourable (although reduced from previous rates available in 2012-13) rates, whilst ensuring security and liquidity.

Review of Investment Strategy

2.4 This review is detailed in Appendix B. The Cabinet is asked to note that:

- a) the financial year 2013-14 continued the challenging investment environment of previous years, namely low investment returns.
- b) Bank Rate remained at its historic low of 0.5% throughout the year; it has now remained unchanged for five years. Market expectations as to the timing of the start of monetary tightening ended up almost unchanged (at around the end of 2014 / start of 2015). The Funding for Lending Scheme resulted in deposit rates remaining depressed during the whole of the year, although the part of the scheme supporting provision of credit for mortgages came to an end in the first quarter of 2014.
- c) as can be seen from the chart below, interest (investment) rates remained low/flat during the financial year.



d) during the financial year the Council was able to take the opportunity presented by longer term (four to 12 months) investment rates to invest surplus cash balances at optimum rates, whilst maintaining its approved strategy, including security and liquidity and credit rating criteria.

3. Environmental and Climate Change Considerations

3.1 None have been identified as arising directly from this report.

4. Equalities Impact of the Proposal

4.1 None have been identified as arising directly from this report.

5. Risks Assessment and Financial Implications

5.1 The primary treasury management risks to which the Council is exposed are adverse movements in interest rates and the credit risk of counterparties.

5.2 Investment counterparty¹ risk is controlled by assessing and monitoring the credit risk of borrowers as authorised by the Annual Investment Strategy. Appendix B of this report details action taken in 2013-14.

5.3 At 31 March 2014, the Council's average interest rate in respect of long term debt was 3.787%, which remains relatively low, in comparison with other local authorities.

¹ A Counterparty is a term most commonly used in the financial services industry to describe a legal entity, unincorporated entity or collection of entities (e.g. lender/borrower) to which an exposure to financial risk might exist.

- 5.4 It is also considered important to ensure that there is an even spread of loans to avoid the prospect of a number of high value loans maturing in any one year, which may need to be re-financed at a time when interest rates are high. A summary of the present loan maturity profile is shown in Appendix C (i).
- 5.5 Returns on short term investments have not moved significantly, mainly as a result of the volatility of the market following the 'credit crunch' starting in October 2008 and are likely to continue at near current levels for some time. The costs of borrowing for this Council have remained at similar levels because the loan profile is almost entirely at fixed maturity rates (despite the unexpected change of policy on PWLB lending arrangements in October 2010, when new borrowing rates increased by 0.75% to 0.85%, without an associated increase in early redemption rates). The investment rate of return for the year was 0.50%, against the average borrowing rate of 3.79%.
- 5.6 The latest forecast from Capita Asset Services anticipates that Bank Rate will not start to rise until quarter four of 2015 and move steadily further during 2016. PWLB rates are also expected to rise steadily over the next three years as the UK economy continues to improve.

6. Legal Implications

- 6.1 None have been identified as arising directly from this report.

7. Options Considered

- 7.1 Options for optimising returns were considered and Mid/longer term investment rates provided an opportunity to reinvest at special (attractive) deposit rates over four to 12 months.

8. Conclusion

- 8.1 Cabinet is asked to note the report.

Michael Hudson

Associate Director, Finance, Revenues & Benefits and Pensions

Report Author:

Keith Stephens, Business Analyst (Cash and Treasury) Tel: 01225 713603, email: keith.stephens@wiltshire.gov.uk

Background Papers

The following unpublished documents have been relied on in the preparation of this Report: NONE

Appendices

- Appendix A Review of Prudential and Treasury Indicators for 2013-14
Appendix B Review of Investment Strategy for 2013-14
Appendix C Summary of Long Term Loans, Temporary Loans and Deposits for 2013-14

REVIEW OF PRUDENTIAL AND TREASURY INDICATORS FOR 2013-14

- Where appropriate the figures shown in this report are consistent with the Pr1 and Tr1 estimates in the Strategy for the next three years, as reviewed and reported as part of the 2013-14 budget process.

Prudential Indicators

Pr1 - Capital Expenditure

- The table below shows the original and revised estimate of capital expenditure against the actual for the year 2013-14:

	2013-14 Original Estimate £ million	2013-14 Revised Estimate £ million	2013-14 Actual Outturn £ million
General Fund	132.1	102.4	84.5
Housing Revenue Account	10.2	7.1	6.2

- The actual capital spends (as highlighted) have increased from those reported in the December quarterly report because of additional capital expenditure incurred between the end of December 2013 and the end of March 2014.
- The Capital Programme has been actively managed throughout the year and the revised capital budget (capital outturn position for 2013-14) is £113.0 million. Further breakdown of these figures will be presented in the capital outturn report, which will be taken to the Cabinet Capital Assets Committee at its meeting on 22 July 2014.

Pr1 2 – Ratio of Financing Costs to Net Revenue Stream

- Pr1 2 expresses the net costs of financing as a percentage of the funding receivable from the Government and council tax payers (General Fund) and rents receivable (HRA). The net cost of financing includes interest and principal repayments for long and short term borrowing, as well as other credit-like arrangements, netted off by interest receivable from cash investments.

	2013-14 Original Estimate	2013-14 Revised Estimate	2013-14 Actual
General Fund	6.6%	6.3%	6.2%
Housing Revenue Account	18.7%	15.3%	15.3%

- In terms of the General Fund slight differences between budgeted and actual costs led to a minor decrease in actual ratio when compared with the revised estimate. The actual ratio (as highlighted) is also slightly higher than the figure reported in the December 2013 quarterly report, reflecting a change in the anticipated level of investment income and a slight decrease in the minimum revenue provision required for capital expenditure.

Prl 3 – Estimate of Incremental Impact of Capital Investment Decisions on the Council Tax

7. This indicator is only relevant during budget setting, as it reflects the impact on the Band D Council Tax, or average weekly housing rents in respect of the HRA, caused by any agreed changes in the capital budget.

Prl 4 – Gross Borrowing and the Capital Financing Requirement

8. Prl 4 measures the so called “Golden Rule” which ensures that net borrowing is only for capital purposes. The table below shows the original and revised estimate for 2013-14 compared with the actual position at the year end.

	2013-14 Original Estimate £ million	2013-14 Revised Estimate £ million	2013-14 Actual £ million
CFR – General Fund	404.4	378.1	348.6
CFR – HRA	122.6	122.6	122.6
Gross Borrowing – Gen Fund	275.2	245.2	245.2
Gross Borrowing – HRA	118.8	118.8	118.8
CFR not funded by gross borrowing – Gen Fund	129.2	132.9	103.4
CFR not funded by gross borrowing – HRA	3.8	3.8	3.8

9. The Capital Financing Requirement (CFR) increases whenever capital expenditure is incurred. If resourced immediately (from capital receipts, direct revenue contributions or capital grant/contributions) the CFR will reduce at the same time that the capital expenditure is incurred, with no net increase in CFR.
10. Where capital expenditure is not resourced immediately, there is a net increase in CFR, represented by an underlying need to borrow for capital purposes, whether or not external borrowing actually occurs. The CFR may then reduce over time by future applications of capital receipts, capital grants/contributions or further charges to revenue.
11. This Prl is necessary, because under an integrated treasury management strategy (in accordance with best practice under the CIPFA Code of Practice on Treasury Management in the Public Services), borrowing is not associated with particular items or types of expenditure, whether revenue or capital
12. The difference between actual external (gross) borrowing (£245.2 million) and the CFR (CFR not funded by gross borrowing above) is capital expenditure met by internal borrowing, i.e. funded from the Council’s own funds, such as reserves and balances and working capital (an accounting term for the difference, at a point in time, between what the Council owes and what is owed to it).

13. Internal borrowing is cheaper than external borrowing (see paragraph 5.5 of the main report), however, the ability to borrow internally will depend upon the sufficiency of reserves, balances and working capital. The sufficiency needs to be monitored and projections carried out to indicate where any adverse movements are expected, that could jeopardise the Council's cash flow position, making it necessary to replace internal with external borrowing.

Pr1 5 – Compliance with CIPFA Code of Practice for Treasury Management in the Public Services (“The Code”)

In the past year the Council was, and is expected to continue to be, fully compliant with the CIPFA Code of Practice for Treasury Management in the Public Services.

14. This Code of Practice has been complied with during 2013-14.

Treasury Management Indicators within the Prudential Code

Tr1 1 – Authorised Limit for External Debt

Authorised Limit	2013-14 £ million	2014-15 £ million	2015-16 £ million	2016-17 £ million
Borrowing – General Fund	436.0	471.2	473.2	466.1
Borrowing – HRA	123.2	123.2	123.2	123.2
Total Borrowing	559.2	594.4	596.4	589.3
Other Long Term Liabilities	0.2	0.2	0.2	0.2
TOTAL	559.4	594.6	596.6	589.5

15. This Authorised Limit was not exceeded at any time during the year, as maximum borrowing was below the (lower) Operational Boundary.

Tr1 2 – Operational Boundary for External Debt

Operational Boundary	2013-14 £ million	2014-15 £ million	2015-16 £ million	2016-17 £ million
Borrowing – General Fund	425.3	459.7	461.6	454.8
Borrowing – HRA	123.2	123.2	123.2	123.2
Total Borrowing	548.5	582.9	584.8	578.0
Other Long Term Liabilities	0.2	0.2	0.2	0.2
TOTAL	548.7	583.1	585.0	578.2

16. This Tr1 is for gross borrowing and was set at a limit that would allow the Council to take its entire financing requirement as loans if this was the most cost effective alternative. The limit on HRA borrowing is capped at £123.2 million. The limits, which have not been exceeded during the period covered by this report, are set to anticipate expected expenditure. The maximum gross borrowing during the year being £364.0 million (£245.2 million on General Fund and £118.8 on HRA) at 31 March 2014.

Trl 3 – External debt

	31/3/13 Actual £ million	31/3/14 Expected £ million	31/3/14 Actual £ million
Borrowing – General Fund	245.2	245.2	245.2
Borrowing – HRA	118.8	118.8	118.8
Total Borrowing	364.0	364.0	364.0
Other Long Term Liabilities	£0.2	0.2	£0.2
TOTAL	364.2	364.2	364.2

17. This Trl shows the gross External Debt outstanding at year end. The actual borrowing figure is outstanding long term borrowing as shown in Appendix C (i). Actual borrowing was as expected at the end of 2013-14.
18. There were no long term loans taken during the year.

Treasury Management Indicators within the Treasury Management Code

Trl 4a and 4b – Upper Limit on Fixed Interest Rate Exposures and Interest Rate Exposures, respectively

The Council's upper limit for fixed interest rate exposure for the period 2013-14 to 2016-17 is 100% of net outstanding principal sums.

The Council's upper limit for variable interest rate exposure is 35% for 2013-14, 50% for 2014-15, 50% for 2015-16 and 55% for 2016-17 of net outstanding principal sums.

19. All loans and investments are at fixed rates of interest.

Trl 5 – Maturity Structure of Borrowing

Limits on the Maturity Structure of Borrowing	Upper Limit	Lower Limit	Actuals 31/3/14
Maturing Period:			
- under 12 months	15%	0%	13.2%
- 12 months and within 24 months	15%	0%	10.2%
- 2 years and within 5 years	45%	0%	7.3%
- 5 years and within 10 years	75%	0%	11.0%
- 10 years and above	100%	0%	58.3%

20. In addition to the main maturity indicators it is considered prudent that no more than 15% of long term loans should fall due for repayment within any one financial year. The actual maximum percentage falling due for repayment in any one year is currently 13.2% (£48 million) in 2014-15. However, three quarters of this relates to LOBO loans, where, through call options, the lender has the right to change the interest rate at various points, in which case the Council will repay the loans and consider whether it needs to refinance them. In the current interest rate climate (where interest rates are expected to remain low for some time) they are extremely unlikely to be called. The average

interest rate on present long-term debt is 3.79%, which continues to be relatively low when compared with other local authority borrowing rates.

Trl 6 – Total Principal Sums invested for periods longer than 364 days

21. This Trl is covered by the Annual Investment Strategy, which is detailed in Appendix B.

Other Treasury Management issues

Short Term Cash Deficits and Surpluses

22. It was agreed, as per the approved Strategy, that temporary loans and deposits would be used to cover short term cash surpluses and deficits that arise during the year. Such borrowing or investments would be made to specific dates at fixed rates, with reference to cash flow requirements. Investments have also been placed in Money Market Funds during the year.
23. Any outstanding temporary loans and/or deposits are summarised in Appendix C (ii).

Icelandic Bank Deposits

24. During 2013-14 the Council received a significant interim dividend from the administrators of Heritable Bank, totalling just over £1.5 million and a further repayment of, circa, £0.150 million from the Landsbanki Winding-up Board.
25. Following the receipt of the last repayment, the Council has now received around £8.5 million, 94% (of the original investment of £9 million) from Heritable. This may be the last payment, although the final position has yet to be confirmed.
26. The Landsbanki Winding-up Board announced on March 9, 2012 that it anticipated recoveries in the administration of Landsbanki would exceed the book value of priority claims by around ISK 121bn (some 9% higher than the value of priority claims) taking account of the sale of its holding in Iceland Foods. It is now considered likely that, subject to foreign exchange rate fluctuations and the 'unwinding of' capital controls, local authorities will recover 100 per cent of their deposits. Latest indications suggest that it will be some time before the final repayment is received.
27. The deposits outstanding with Icelandic banks are shown in Appendix C (ii) at impaired value less repayments, impairment being calculated using the latest available guidance.
28. The initial investments in Icelandic banks amounted to a total of £12 million and total recoveries since the banks failed in 2008 now stand at approximately £10.2 million. Although it is difficult to estimate the final recoverable amount precisely, the best estimate for the final recoverable amount, based on the expected recovery rates, is just over £11.5 million (including some interest), leaving approximately £0.5 million (or, circa, 4%) irrecoverable overall.

Longer Term Cash Balances

29. The tight monetary conditions have continued through 2013-14 with a downward trend in the deposit rates for all types of investments (short/medium and long term). As a result opportunities for an increased return by longer term investment of the more permanent cash surpluses, such as reserves and balances have been limited.
30. However, there have been continuing opportunities for investment, within the Councils approved Treasury Management Strategy, in (UK 'Government backed') banks which have offered "special tranche rates" for twelve months.
31. A further "special tranche rate" investment was placed with Lloyds Banking Group (in August) for 12 months at 1.01%, further details of which is shown in Appendix C(ii).

REVIEW OF INVESTMENT STRATEGY FOR 2013-14

1. All investments of surplus cash balances were placed to ensure:
 - a) the security of capital, deposits only being placed with financial institutions which met the **high credit ratings** laid down in the approved Strategy;
 - b) the liquidity of investments, all deposits being placed for fixed periods at fixed rates of interest; and
 - c) all such investments were in sterling and in “Specified Investments”, as prescribed in the DCLG Guidance on Local Government Investments (the “Guidance”).
2. The investment activity during the year conformed to the approved strategy, and the Council had no liquidity difficulties.
3. As summarised in Appendix C (iii), 289 deposit transactions were processed during the year, with a gross value of £878.878 million. Of deposits placed, 130 were placed direct with HSBC Bank Treasury on the Council’s overnight deposit account, 5 in call accounts, 126 through money market funds and 28 were placed with other counterparties via the money markets and direct dealing. The level of deposits in money market funds and call accounts reflects both counterparty downgrading and banks moving away from instant access call accounts to notice accounts, which are sometimes not always suitable for cash flow purposes.
4. Details of the deposits outstanding at the end of the year, totalling £76.327 million, are shown in Appendix C (ii). These deposits represent the Council’s reserves both long term, such as the PFI and Insurance funds, and short term such as creditors or payments in advance and include the deposits that remain outstanding from Icelandic banks at impaired value less repayments.
5. The opportunity was taken to place a proportion of these deposits in longer term investments for 12 months, taking advantage of higher interest rates available for the longer maturity period. These are shown within general deposits in Appendix C (ii).
6. The Council contracts with a treasury adviser, regularly reviewing credit ratings of potential organisations and their respective country’s ratings, together with other ‘tools’ used to assess the credit quality of institutions such as credit default swaps. The Council uses this information to assess institutions with which it may place deposits or from which it may borrow, including interest rate forecasts for both borrowing and investment, together with setting a ‘benchmark’ borrowing rate. The Council’s investment policy is ‘aimed’ at the prudent investment of surplus cash balances to optimise returns whilst ensuring the security of capital and liquidity of investments. However, the Council, like any other organisation, can be exposed to financial risk, which is negated as far as possible by the foregoing measures.

SUMMARY OF LONG TERM BORROWING 1 APRIL - 31 MARCH 2014**Loans Raised During the Period**

Date Raised	Lender	Amount (£m)	Type	Interest rate (%)	Maturity date	No. of years
No Loans were raised during the period						
Total		0.000				

Average period to maturity (years) 0.00

Average interest rate (%) 0.00

* Loans taken to restructure ** Loans taken for purchases instead of leasing

Maturity Profile at 31 March 2014

Year	Amount (£m)					% age		Average rate (%)	
	PWLB	Market Loans (LOBO)		Total		Earliest Repay	Contracted Maturity	Earliest Repay	Contracted Maturity
		Earliest Repay	Contracted Maturity	Earliest Repay	Contracted Maturity				
(A)	(B)	(C)	(A)+(B)	(A)+(C)					
1 to 5 years	50.842	61.000	-	111.842	50.842	30.7	14.0	3.890	3.336
6 to 15 years	90.123	-	-	90.123	90.123	24.8	24.8	3.013	3.013
16 to 25 years	87.500	-	-	87.500	87.500	24.0	24.0	3.872	3.872
26 to 50 years	74.500	-	45.000	74.500	119.500	20.5	32.8	4.497	4.449
Over 50 years	-	-	16.000	-	16.000	-	4.4	-	4.298
Totals	302.965	61.000	61.000	363.965	363.965	100.0	100.0	3.787	3.787

Average period to maturity (years) 15.53 22.55

CIPFAs Guidance Notes on Treasury Management in the Public Services recommends that the Treasury Management Strategy Reports include LOBO (Lender Option Borrower Option) loans at the earliest date on which the lender can require payment, deemed to be the next 'call date'. At that date the lender may choose to increase the interest rate and the borrower (the Council) may accept the new rate or repay the loan (under the current approved Treasury Management Strategy, the Council would repay the loan). Whether or not the lender chooses to exercise their right to alter the interest rate will depend on market conditions (interest rates). Current market conditions, where interest rates are predicted to remain low for some time, indicate that it is highly unlikely that lenders will call the loans in the immediate future.

The alternative method of determining the maturity profile of LOBO loans, based on contracted maturity dates, is used in the 2013-14 year end outturn.

The table above includes the maturity profiles using both the earliest date on which the lender can require payment and the contracted maturity dates.

SUMMARY OF DEPOSITS 1 APRIL - 31 MARCH 2014**Deposits Outstanding at 31 March 2014**

Borrower	Amount £m	Terms	Interest Rate	Sector Credit Rating at 31/03/2014
HSBC Bank Plc - Treasury	1.500	No fixed maturity date	0.20	Orange - 12 Months
Lloyds TSB Bank	5.000	Fixed to 11-Aug-14	1.01	Blue - 12 Months
Ulster Bank Ltd *	8.000	Fixed to 16-Sep-14	0.92	No Rating (rating suspended 13 March 2014)
DBS Bank Ltd.	8.000	Fixed to 11-Apr-14	0.47	Purple - 24 Months
Standard Chartered Bank	8.000	Fixed to 14-Apr-14	0.55	Red - 6 Months
Canadian Imperial Bank of Commerce	8.000	Fixed to 16-Jul-14	0.50	Orange - 12 Months
Svenska Handelsbanken AB	0.020	No fixed maturity date	0.55	Orange - 12 Months
BlackRock Money Market Fund	7.103	No fixed maturity date	0.31	AAA
J P Morgan Money Market Fund	0.005	No fixed maturity date	0.27	AAA
Prime Rate Money Market Fund	14.758	No fixed maturity date	0.40	AAA
Goldman Sachs	0.407	No fixed maturity date	0.37	AAA
Ignis Money Market Fund	14.375	No fixed maturity date	0.43	AAA
Heritable Bank	0.000	Est Recoverable Amount	6.00	N/A
Heritable Bank	0.000	Est Recoverable Amount	6.00	N/A
Heritable Bank	0.000	Est Recoverable Amount	6.00	N/A
Heritable Bank	0.000	Est Recoverable Amount	5.42	N/A
Landsbanki	1.138	Est Recoverable Amount	6.10	N/A
Landsbanki	0.021	Est Recoverable Amount	4.17	N/A
Total	76.327			

*The suggested duration associated with Ulster Bank was 12 months (Blue - Government backed as part of RBS Group) at the time the deposit was taken out. However, since that time, following a review, the banks credit rating has been downgraded by Moodys Rating Agency and Capita Asset Services suspended their rating on 13 March 2014, although they remain Government backed as part of the RBS Group and still retain parental support.

Outstanding deposits with Icelandic Banks are shown at the estimated recoverable amount, which takes account of the latest estimated impairments and all repayments received to date (31 March 2014). Following the last (significant) repayment, the estimated recoverable amounts relating to the Heritable Bank investments have been reduced to nil, on the basis of current indications, that there may not be any further repayments, a recovery level of 94% having been attained. Apart from the final entry, the interest rates are the original rates. The last entry reflects the amount paid out in ISK (Icelandic Krona) which is being held in an interest bearing escrow account in Iceland and, as recommended by CIPFA, accounted for as a 'new' investment.

Investments held (as highlighted) have decreased by £43.085 million between the end of December 2013 as reported in the previous quarterly report, and the end of March 2014. This is because of changes in cash flows (e.g. decreased receipts/increased payments, particularly those associated with the new funding arrangements for Business Rates Retention) resulting in a reduction in cash available for investment.

SUMMARY OF TEMPORARY LOANS AND DEPOSITS 1 APRIL - 31 MARCH 2014**Transactions During the Period**

Type	Balance 1 Apr 13 £m	Raised		Repaid		Balance 31 March 14 £m	Interest Variance * High/Low(%)
		Value £m	No.	Value £m	No.		
Temporary loans							
- General	0.000	0.000	0	0.000	0	0.000	
Total	0.000	0.000	0	0.000	0	0.000	
Temporary deposits							
- General	47.242	213.100	28	222.183	29	38.159	1.01/0.47
- HSBC Overnight	0.000	337.250	130	335.750	126	1.500	0.20/0.20
- Call Accounts	0.017	7.023	5	7.020	1	0.020	0.80/0.55
- Money Market Funds	20.079	330.494	126	313.925	127	36.648	0.43/0.27
Total	67.338	887.867	289	878.878	283	76.327	

* Interest variance is the highest/lowest interest rate for transactions during the period.

* In terms of general deposits, the high of 1.01% was obtained in August 2013 on a 12 month deposit.

General deposits include impaired Icelandic investments less any repayments that have been received, to date.

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Wiltshire Council

Cabinet

17 June 2014

Subject: Revenue Outturn 2013/2014

**Cabinet Member: Councillor Dick Tonge
Finance, Performance, Risk, Procurement and Welfare
Reform**

Key Decision: No

Executive Summary

To advise Cabinet of the final unaudited revenue outturn position as at 31 March 2014 for the financial year 2013/2014. The year end position is an underspend of £0.397 million. This is an improvement from the forecast position at period 9, and in line with the projections of the Section 151 Officer.

Proposal

That Cabinet note the report showing an outturn underspend of £0.397 million, and appropriate transfers to General Fund and Earmarked reserves as set out in Sections 18-24 of this report.

Reasons for Proposals

That Cabinet approve the final outturn for 2013/2014.

Michael Hudson

Associate Director – Finance, Revenues & Benefits and Pensions (Section 151 Officer)

Wiltshire Council

Cabinet

17 June 2014

Subject: Revenue Outturn 2013/2014

Cabinet Member: Councillor Dick Tonge
Finance, Performance, Risk, Procurement and Welfare Reform

Key Decision: No

PURPOSE OF REPORT

1. To advise Cabinet of the unaudited revenue outturn position for financial year 2013/2014.

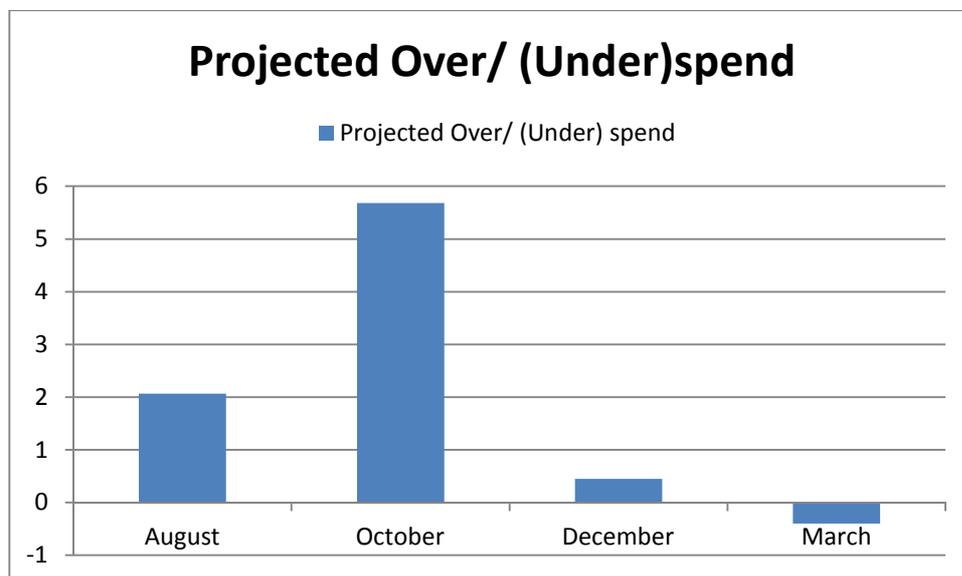
SUMMARY

2. The final outturn position is as follows:

	Revised Budget £ million	Outturn Position for Year £ million	Overspend/ (Underspend) for Year £ million	Overspend/ (Underspend) reported at period 9 £ million	Movement since period 9 £ million
General Fund Total	340.518	340.121	(0.397)	0.449	(0.846)
Housing Revenue Account	(0.631)	(0.631)	(2.667)	(2.000)	(0.667)

3. The final unaudited outturn position on the general fund is an underspend of £0.397 million. This represents an improvement of £0.846 million on the budget monitoring position reported to Members for period 9, and is in line with the forecast reported by the Section 151 Officer to Council in February 2014. The main change relates to additional government grant received at the year end, including flood related grants.
4. This is summarised and tied back to the period 9 monitoring report in Appendix C and more detailed reasons are noted in the following sections.

- The graph below shows how the forecast outturn position has improved during budget monitoring reports to Cabinet this year. The graph shows a clear improvement in the position towards the end of the financial year, following strong financial management throughout the Council.



- This outturn shows an improvement on figures in the financial plan. The financial plan will be updated to reflect this during budget setting 2015/2016.

GENERAL FUND MONITORING DETAILS

- The overall outturn position by service areas is set out in Appendix C.
- A summary of the Service Area movements from period 9 monitoring is set out in Appendix D. As with reports during the year, this report targets service areas with large variances at year end.

Adult Social Care Operations (Including Older People, Other Vulnerable Adults and Mental Health) £0.004 million net underspend

- Adult Social Care Operations (excluding Learning Disabilities) underspent by £0.004m across the three service areas, this is an improvement of £1.308m from the forecast at month 9. The main reasons for the improvement are recovery actions taken within Adult Social Care Operations, underspends against contracts and final agreement with the CCG on the use of transferred health funding for specific activities and packages of care.

Disabilities £3.851 million overspend

10. Disabilities services cover two areas; services to adults with learning disabilities and the 0-25 Service for children and young people with SEN and disabilities. Services for Adults with LD overspent by £3.340m. This overspend had been projected throughout the year and reflects the cost of care packages. The 0-25 Service is overspent by £0.511m also due to costs of care packages, again this had been projected through the year. A full review of costs across all age groups is currently underway to fully understand and project the costs associated with this client group.

Children's Social Care £1.290 million overspend

11. Children's Social Care budgets overspent by £1.290 million, an improvement of £0.362m compared with the forecast at period 9. This takes in to account a transfer from reserves of £1.4 million as previously agreed. The improvement results from recovery actions taken within Children's Services and a reduction in the cost of placements compared with the forecast.

Development Services £0.721 million net underspend

12. Development Services final outturn was an underspend of £0.721 million. This compares to a forecast at month 9 of £0.503 million. This is largely due to overachievement of additional Planning income, in particular, one off large planning application for £250k.

Waste £1.023 million net underspend

13. The majority of the underspend for waste management relates to landfill tax, in particular the landfill tax payable in respect of the residues from the MBT plant which go to landfill. This was added to by the fact that the total tonnage on which landfill tax was paid was less than projected when the budget was agreed (by 5,400 tonnes).

Leisure £0.731 million net underspend

14. The main reason for the underspend in this area is additional income received throughout the year. Income at Leisure Centres had been expected to reduce, particularly during periods of closure and disruption, however this reduction did not occur and income targets were exceeded. Income was also higher than expected at Salisbury City Hall.

Transformation Programme (including Transformation Programme and Information Services £1.311 million net underspend

15. The final outturn position of £1.311 million underspend is in line with a £1.3 million underspend forecast at month 9. A joint review was undertaken of this area with ICT and finance to review the most cost effective way of financing the IT acquisitions.

Corporate £1.673 million net overspend

16. Corporate as a whole is reporting an overspend of £1.673 million. There are significant over and underspends on other lines within corporate but they balance with each other.
- There is an underspend of £2.395 million on Capital Financing due to increased capital reprogramming into 2014/2015. This is higher than the £2 million previously reported at period 9 due to further reprogramming of the capital programme. The capital outturn report is also on this agenda.
 - There is a net savings totalling £3.4 million on Corporate Items that has arisen due to additional council tax collection, and capitalisation of redundancies. As a result a planned £3.4 million technical draw from reserves was not undertaken due these saving identified elsewhere.
 - Central Government Grants showed extra income of £1.827 million. This is due to extra grants received, including Local Services Support Grant, Local Reform and Community voices and Flooding Grants.

HOUSING REVENUE ACCOUNT

17. The HRA is reporting an underspend of £2.667 million. This is primarily caused by an rescheduling of repairs and maintenance which has been caused by performance issues with the contractors appointed to undertake works. Discussions have taken place with contractors and recovery plans are in place to ensure this issue does not reoccur in 2014/2015.

Reserves

18. The tables below shows the year end outturn position on the general fund balance and estimated earmarked reserves held by the council.
19. There is an overall improvement in the outturn position from that reported at period 9.
20. The set up of this reserve has been reflected in the figures in this report.

General Fund Reserve	£ million	£ million
Balance as at 1 April 2013		(12.642)
Underspend at year end	(0.397)	
Draw from reserves per period 9 monitoring report for looked after children	1.400	
Extra funding grant from central government	(0.226)	
Total movement in year		0.777
Forecast Balance 31 March 2014		(11.865)

21. The final position shows General Fund Reserves at the year end of £11.865 million, compared to £11.240 million in the financial plan reported to Council in February 2014. The report "Wiltshire Council's Financial Plan Update 2014/15" that went to Cabinet on 11 February 2014 gives full details of the risk assessment of General Fund Reserves.
22. In addition to General Fund Reserves, the Council also has some ring fenced earmarked reserves. These are held for specific reasons. Earmarked Reserves are reviewed regularly as part of closedown process.
23. All requests for earmarked reserves this year have rolled into a new Business Plan Priority Funding Reserve. This is will be used for controlled by corporate Directors and funds allocate to the priorities in the Business Plan on a business case basis.

24. Below is a list of current Earmarked Reserves:

Earmarked Reserves	Opening Balance 01-Apr-13	Drawdown/ (Deposits)	Closing Balance 31-Mar-14
Schools PFI Reserve	(4.661)	0.161	(4.500)
Insurance Reserve	(4.450)	0.300	(4.150)
Schools Balances	(9.268)	(0.772)	(10.040)
Transformation Reserve	(0.228)		(0.228)
Housing Reserve	(0.042)		(0.042)
Criminal Records Bureau System Reserve	(0.008)		(0.008)
Elections Reserve	(0.600)	0.435	(0.165)
Street Lighting Reserve	(0.100)		(0.100)
Area Board Reserve	(0.035)	(0.150)	(0.185)
Energy Efficiency Reserve	(0.039)		(0.039)
Digital Inclusion Reserve	(0.183)		(0.183)
Housing PFI Reserve	(1.588)	(1.598)	(3.186)
Action 4 Wiltshire Reserve	(0.180)		(0.180)
Young People's Support Service (YPSS) Reserve	(0.313)	0.313	0.000
Transformation Reserve	(1.336)		(1.336)
Business Plan Priority Funding Reserve		(0.860)	(0.860)
Revenue Grants Reserve	(5.130)	(3.899)	(9.029)
Forecast Balance 31 March 2014	(28.161)	(6.070)	(34.231)

Main Consideration for the Council

25. To note the unaudited outturn for 2013/14 and consider the Council's reserve position.

Environmental Implications

26. None have been identified as arising directly from this report.

Equality & Diversity Implications

27. No equality and diversity issues have been identified or arising from this report.

Legal Implications

28. None have been identified as arising directly from this report.

Risk Assessment

29. During the year, the Council has faced significant service financial pressures. Actions to manage these pressures have been agreed previously and work has been undertaken to manage the financial position.
30. The Council has identified in its corporate risk register various elements which have been covered in previous monitoring reports, most notably the impact the current economic climate has on the Council's finances.

Financial Implications

31. These have been examined and are implicit throughout the report.

Proposals

32. That Cabinet can approve the final outturn for 2013/2014, and appropriate transfers to General Fund and Earmarked reserves as set out in Section 18-24 of this report.

Background Papers and Consultation

2013-2017 Business Plan
Wiltshire Council's Financial Plan Update 2013/2014 Cabinet 12 February 2012
Budget Monitoring Cabinet Period 5 24 September 2013
Budget Monitoring Cabinet Period 7 17 December 2013
Budget Monitoring Cabinet Period 9 11 February 2014

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Appendices:

Appendix A: Revenue Budget Movements 2013/2014
Appendix B: Service Area Movements 2013/2014
Appendix C: Detailed Service Area Budget Statements
Appendix D: Outturn Variance Movements

Wiltshire Council Revenue Budget Movements 2013/2014

Service	Original Budget	Structural Changes	Revised Original Budget	In Year Virements to Period 7	Revised Budget Period 7	In Year Virements to Period 9	Revised Budget Period 9	In Year Virements to Period 12	Revised Budget Period 12	Major Virements See Appendix B
	£m									
Adult Social Care Operations										
Older People	46.408	0.463	46.871	2.361	49.232	0.175	49.407	0.192	49.599	
Other Vulnerable Adults	8.626	0.000	8.626	0.000	8.626	0.000	8.626	0.000	8.626	
Learning Disability	40.331	(0.356)	39.975	(0.959)	39.016	0.032	39.048	0.003	39.051	
Mental Health	22.455	0.000	22.455	(1.413)	21.042	0.035	21.077	0.000	21.077	
Adult Care Commissioning, Safeguarding & Housing										
Resources, Strategy & Commissioning	2.402	(0.803)	1.599	0.196	1.795	0.015	1.810	(0.238)	1.572	
Housing Services	5.223	0.000	5.223	0.002	5.225	0.091	5.316	(1.743)	3.573	*
Public Health & Public Protection										
Public Health Grant	0.264	(0.264)	0.000	0.000	0.000	0.000	0.000	(0.250)	(0.250)	
Other Public Health & Public Protection	3.355	0.905	4.260	(0.319)	3.941	0.595	4.536	0.113	4.649	
Children's Social Care, Integrated Youth & Preventative Services & 0-25 SEN/Disability Service										
Children's Social Care	32.620	(2.711)	29.909	(0.360)	29.549	0.167	29.716	(0.519)	29.197	*
0-25 Service: Disabled Children & Adults		9.409	9.409	3.938	13.347	(0.220)	13.127	0.199	13.326	
Integrated Youth & Preventative Services	2.965	0.455	3.420	0.393	3.813	(0.017)	3.796	(0.125)	3.671	
Early Years	7.439	(7.439)	0.000	0.000	0.000	0.000	0.000	0.000	0.000	
Quality Assurance, Commissioning & Performance, School & Early Years Effectiveness										
School Effectiveness	2.625	1.459	4.084	1.177	5.261	0.005	5.266	(0.122)	5.144	
Business & Commercial Services	0.449	(0.140)	0.309	(0.824)	(0.515)	0.000	(0.515)	0.069	(0.446)	
Targeted Services & Learner Support	7.153	(7.153)	0.000	0.000	0.000	0.000	0.000	0.000	0.000	
Safeguarding	0.936	0.000	0.936	(0.019)	0.917	0.000	0.917	0.026	0.943	
Funding Schools	0.000	0.000	0.000	0.000	0.000	0.000	0.000	(0.455)	(0.455)	
Commissioning & Performance	2.738	6.211	8.949	(0.483)	8.466	0.287	8.753	(1.278)	7.475	*
Economic Development & Planning Services										
Economy & Regeneration	3.659	0.000	3.659	0.809	4.468	0.010	4.478	0.081	4.559	
Development Services	0.852	0.632	1.484	0.068	1.552	0.195	1.747	(0.500)	1.247	*
Highways & Transport										
Highways Strategic Services	6.366	0.000	6.366	(0.071)	6.295	0.111	6.406	(0.148)	6.258	
Public Transport	11.106	0.000	11.106	0.006	11.112	0.132	11.244	0.008	11.252	
Education Transport	8.329	0.000	8.329	0.025	8.354	0.000	8.354	0.000	8.354	
Local Highways & Streetscene	18.012	(6.925)	11.087	(0.262)	10.825	0.024	10.849	(1.717)	9.132	*
Car Parking	(5.326)	0.000	(5.326)	(0.028)	(5.354)	0.025	(5.329)	0.000	(5.329)	
Environment & Leisure										
Waste	31.946	0.000	31.946	0.053	31.999	0.081	32.080	0.000	32.080	
Environment Services	0.000	6.731	6.731	(0.096)	6.635	0.187	6.822	0.089	6.911	
Leisure	2.996	0.000	2.996	(0.189)	2.807	(0.024)	2.783	(0.050)	2.733	
Communications, Community Area Boards, Libraries, Arts, Heritage & Culture										
Communications	1.977	0.000	1.977	(0.044)	1.933	0.048	1.981	(0.002)	1.979	
Libraries, Arts, Heritage & Culture	4.078	1.356	5.434	0.234	5.668	(0.027)	5.641	(0.313)	5.328	
Executive Office										
Executive Office	0.260	3.699	3.959	0.257	4.216	0.038	4.254	0.027	4.281	
Community Leadership & Governance	3.284	(1.725)	1.559	0.082	1.641	0.035	1.676	0.000	1.676	
Corporate Directors	0.145	0.000	0.145	0.567	0.712	0.000	0.712	0.046	0.758	
Finance										
Finance, Revenues & Benefits, & Pensions	5.160	(0.645)	4.515	(0.060)	4.455	0.116	4.571	(0.190)	4.381	
Revenues & Benefits - Subsidy	0.000	0.000	0.000	0.000	0.000	0.000	0.000	(0.200)	(0.200)	
Legal & Governance										
Legal & Governance	6.652	(3.317)	3.335	0.571	3.906	0.067	3.973	(0.125)	3.848	
People & Business Services										
Human Resources & Organisational Development	3.163	0.565	3.728	0.744	4.472	0.173	4.645	(0.098)	4.547	
Business Services	4.603	(2.221)	2.382	(0.008)	2.374	0.108	2.482	0.355	2.837	
Strategic Property Services	1.435	14.330	15.765	(0.317)	15.448	0.030	15.478	(0.059)	15.419	
Transformation Programme										
Transformation	16.111	(12.280)	3.831	0.270	4.101	0.070	4.171	0.338	4.509	
Information Services	13.464	0.000	13.464	(0.343)	13.121	0.136	13.257	(0.100)	13.157	
Digital Inclusion	0.238	(0.238)	0.000	0.000	0.000	0.000	0.000	0.000	0.000	
Corporate										
Movement on Reserves	0.000	0.000	0.000	(5.980)	(5.980)	(0.106)	(6.086)	10.980	4.894	*
Capital Financing	22.898		22.898	0.500	23.398	0.000	23.398	0.000	23.398	
Restructure & Contingency	(3.299)	0.002	(3.297)	(0.815)	(4.112)	(2.931)	(7.043)	(3.491)	(10.534)	*
General Government Grants	(11.746)		(11.746)	(0.363)	(12.109)	0.000	(12.109)	0.000	(12.109)	
Corporate Levys	8.166		8.166	0.700	8.866	0.337	9.203	(0.803)	8.400	*
2013-2014 Budget Requirement	340.518	(0.000)	340.518	(0.000)	340.518	(0.000)	340.518	0.000	340.518	
HRA Budget	(0.631)	0.000	(0.631)	0.000	(0.631)	0.000	(0.631)	0.000	(0.631)	
339.887	(0.000)	339.887	(0.000)	339.887	(0.000)	339.887	0.000	339.887		

More details are given of major virements and structural movements in Appendix B. These areas are marked above with *

Major Virements between Services Areas from Period 9 to Period APPENDIX I

Net virements over £500,000

Housing Services

Release of Ear Marked Grant

HIA Budget now part of the ICES contract

In Year Virements period 9-12

Children's Social Care

Year End Earmarked Reserve requests

Other budget realignments

In Year Virements period 9-12

Commissioning & Performance

Year End Earmarked Reserve requests

Other budget realignments

In Year Virements period 9-12

Development Services

Year End Earmarked Reserve requests

In Year Virements period 9-12

Local Highways & Streetscene

Year End Earmarked Reserve requests

Other budget realignments

In Year Virements period 9-12

Movement on Reserves

Earmarked Reserves released

Year End Earmarked Reserve requests

Reversal of use of general fund reserves

In Year Virements period 9-12

Restructure & Contingency

Release of redundancy from contingency

Other budget realignments

Reversal of use of general fund reserves

In Year Virements period 9-12

Corporate Levys

Release of redundancy from contingency

In Year Virements period 9-12

£m
1.598
0.145
1.743
(0.630)
0.111
(0.519)
(1.430)
0.152
(1.278)
(0.500)
(0.500)
(1.810)
0.093
(1.717)
3.236
4.344
3.400
10.980
(0.350)
0.259
(3.400)
(3.491)
(0.803)
(0.803)

Wiltshire Council Revenue Budget Monitoring Statement

31-Mar-14

		<i>Original Budget</i>	<i>Revised Budget Including Virements</i>	<i>Actual Position 31 March 2014</i>	<i>Variation for Year: Overspend / (Underspend)</i>	<i>Variation as % of Revised Budget: Overspend / (Underspend)</i>
		<i>£m</i>	<i>£m</i>	<i>£m</i>	<i>£m</i>	
<u>Adult Social Care Operations</u>						
Older People	Gross Costs	56.529	59.568	60.833	1.265	2.1%
	Income	(9.658)	(9.969)	(11.516)	(1.547)	15.5%
	Net	46.871	49.599	49.317	(0.282)	(0.6%)
Other Vulnerable Adults	Gross Costs	9.213	9.213	10.513	1.300	14.1%
	Income	(0.587)	(0.587)	(0.675)	(0.088)	15.0%
	Net	8.626	8.626	9.838	1.212	14.1%
Learning Disability	Gross Costs	42.548	41.568	45.858	4.290	10.3%
	Income	(2.573)	(2.517)	(3.467)	(0.950)	37.7%
	Net	39.975	39.051	42.391	3.340	8.6%
Mental Health	Gross Costs	26.839	24.621	24.125	(0.496)	(2.0%)
	Income	(4.384)	(3.544)	(3.974)	(0.430)	12.1%
	Net	22.455	21.077	20.151	(0.926)	(4.4%)
<u>Adult Care Commissioning, Safeguarding & Housing</u>						
Resources, Strategy & Commissioning	Gross Costs	1.676	1.699	1.665	(0.034)	(2.0%)
	Income	(0.077)	(0.127)	(0.084)	0.043	(33.9%)
	Net	1.599	1.572	1.581	0.009	0.6%
Housing Services	Gross Costs	6.567	8.132	7.992	(0.140)	(1.7%)
	Income	(1.344)	(4.559)	(4.548)	0.011	(0.2%)
	Net	5.223	3.573	3.444	(0.129)	(3.6%)
<u>Public Health & Public Protection</u>						
Public Health Grant	Gross Costs	0.790	13.011	13.036	0.025	0.2%
	Income	(0.077)	(13.261)	(13.286)	(0.025)	0.2%
	Net	0.713	(0.250)	(0.250)	-	-
Other Public Health & Public Protection	Gross Costs	4.349	5.614	5.698	0.084	1.5%
	Income	(1.059)	(0.965)	(1.239)	(0.274)	28.4%
	Net	3.290	4.649	4.459	(0.190)	(4.1%)
<u>Children's Social Care, Integrated Youth & Preventative Services & 0-25 SEN/Disability Service</u>						
Children's Social Care	Gross Costs	30.628	57.522	59.671	2.149	3.7%
	Income	(0.719)	(28.325)	(29.184)	(0.859)	3.0%
	Net	29.909	29.197	30.487	1.290	4.4%
0-25 Service: Disabled Children & Adults	Gross Costs	18.304	35.369	36.124	0.755	2.1%
	Income	(8.889)	(22.043)	(22.287)	(0.244)	1.1%
	Net	9.415	13.326	13.837	0.511	3.8%
Integrated Youth & Preventative Services	Gross Costs	9.100	8.077	7.798	(0.279)	(3.5%)
	Income	(5.686)	(4.406)	(4.264)	0.142	(3.2%)
	Net	3.414	3.671	3.534	(0.137)	(3.7%)

Wiltshire Council Revenue Budget Monitoring Statement

31-Mar-14

		Original Budget	Revised Budget Including Virements	Actual Position 31 March 2014	Variation for Year: Overspend / (Underspend)	Variation as % of Revised Budget: Overspend / (Underspend)
		£m	£m	£m	£m	
Quality Assurance, Commissioning & Performance, School & Early Years Effectiveness						
School Effectiveness	Gross Costs	7.917	8.989	9.617	0.628	7.0%
	Income	(3.833)	(3.845)	(4.903)	(1.058)	27.5%
	Net	4.084	5.144	4.714	(0.430)	(8.4%)
Business & Commercial Services	Gross Costs	0.586	(0.426)	0.165	0.591	(138.7%)
	Income	(0.277)	(0.020)	(0.477)	(0.457)	2285.0%
	Net	0.309	(0.446)	(0.312)	0.134	(30.0%)
Safeguarding	Gross Costs	1.024	1.096	1.510	0.414	37.8%
	Income	(0.088)	(0.153)	(0.160)	(0.007)	4.6%
	Net	0.936	0.943	1.350	0.407	43.2%
Funding Schools	Gross Costs	280.056	160.999	192.148	31.149	19.3%
	Income	(280.056)	(161.454)	(192.603)	(31.149)	19.3%
	Net	-	(0.455)	(0.455)	-	-
Commissioning & Performance	Gross Costs	32.981	31.296	30.856	(0.440)	(1.4%)
	Income	(24.032)	(23.821)	(24.045)	(0.224)	0.9%
	Net	8.949	7.475	6.811	(0.664)	(8.9%)
Economic Development & Planning Services						
Economy & Regeneration	Gross Costs	3.749	4.596	5.737	1.141	24.8%
	Income	(0.090)	(0.037)	(1.325)	(1.288)	3481.1%
	Net	3.659	4.559	4.412	(0.147)	(3.2%)
Development Services	Gross Costs	5.742	6.006	5.884	(0.122)	(2.0%)
	Income	(4.259)	(4.759)	(5.358)	(0.599)	12.6%
	Net	1.483	1.247	0.526	(0.721)	(57.8%)
Highways & Transport						
Highways Strategic Services	Gross Costs	7.533	8.835	8.655	(0.180)	(2.0%)
	Income	(1.167)	(2.577)	(2.849)	(0.272)	10.6%
	Net	6.366	6.258	5.806	(0.452)	(7.2%)
Public Transport	Gross Costs	14.794	15.150	16.125	0.975	6.4%
	Income	(3.688)	(3.898)	(4.770)	(0.872)	22.4%
	Net	11.106	11.252	11.355	0.103	0.9%
Education Transport	Gross Costs	8.950	8.938	8.545	(0.393)	(4.4%)
	Income	(0.621)	(0.584)	(0.681)	(0.097)	16.6%
	Net	8.329	8.354	7.864	(0.490)	(5.9%)
Local Highways & Streetscene	Gross Costs	11.688	11.653	13.066	1.413	12.1%
	Income	(0.601)	(2.521)	(3.516)	(0.995)	39.5%
	Net	11.087	9.132	9.550	0.418	4.6%
Car Parking	Gross Costs	1.920	1.917	1.889	(0.028)	(1.5%)
	Income	(7.246)	(7.246)	(7.415)	(0.169)	2.3%
	Net	(5.326)	(5.329)	(5.526)	(0.197)	3.7%

Wiltshire Council Revenue Budget Monitoring Statement

31-Mar-14

		Original Budget	Revised Budget Including Virements	Actual Position 31 March 2014	Variation for Year: Overspend / (Underspend)	Variation as % of Revised Budget: Overspend / (Underspend)
		£m	£m	£m	£m	
<u>Environment & Leisure</u>						
Waste	Gross Costs	35.546	35.750	34.418	(1.332)	(3.7%)
	Income	(3.600)	(3.670)	(3.361)	0.309	(8.4%)
	Net	31.946	32.080	31.057	(1.023)	(3.2%)
Environment Services	Gross Costs	8.314	8.375	8.400	0.025	0.3%
	Income	(1.324)	(1.464)	(1.701)	(0.237)	16.2%
	Net	6.990	6.911	6.699	(0.212)	(3.1%)
Leisure	Gross Costs	8.392	8.129	8.067	(0.062)	(0.8%)
	Income	(5.396)	(5.396)	(6.065)	(0.669)	12.4%
	Net	2.996	2.733	2.002	(0.731)	(26.7%)
<u>Communications, Community Area Boards, Libraries, Arts, Heritage & Culture</u>						
Communications	Gross Costs	2.057	2.059	1.745	(0.314)	(15.3%)
	Income	(0.080)	(0.080)	(0.060)	0.020	(25.0%)
	Net	1.977	1.979	1.685	(0.294)	(14.9%)
Libraries, Arts, Heritage & Culture	Gross Costs	6.388	6.445	7.080	0.635	9.9%
	Income	(0.954)	(1.117)	(1.755)	(0.638)	57.1%
	Net	5.434	5.328	5.325	(0.003)	(0.1%)
<u>Executive Office</u>						
Executive Office	Gross Costs	4.085	4.407	4.238	(0.169)	(3.8%)
	Income	(0.126)	(0.126)	(0.107)	0.019	(15.1%)
	Net	3.959	4.281	4.131	(0.150)	(3.5%)
Community Leadership & Governance	Gross Costs	1.614	1.731	1.848	0.117	6.8%
	Income	(0.055)	(0.055)	(0.211)	(0.156)	283.6%
	Net	1.559	1.676	1.637	(0.039)	(0.023)
Corporate Directors	Gross Costs	0.172	0.785	0.779	(0.006)	(0.8%)
	Income	(0.027)	(0.027)	(0.024)	0.003	(11.1%)
	Net	0.145	0.758	0.755	(0.003)	(0.4%)
<u>Finance</u>						
Finance, Revenues & Benefits, & Pensions	Gross Costs	16.720	16.586	16.619	0.033	0.2%
	Income	(12.205)	(12.205)	(12.507)	(0.302)	2.5%
	Net	4.515	4.381	4.112	(0.269)	(6.1%)
Revenues & Benefits - Subsidy	Gross Costs	118.156	118.575	118.455	(0.120)	(0.1%)
	Income	(118.156)	(118.775)	(119.098)	(0.323)	0.3%
	Net	-	(0.200)	(0.643)	(0.443)	221.5%

Wiltshire Council Revenue Budget Monitoring Statement

31-Mar-14

		Original Budget	Revised Budget Including Virements	Actual Position 31 March 2014	Variation for Year: Overspend / (Underspend)	Variation as % of Revised Budget: Overspend / (Underspend)
		£m	£m	£m	£m	
<u>Legal & Governance</u>						
Legal & Governance	Gross Costs	5.101	5.614	5.882	0.268	4.8%
	Income	(1.766)	(1.766)	(1.932)	(0.166)	9.4%
	Net	3.335	3.848	3.950	0.102	2.7%
<u>People & Business Services</u>						
Human Resources & Organisational Development	Gross Costs	5.468	6.224	6.278	0.054	0.9%
	Income	(1.740)	(1.677)	(2.118)	(0.441)	26.3%
	Net	3.728	4.547	4.160	(0.387)	(8.5%)
Business Services	Gross Costs	4.225	4.676	4.853	0.177	3.8%
	Income	(1.843)	(1.839)	(2.038)	(0.199)	10.8%
	Net	2.382	2.837	2.815	(0.022)	(0.8%)
Strategic Property Services	Gross Costs	16.043	15.774	16.071	0.297	1.9%
	Income	(0.279)	(0.355)	(0.596)	(0.241)	67.9%
	Net	15.764	15.419	15.475	0.056	0.4%
<u>Transformation Programme</u>						
Transformation	Gross Costs	6.799	7.477	7.465	(0.012)	(0.2%)
	Income	(2.968)	(2.968)	(3.708)	(0.740)	24.9%
	Net	3.831	4.509	3.757	(0.752)	(16.7%)
Information Services	Gross Costs	13.767	13.459	13.031	(0.428)	(3.2%)
	Income	(0.303)	(0.302)	(0.433)	(0.131)	43.4%
	Net	13.464	13.157	12.598	(0.559)	(4.2%)
<u>Corporate</u>						
Movement on Reserves		-	4.894	4.894	-	-
Capital Financing		22.898	23.398	21.003	(2.395)	(10.2%)
Restructure & Contingency		(3.297)	(10.534)	(4.254)	6.280	(59.6%)
General Government Grants		(11.746)	(12.109)	(13.936)	(1.827)	15.1%
Corporate Levys		8.166	8.400	8.015	(0.385)	(4.6%)
	Net	16.021	14.049	15.722	1.673	11.9%
Wiltshire Council General Fund Total	Gross Costs	852.351	793.558	838.461	44.903	5.7%
	Income	(511.833)	(453.040)	(498.340)	(45.300)	10.0%
	Net	340.518	340.518	340.121	(0.397)	(0.1%)
Housing Revenue Account (HRA)	Gross Costs	24.638	24.629	21.546	(3.083)	(12.5%)
	Income	(25.269)	(25.260)	(24.844)	0.416	(1.6%)
	Net	(0.631)	(0.631)	(3.298)	(2.667)	422.7%
Total Including HRA	Gross Costs	876.989	818.187	860.007	41.820	5.1%
	Income	(537.102)	(478.300)	(523.184)	(44.884)	9.4%
	Net	339.887	339.887	336.823	(3.064)	(0.9%)

Wiltshire Council Forecast Variance Movements

Appendix D

	Variance Reported for Period 5 £m	Movement in Period	Variance Reported for Period 7	Movement in Period	Variance Reported for Period 9	Movement in Period	Variance Reported for Outturn
Adult Social Care Operations							
Older People	(0.346)	2.017	1.671	(0.990)	0.681	(0.963)	(0.282)
Other Vulnerable Adults	0.375	0.651	1.026	0.124	1.150	0.062	1.212
Learning Disability	1.785	(0.302)	1.483	0.914	2.397	0.943	3.340
Mental Health	(0.728)	0.355	(0.373)	(0.146)	(0.519)	(0.407)	(0.926)
Adult Care Commissioning, Safeguarding & Housing							
Resources, Strategy & Commissioning	0.053	0.018	0.071	(0.076)	(0.005)	0.014	0.009
Housing Services	0.150	(0.065)	0.085	0.000	0.085	(0.214)	(0.129)
Public Health & Public Protection							
Public Health Grant	0.000	0.000	0.000	0.000	0.000	0.000	0.000
Other Public Health & Public Protection	0.000	0.000	0.000	0.000	0.000	(0.190)	(0.190)
Children's Social Care, Integrated Youth & Preventative Services & 0-25 SEN/Disability Service							
Children's Social Care	1.948	(0.204)	1.744	(0.092)	1.652	(0.362)	1.290
0-25 Service: Disabled Children & Adults	0.067	0.527	0.594	0.411	1.005	(0.494)	0.511
Integrated Youth & Preventative Services	0.000	0.107	0.107	(0.106)	0.001	(0.138)	(0.137)
Quality Assurance, Commissioning & Performance, School & Early Years Effectiveness							
School Effectiveness	0.000	0.000	0.000	(0.080)	(0.080)	(0.350)	(0.430)
Business & Commercial Services	0.000	0.000	0.000	0.000	0.000	0.134	0.134
Safeguarding	0.374	0.006	0.380	0.026	0.406	0.001	0.407
Funding Schools	0.000	0.000	0.000	0.000	0.000	0.000	0.000
Commissioning & Performance	(0.374)	(0.006)	(0.380)	(0.210)	(0.590)	(0.074)	(0.664)
Economic Development & Planning Services							
Economy & Regeneration	0.000	0.240	0.240	0.000	0.240	(0.387)	(0.147)
Development Services	0.000	(0.240)	(0.240)	(0.263)	(0.503)	(0.218)	(0.721)
Highways & Transport							
Highways Strategic Services	(0.070)	0.123	0.053	(0.132)	(0.079)	(0.373)	(0.452)
Public Transport	0.238	(0.001)	0.237	0.334	0.571	(0.468)	0.103
Education Transport	(0.264)	(0.036)	(0.300)	(0.316)	(0.616)	0.126	(0.490)
Local Highways & Streetscene	0.141	0.004	0.145	0.105	0.250	0.168	0.418
Car Parking	0.000	(0.089)	(0.089)	0.031	(0.058)	(0.139)	(0.197)
Environment & Leisure							
Waste	0.000	(0.595)	(0.595)	0.100	(0.495)	(0.528)	(1.023)
Environment Services	0.000	0.136	0.136	(0.035)	0.101	(0.313)	(0.212)
Leisure	0.000	(0.200)	(0.200)	(0.250)	(0.450)	(0.281)	(0.731)
Communications, Community Area Boards, Libraries, Arts, Heritage & Culture							
Communications	0.000	0.000	0.000	(0.200)	(0.200)	(0.094)	(0.294)
Libraries, Arts, Heritage & Culture	0.045	0.025	0.070	(0.020)	0.050	(0.053)	(0.003)
Executive Office							
Executive Office	0.000	(0.337)	(0.337)	0.058	(0.279)	0.129	(0.150)
Community Leadership & Governance	0.000	0.000	0.000	0.000	0.000	(0.039)	(0.039)
Corporate Directors	0.000	0.000	0.000	0.000	0.000	(0.003)	(0.003)
Finance							
Finance, Revenues & Benefits, & Pensions	0.000	(0.195)	(0.195)	(0.055)	(0.250)	(0.019)	(0.269)
Revenues & Benefits - Subsidy	0.000	0.000	0.000	(0.194)	(0.194)	(0.249)	(0.443)
Legal & Governance							
Legal & Governance	0.199	0.301	0.500	0.040	0.540	(0.438)	0.102
People & Business Services							
Human Resources & Organisational Development	0.000	0.000	0.000	0.000	0.000	(0.387)	(0.387)
Business Services	0.000	0.000	0.000	0.000	0.000	(0.022)	(0.022)
Strategic Property Services	0.500	0.250	0.750	(0.250)	0.500	(0.444)	0.056
Transformation Programme							
Transformation	0.000	0.000	0.000	0.000	0.000	(0.752)	(0.752)
Information Services	0.000	(0.250)	(0.250)	(1.050)	(1.300)	0.741	(0.559)
Corporate							
Movement on Reserves	(4.800)	4.800	0.000	0.000	0.000	0.000	0.000
Capital Financing	(1.500)	0.000	(1.500)	(0.500)	(2.000)	(0.395)	(2.395)
Restructure & Contingency	4.274	(3.423)	0.851	(2.213)	(1.362)	7.642	6.280
General Government Grants	0.000	0.000	0.000	0.000	0.000	(1.827)	(1.827)
Corporate Levys	0.000	0.000	0.000	(0.200)	(0.200)	(0.185)	(0.385)
TOTAL FORECAST VARIANCE MOVEMENT	2.067	3.617	5.684	(5.235)	0.449	(0.846)	(0.397)
HRA Budget	0.000	(1.500)	(1.500)	(0.500)	(2.000)	(0.667)	(2.667)

Wiltshire Council

Cabinet

17 June 2014

Subject: Capital Monitoring Outturn 2013/2014 (as at 31 March 2014)

**Cabinet member: Councillor Dick Tonge
Finance, Performance, Risk, Procurement & Welfare Reform**

Key Decision: No

Executive Summary

The report details changes to the budget made since the 2013/2014 budget was set in February 2013, and amended as part of the period 4, period 7 and period 9 reports.

The report reflects the final position of the 2013/2014 spend against budget.

Proposal

To note the general budget additions for grants and revenue contributions of £4.980 million as per appendix B and to note the final outturn position of the Capital Programme in appendix A

To also note the total reprogramming of £24.743 million from 2013/2014 to 2014/2015.

Reasons for Proposals

To inform Cabinet of the position of the 2013/2014 capital programme as at Outturn (31 March 2014), including highlighting of budget changes.

Michael Hudson Associate Director Finance

Wiltshire Council

Cabinet

17 June 2014

Subject: Capital Monitoring Outturn 2013/2014 (as at 31 March 2014)

**Cabinet member: Councillor Dick Tonge
Finance, Performance, Risk, Procurement & Welfare Reform**

Key Decision: No

Purpose of Report

1. To inform Cabinet on the final outturn position of the 2013/2014 Capital Programme, including highlighting budget changes. A budget monitoring report to members is taken to Cabinet Capital Assets Committee or Cabinet on a regular basis to match the timing of the revenue monitoring reports. This report focuses on major variations in budget.

Budget Movements

2. The Original budget for 2013/2014 was presented to the Council as part of the budget meeting on 26 February 2013. Since that date there have been changes made to the budget for 2013/2014 as part of the period 4, period 7 and period 9 reports. The changes to the budget since it was last amended in the period 9 monitoring report are summarised in the table below, a fuller breakdown of the changes made at a scheme by scheme level is attached as Appendix A and B.

**Breakdown of Budget Amendments from Period 9 Budget to Outturn
Budget (as at 31 March 2014)**

	£m	Notes
Budget Period 9 2013/2014	109.536	
Additions/amendments to the Capital Programme 2013/2014 since Period 9 Budget		
Additional Budgets added to Programme	4.980	See Appendix A and B section 1 for further details
Budgets reprogrammed from 2013/2014 into 2014/2015	(1.454)	See Appendix A and B section 2 for further details
Final Budget 2013/2014	113.062	

- The budget additions shown above reflect increases in funding being available and brought into the programme under the Chief Financial Officer delegated authority. They largely comprise of additional grants from Central government, Section 106 contributions, revenue contributions towards capital expenditure and other contributions used to finance capital spend within the capital programme. Further information on the budget movements at an individual scheme level is shown in Appendix A and in further detail in Appendix B.

Summary of Position as at 31 March 2014

- The final budget for the year 2013/2014 is £113.062 million. Actual spend on schemes as at 31 March is £90.702 Million. A full breakdown of these figures is attached in Appendix A.
- This represents a net underspend for the 2013/2014 financial year of £22.360 million.
- A total of £24.743 million has been reprogrammed into 2014/2015 as part of this report to match the planned expenditure.
- The reprogramming of capital budgets is reflected in the outturn position of the Capital Financing budgets line. This revenue budget is £2.4 million underspent at the year end, an increase from the estimate of £2.0 million in the last revenue report.

8. Further information on the movements undertaken and the final position of some of the larger schemes is set out in Appendix C, along with updates on the capital receipts received during 2013/2014.

Proposals

9. To note:
 - a) The general budget additions for grants and revenue contributions of £4.980 million as per Appendix B and to note the outturn position of the Capital Programme in Appendix A.
 - b) The total reprogramming of £24.743 million between 2013/2014 and 2014/2015.

Environmental Impact of the Proposal

10. Wiltshire Council is now included in the Carbon Reduction Commitment (CRC); the UK's mandatory climate change and energy saving scheme. The objectives of the scheme are to improve energy efficiency and reduce carbon dioxide emissions. It is calculated that 79% of the Council's carbon footprint comes from energy use in buildings. Capital schemes therefore have the potential to greatly increase or decrease carbon emissions, for example schemes making council buildings more energy efficient will reduce the Council's carbon footprint. There are no direct impacts of this report, however there are a number of schemes in the capital programme that are planned to enable energy efficiency benefits for the council.

Equality and Diversity Impact of the Proposal

11. No equality and diversity issues have been identified arising from this report

Risk Assessment

12. The capital budget for 2013/2014, as detailed in this report, has been revised to £113.062 million. Within any capital programme there are a number of potential risks such as from cost overruns or lower than expected levels of capital receipts. Such issues will be highlighted as soon as they establish themselves through the quarterly reporting process.

Financial Implications

13. These have been examined and are implicit throughout the report

Legal Implications

14. None have been identified as arising directly from this report.

Safeguarding Considerations and Public Health Implications

15. None have been identified as arising directly from this report

Michael Hudson

Associate Director Finance

Report Author: Stephen MacDonald, Principal Accountant.

Unpublished documents relied upon in the preparation of this report: NONE

Environmental impact of the recommendations contained in this report: NONE

Appendices

Appendix A – 2013/2014 budget movements and spend to 31 March

Appendix B – Delegated authority for budget movements

Appendix C – Narrative on specific schemes

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Capital Programme budget movements and final spend 2013/2014 - Appendix A

Scheme name	2013/2014 Budget Breakdown							
	Period 9 Budget 2013/2014	Outturn Budget Movements between Schemes	Section 1 Additional Budget see Appendix B	Section 2 Budget Transfer from 2013/2014 to 2014/2015	Final Budget 2013/2014	Total Spend 2013/2014	Overspend	Budget Transfer to 2014/2015
	£m	£m	£m	£m	£m	£m	£m	£m
Education schemes								
Sarum Academy Salisbury	9.445				9.445	7.521		1.924
Basic Need	4.849	0.011		0.030	4.890	4.009		0.881
Schools Maintenance & Modernisation	6.360				6.360	4.466		1.894
Devolved Formula Capital	0.950				0.950	0.934		0.016
Access and Inclusion	0.827	(0.012)			0.815	0.333		0.482
DCSF Targeted Capital 14-19 SEN	0.252			0.536	0.788	0.727		0.061
Other Projects New Schools	4.924			(1.500)	3.424	1.180		2.244
Other Schools Projects - Expansions & Replacements	0.529	0.001			0.530	0.504		0.026
Early Years & Childcare	0.717			(0.187)	0.530	0.511		0.019
Aiming High for Disabled Children	0.058			(0.012)	0.046	0.000		0.046
DCSF Primary Capital Programme & Other Education Schemes	0.020				0.020	0.019		0.001
Total Education schemes	28.931	0.000	0.000	(1.133)	27.798	20.204	0.000	7.594
Highways schemes								
Integrated Transport	2.869		0.190		3.059	2.723		0.336
Structural Maintenance	9.820	(0.147)			9.673	9.170		0.503
Highway flooding prevention and Land Drainage schemes	1.160	0.686	0.066		1.912	1.912		0.000
Additional Highway Works	5.122	0.277	0.935		6.334	6.334		0.000
Bridges	2.957	(0.816)	0.012		2.153	2.153		0.000
Local Sustainable Transport Fund	0.200		0.071		0.271	0.176		0.095
Street Lighting	0.690				0.690	0.761		(0.071)
Total Highways schemes	22.818	0.000	1.274	0.000	24.092	23.229	0.000	0.863
Campus and Operational Delivery schemes								
Hub Programme Office Rationalisation & ICT	8.532				8.532	8.872		(0.340)
Operational Estate	1.519				1.519	0.438		1.081
Depot & Office Strategy	0.881				0.881	0.417		0.464
Libraries, Heritage and Art	0.142				0.142	0.100		0.042
Campus	10.597				10.597	7.306		3.291
Salisbury Market Place (inc New Canal and Blue Boar Row)	2.320				2.320	3.249	(0.929)	0.000
Total CAOD schemes	23.991	0.000	0.000	0.000	23.991	20.382	(0.929)	4.538
Other Property schemes								
Buildings Repair & Maintenance	3.163		0.020		3.183	2.427		0.756
Total Property schemes	3.163	0.000	0.020	0.000	3.183	2.427	0.000	0.756

Capital Programme budget movements and final spend 2013/2014 - Appendix A

Scheme name	2013/2014 Budget Breakdown							
	Period 9 Budget 2013/2014	Outturn Budget Movements between Schemes	Section 1 Additional Budget see Appendix B	Section 2 Budget Transfer from 2013/2014 to 2014/2015	Final Budget 2013/2014	Total Spend 2013/2014	Overspend	Budget Transfer to 2014/2015
	£m	£m	£m	£m	£m	£m	£m	£m
Housing schemes								
Disabled Facilities Grants	2.400				2.400	2.271		0.129
Other Housing Grants	0.890				0.890	0.045		0.845
Affordable Housing including Commuted Sums & PFI Housing Scheme	1.394				1.394	1.157		0.237
Gypsies and Travellers Projects (inc H&S Works)	4.267				4.267	2.275		1.992
New Housing	0.454				0.454	0.000		0.454
HRA - Refurbishment of Council Stock	7.091				7.091	6.215		0.876
Total Housing schemes	16.496	0.000	0.000	0.000	16.496	11.963	0.000	4.533
Waste schemes								
Waste Transformation	0.698			(0.400)	0.298	0.276		0.022
Waste Management & Waste Vehicles	0.071				0.071	0.074		(0.003)
Total Waste schemes	0.769	0.000	0.000	(0.400)	0.369	0.350	0.000	0.019
Other schemes								
Revenue & Benefits IT System	0.044				0.044	0.037		0.007
Carbon Reduction Schemes	0.882				0.882	0.130		0.752
Oil to Biomass Schemes	1.845				1.845	1.032		0.813
Planning IT System	0.296		0.017		0.313	0.243		0.070
Adult Social Care Strategy - Older People, LD & Mental Health	0.539		0.116		0.655	0.152		0.503
Social Care Infrastructure & Community Safety	0.180				0.180	0.165		0.015
Area Boards and LPSA PRG Reward Grants	1.122				1.122	1.311		(0.189)
Other Economic Development Schemes	3.013		0.552		3.565	3.295		0.270
Porton Science Park	0.399				0.399	0.153		0.246
Rural Estates	0.344				0.344	0.195		0.149
Wiltshire Online	0.888		0.002	0.079	0.969	0.957		0.012
Leisure Schemes (Non Campus)	0.157				0.157	0.083		0.074
ICT Schemes	0.200				0.200	0.000		0.200
Fleet Vehicles	2.410				2.410	1.131		1.279
Passenger Transport Unit	0.204				0.204	0.172		0.032
Other Schemes including cross cutting systems	0.845		0.051		0.896	0.260		0.636
Capitalisation Directives - Redundancy Costs	0.000		2.831		2.831	2.831		0.000
Public Health Schemes	0.000		0.117		0.117	0.000		0.117
Total Other schemes	13.368	0.000	3.686	0.079	17.133	12.147	0.000	4.986
Total 2013/2014 Programme	109.536	0.000	4.980	(1.454)	113.062	90.702	(0.929)	23.289

CHIEF FINANCE OFFICER (CFO) - EXERCISE OF DELEGATED POWERS & REQUESTS FOR ADDITIONAL RESOURCES WITHIN THE CAPITAL PROGRAMME

Cabinet Meeting
Financial Year:

17-Jun-14

2013/2014

SECTION 1 - DELEGATED CFO POWERS

"Adjustment/addition of scheme in the capital programme which has no effect on the net funding position of the programme
i.e. Additional resources available in the form of Grant, Section 106 contributions etc which fund the addition,"

Project Name:	Integrated Transport		
Budget Change:	2013/14	2014/15	2015/16
	189,756		
Funding Source:	Various contributions from Parish Councils, Developers and Area Boards towards Integrated Transport Works		
Project Name:	Highway flooding prevention and Land Drainage schemes		
Budget Change:	2013/14	2014/15	2015/16
	66,231		
Funding Source:	Grant received from the Environment Agency for flooding alleviation schemes		
Project Name:	Additional Highway Works		
Budget Change:	2013/14	2014/15	2015/16
	935,434		
Funding Source:	Contribution received from commuted sums and developers towards carriageway and surface dressing schemes		
Project Name:	Bridges		
Budget Change:	2013/14	2014/15	2015/16
	11,951		
Funding Source:	Contribution towards capital works on bridges from Network Rail and Thames Water		
Project Name:	Local Sustainable Transport Fund		
Budget Change:	2013/14	2014/15	2015/16
	70,686		
Funding Source:	Contribution received from Hampshire Council and grant received from DfT for local sustainable transport fund works		
Project Name:	Buildings Repair & Maintenance		
Budget Change:	2013/14	2014/15	2015/16
	19,500		
Funding Source:	Contribution from friends of Warminster Park and Warminster Town Council towards works at Warminster Tennis Pavilion		
Project Name:	Planning IT System		
Budget Change:	2013/14	2014/15	2015/16
	17,000		
Funding Source:	Revenue contribution towards final data migration from West data		
Project Name:	Adult Social Care Strategy - Older People, LD & Mental Health		
Budget Change:	2013/14	2014/15	2015/16
	115,900		
Funding Source:	Dementia friendly environments capital grant received from the Department of Health		
Project Name:	Other Economic Development Schemes		
Budget Change:	2013/14	2014/15	2015/16
	551,676		
Funding Source:	ERDF & RGN grants received towards Wiltshire Incubation & RGN projects		
Project Name:	Wiltshire Online		
Budget Change:	2013/14	2014/15	2015/16
	1,892		
Funding Source:	Receipts received from sales of reconditioned laptops		
Project Name:	Other Schemes including Cross Cutting Systems		
Budget Change:	2013/14	2014/15	2015/16
	50,973		
Funding Source:	Grant received towards capital projects within the Cotswold Water Park & Schools Internal Leases		

CHIEF FINANCE OFFICER (CFO) - EXERCISE OF DELEGATED POWERS & REQUESTS FOR ADDITIONAL RESOURCES WITHIN THE CAPITAL PROGRAMME

Cabinet Meeting: 17-Jun-14
 Financial Year: 2013/2014

Project Name:	Capitalisation Directives - Redundancy Costs		
Budget Change:	2013/14	2014/15	2015/16
	2,830,600		
Funding Source:	Central Government authorisation received to treat redundancy costs as capital expenditure		
Project Name:	Public Health Schemes		
Budget Change:	2013/14	2014/15	2015/16
	117,000		
Funding Source:	Grant received from Public Health England towards capital works to support Drug & Alcohol Addiction Services		
4,978,599 Total Delegated Changes Approved by Section 151 Officer			

SECTION 2 - DELEGATED CFO POWERS

"Schemes within the capital programme which require the reprogramming of expenditure between years due to scheme not progressing as originally anticipated or other circumstances"

Project Name:	Basic Need		
Budget Change:	2013/14	2014/15	2015/16
	30,000 (30,000)		
Notes:	Reprogramming of Schemes to match anticipated expenditure between financial years		
Project Name:	DCSF Targeted Capital 14-19 SEN		
Budget Change:	2013/14	2014/15	2015/16
	535,717 (535,717)		
Notes:			
Project Name:	Other Projects New Schools		
Budget Change:	2013/14	2014/15	2015/16
	(1,500,000) 1,500,000		
Notes:			
Project Name:	Early Years & Childcare		
Budget Change:	2013/14	2014/15	2015/16
	(186,771) 186,771		
Notes:			
Project Name:	Aiming High for Disabled Children		
Budget Change:	2013/14	2014/15	2015/16
	(11,520) 11,520		
Notes:			
Project Name:	Waste Transformation		
Budget Change:	2013/14	2014/15	2015/16
	(400,000) 400,000		
Notes:			
Project Name:	Wiltshire Online		
Budget Change:	2013/14	2014/15	2015/16
	79,142 (79,142)		
Notes:			
1,453,432 Total Re-programming between years			

**CHIEF FINANCE OFFICER (CFO) - EXERCISE OF DELEGATED POWERS & REQUESTS FOR
ADDITIONAL RESOURCES WITHIN THE CAPITAL PROGRAMME**

Cabinet Meeting
Financial Year:

17-Jun-14

2013/2014

SECTION 3 - REQUESTS TO CABINET FOR ADDITIONAL RESOURCES

"Adjustment/addition of scheme to the capital programme which places an additional funding requirement on the programme"

Project Name:

Budget Change:

2013/14

2014/15

2015/16

Funding Source:

There are no requests for additional resources detailed within this report

0

Total requests for additional resources

In the exercise of my delegated powers (Section 1 and 2), I hereby authorise the amendments to the Capital Programme summarised above.

CHIEF FINANCE
OFFICER:

Michael Hudson

DATE:

May 2014

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Further information on schemes in the Capital Programme and funding sources as at Outturn (31 March 2014)**Education schemes**

1. Sarum Academy is showing a variance of £1.924 million however this variance is due to timing of the project which was originally assumed to be completed in February 2014. Due to the discovery of extensive asbestos material in the old school, all of the demolition and external works have been subject to delay, delaying the payments to contractors. The project is on track for final completion in June 2014, so the remaining budget has been reprogrammed to 2014/2015.
2. Basic Need Schemes. £4.009 million of the £4.890 budget was spent in 2013/2014 with large scale construction projects complete across a number of sites including 2 classroom extensions at Larkhill, Neston, and Staverton Primary Schools. The £0.881 million variation is to be reprogrammed from 2013/2014 to 2014/2015, this represents schemes that are at varying stages of completion with some in the planning and early development stages, some with work on site, and some with final accounts due to be settled.
3. Schools Maintenance and Modernisation; the outturn position shows a variation of £1.894 million to be reprogrammed from 2013/2014 into 2014/2015. A large portion of this variation relates to the modernisation scheme at Longford Primary School which has experienced delays due to weather and insufficient power supply to the site, completion is expected in June 2014. A number of large schemes are due to begin in this area in 2014/2015.
4. The New Schools programme outturn for 2013/2014 shows variation of £2.244 million to be reprogrammed into 2014/2015. A large portion of the programmes work is due to take place in 2014/2015 with large payments due towards schemes at Castlemead Primary School (Trowbridge) and Wellington Primary School (Tidworth).

Campus and Operational Delivery (CAOD) schemes

5. A further £4.538 million has been reprogrammed into 2014/2015 as part of this report. This is mainly for Campus delivery in 2014/2015.
6. Salisbury Market place as previously reported is overspent due to the enhancing of the scope of the project to incorporate more areas of the City, to include New Canal and Blue Boar Row areas, including enhanced street furniture and street lighting works across the site. The final overspend is £0.929 million and as previously reported the majority of this overspend was mitigated through corresponding underspends on other highways schemes of £0.863 million.

Funding of Capital Programme

7. The capital programme is funded by 3 principal sources; grants and contributions, capital receipts and borrowing.
8. Grants and Contributions received in 2013/2014 total £47.000 million of which the areas with the largest portion of grants are once again the Education and Highways areas. A total of £54 million of grants was used in 13/14 to finance the capital expenditure, much of it having been held over from previous financial years.
9. Capital Receipts received from the proceeds of fixed asset sales are managed and monitored closely by the strategic property team in conjunction with Finance. Since the last monitoring report as at the end of 2013/2014 financial year the total Capital Receipts has reached £22 million, this includes the major sale of the land at Oxford Road in Calne. Also included in the total Capital receipts was the sale of 38 properties in the RTB (Right To Buy Scheme) in 2013/2014. A total of £14 million of capital receipts was used in 2013/2014 to finance capital expenditure, with the remainder carried forward to meet future expenditure.
10. A total of £21 million was financed through borrowing in the outturn financing. Original estimates of the amount of borrowing that would be required in 2013/2014 was around £64 million. As there has been significant reprogramming of expenditure from 2013/2014 into 2014/2015 this has reduced the amount of borrowing required. This has a positive impact on the general fund revenue account as shown by the £2.4 million underspend in 2013/2014 on the Capital Financing budgets.

Wiltshire Council

Cabinet

17 June 2014

Subject: Junction 16 of M4 Motorway – Capacity Enhancement Works

Cabinet Member: Councillor Fleur de Rhé-Philippe – Cabinet Member for Economy, Skills and Transport

Key Decision: Yes

Executive Summary

M4 motorway Junction 16 is under the control of the Highways Agency (slip roads), Wiltshire Council (circulatory and approach roads) and Swindon Borough Council (north side approach roads).

The junction is required to be remodelled to cater for additional traffic generated by the development at Wichelstowe.

Cabinet has previously (October 2007) objected to the proposed provision in the remodelling scheme for non-motorised users of the junction. Subsequent actions and events require a review of that decision.

Proposals

That Cabinet:

- (i) Withdraws its former resolution (WCC Cabinet 30/10/2007) to object to the remodelling of M4 motorway Junction 16, on the basis of the drawings subsequently relied upon by Swindon Borough Council to discharge Condition 99 of planning permission S/02/2000, specifically with regard to non-motorised users.
- (ii) Authorises the Associate Director for Highways and Transport, in conjunction with the Head of Legal Services, to agree detailed design and negotiate an agreement, or agreements, with Swindon Borough Council and the Highways Agency to facilitate the execution of the remodelling scheme, such agreements to make provision, inter alia, for appropriate maintenance payments towards the additional costs to Wiltshire Council for the ongoing maintenance of the signal controlled junction.

- (iii) Authorises the Associate Director for Highways and Transport to review existing arrangements with the Highways Agency in relation to the management and maintenance of the traffic control signals at Junction 16.

Reason for Proposals

To ensure that Swindon Borough Council can progress the Wichelstowe development, and not be constrained by the occupancy restrictions imposed by Condition 79 of planning permission S/02/2000, as a result of Wiltshire Council's objection to aspects of the Junction 16 capacity enhancement scheme.

Parvis Khansari
Associate Director, Highways and Transport

Wiltshire Council

Cabinet

17 June 2014

Subject: Junction 16 of M4 Motorway – Capacity Enhancement Works

Cabinet Member: Councillor Fleur de Rhé-Philippe – Cabinet Member for Economy, Skills and Transport

Key Decision: Yes

Purpose of Report

1. This report follows from a previous Cabinet decision in relation to Junction 16 of the M4 motorway, which is to be remodelled to accommodate the Wichelstowe development in Swindon.
2. It seeks authority, not previously granted, to enter into an agreement with other parties to enable remodelling works to proceed.

Relevance to the Council's Business Plan

3. The following outcomes noted in the Business Plan will be reflected in the decision:

Outcome 1 - Wiltshire has a thriving and growing local economy

Outcome 5 - People are as protected from harm as possible and feel safe

4. The remodelling of Junction 16 will mitigate the junction from becoming a focus of peak period congestion; it will contribute towards the stimulation of the economic development of the area, through the provision of new houses and associated employment at Wichelstowe (Outcome1). The approved scheme will be designed with both capacity and safety for users in mind. It will be subject to formal road safety audits through the design and implementation processes (Outcome 6).

Background

5. In 2005 planning permission was granted for development at Wichelstowe, Swindon (Application S/02/2000). The site location is shown on the plan attached at **Appendix A**. This is a significant development having material traffic implications for the area. One of the principal permitted road links for the site is via Hay Lane, east of Junction 16, the consequence of which will be to focus much of the development traffic at the motorway junction.

6. Modelling analysis of the junction demonstrated a need to provide for additional capacity, and, following public consultation, the general form of junction was agreed between the highway authorities and the Wichelstowe developers. However, Wiltshire County Council's Cabinet, at its meeting on 30 October 2007 was not supportive in relation to specific details pertaining to provision for non-motorised users of the junction.
7. Subsequently, and notwithstanding Wiltshire County Council's decision to not accept details, Swindon Borough Council proceeded to discharge a planning condition (Condition 99¹ of the permission) on 7 April 2008, the discharge of which was required to release an occupancy restriction.
8. The decision of Swindon Borough Council to discharge Condition 99 was challenged by the Campaign to Protect Rural England (CPRE), and another member of the public who were successful in obtaining leave from the court to seek to judicially review Swindon Borough Council's decision. The final hearing for the CPRE's application to judicially review Swindon Borough Council's decision was held in 2009 in the High Court. The CPRE was unsuccessful with their claim and the Court held that all of the grounds of challenge to Swindon's decision to discharge Condition 99 failed.
9. The JR hearing was held in 2009. The outcome of the JR was to find that all of the grounds of challenge to Swindon's decision to discharge Condition 99 failed.
10. The Swindon and Wiltshire Local Enterprise Partnership's Local Transport Body, which was formed in 2013, has now identified the Junction 16 remodelling in its approved list of prioritised transport schemes which was approved in July 2013.
11. Swindon Borough Council has recently approved (S/13/1524) a revised land-use masterplan (LUMP2) for Wichelstowe; the revision was necessary because of viability issues related to the originally approved scheme. LUMP2 re-affirms the intention to pursue the remodelling of Junction 16 in accordance with the original requirements of the 2005 planning permission (Condition 79²), prior to the occupation of 1100 dwellings.

¹ 99. No dwellings shall be occupied until details of the proposed alterations at Junction 16, and improvements to the B4005 Hay Lane and Wharf Road have been approved in writing by the Local Planning Authority in consultation with the Highways Agency, Wiltshire County Council and Swindon Borough Council as highway authorities, Such details will need to ensure that the proposed alterations are safe and legible for all road users, and will need to incorporate specific features to facilitate use by public transport, pedestrians, vulnerable users and cyclists. These features shall be provided with appropriate street furniture, lighting, traffic control equipment, signage and road markings. Such works shall be provided with environmental mitigation measures as agreed with the Local Planning Authority in consultation with the relevant highway authorities. For the avoidance of doubt, the details illustrated on the submitted plans shall not be taken as agreed and any amendments shall be carried out in accordance with the latest technical requirements as set out in the Design Manual for Roads and Bridges or other standards and technical requirements considered appropriate by the Highways Agency

² 79. No more than 1100 of the dwellings hereby granted permission shall be occupied before the improvements to the trunk road network at Junction 16 of the M4 as shown on drawing 938/GA/036 have first been completed in accordance with the requirements of the Highways Agency and the Local Highway Authorities

12. Following a joint effort by Wiltshire Council, Swindon Borough Council, the Highways Agency and Sustrans, optional schemes are currently under consideration to provide a cycle route between Royal Wootton Bassett and Swindon, avoiding the need to travel through Junction 16. Sustrans are actively progressing the favoured option, but funding has not been secured.
13. Works on the Junction 16 site are provisionally planned by Swindon Borough Council to commence in early 2016 with completion by mid 2017. To achieve this, appropriate agreements are required between the principal parties concerned, Wiltshire Council, the Highways Agency and Swindon Borough Council (acting as both a highway authority and landowner/developer).

Previous Cabinet Decision

14. The report and minutes of the October 2007 report to Cabinet are reproduced in full at **Appendix B**. Cabinet resolved:
 - (i) *To agree that:-*
 - (a) *the submitted plans, indicating the developer's best ability to meet Condition 99's requirement 'to incorporate specific features to facilitate use by public transport, pedestrians, vulnerable users and cyclists' fall short of the expectations embodied within national, regional and local transport policies to provide facilities to encourage sustainable transport modes;*
 - (b) *although the anticipated number of non-motorised users might be predicted to be low in proportion to other users, the facilities indicated will not encourage such users, it will afford them a hostile environment, will not provide signal controls at all carriageway crossing areas, and can only provide a relatively tortuous route through the main alterations at the south side of the junction; and that for these reasons considers that the developer's proposals for the provision of facilities for non-motorised users at J.16 do not meet the requirement of Condition 99 and consequently considers that Swindon Borough Council should not discharge Condition 99.*
15. It was indicated in that Cabinet report that legal precedent indicated that a highway authority should consider its position in relation to refusing to enter into a s.278 agreement. The particular legal case concerned Warwickshire County Council where Powergen challenged the refusal of Warwickshire County Council to enter into a s278 agreement in relation to the access to a site for which Powergen had been granted planning consent on appeal. That case was found in favour of Powergen.
16. Parallels can be drawn in relation to the situation at Junction 16. Although Wiltshire Council has not refused to enter into an agreement in relation to Junction 16, the resolution (the scheme plans *'fall short of expectations...to provide facilities to encourage sustainable transport modes'*) effectively ties officers' hands on the matter, as Cabinet has, in effect, formally objected to details of the proposed scheme.

The Outcome of the CPRE v Swindon Borough Council Case

17. The judgment of Mr Justice Hickinbottom is a material consideration in relation to the decision Cabinet makes in relation to this report and its recommendation. It was found by the Judge that the decision to approve the layout of Junction 16 had been properly taken by Swindon Borough Council, and that grounds of challenge by the CPRE all failed. It also found that the design of the scheme had been properly considered, both in relation to the needs of everyday traffic, as well as the needs of buses and non-motorised users. The latter category is a particularly relevant consideration, as the resolution of Cabinet had made specific reference to the provisions encompassed in the design submitted for discharge of Condition 99 for non-motorised users.
18. Grounds 1, 3 and 4 of the JR challenge to Swindon's decision to discharge Condition 99 referred to issues specifically raised in Wiltshire's objection.
19. The judgment also indicates that the evidence was that the '*pedestrian use of Junction 16 is almost nil, and cyclist use minimal*'.
20. A copy of the judgment is included at **Appendix C**.

The Swindon and Wiltshire Local Enterprise Partnership

21. The Transport Vision 2026 for Swindon and Wiltshire Local Enterprise Partnership (SWLEP), appended to the Strategic Economic Plan (SEP), March 2014, identifies at Chapter 5 a list transport priorities to 2021. Included in the list is 'M4 Junction 16 Improvement', which had been identified as one of a list or priorities by the Swindon and Wiltshire Local Transport Body (SWLTB).
22. The Department for Transport gave approval to stage 2 of the SWLTB Assurance Framework in July 2013 and announced funding of £11.3 million for the SWLTB major transport schemes, for spending between 2015 and 2019. The provisional list and indicative spend profile was submitted to the DfT on 31 July 2013.
23. Members of the Swindon and Wiltshire LTB have identified the remodelling of Junction 16 as a second priority (after the dualling of part of the A350 in Chippenham) in a report considered by the body in July 2013. The scheme description is given as:

Significant amendments to the M4 J16 roundabout and approach arms to increase capacity. Possible options include widening the M4 offslips, widening and realigning the circulatory carriageway, and a new junction arrangement at the southern extent to allow direct movement between the A3102 (Royal Wootton Bassett) and the B4005 (Wroughton).
24. The only scheme that has been promoted to date is that against which Condition 99 was discharged.

Royal Wootton Bassett to Swindon cycle route

25. In 2012 the Council consulted on optional routes for cyclists between Royal Wootton Bassett and Swindon. The preferred option provides a route which avoids the motorway junction, utilising instead an existing bridge over the motorway to the west of Junction 16.
26. Work undertaken in the scheme evaluation exercise confirms that acceptable schemes can be delivered that will address, to a significant degree, the difficulties associated with the inevitable conflicts associated with the major motorised traffic oriented motorway junction; The improved junction would still present a somewhat hostile environment to cyclists, notwithstanding the provisions that will be made for non-motorised users.
27. As part of the SEP, the SWLEP has identified and prioritised a number of transport schemes that are set to address known constraints on access and movement and will help realise the full economic potential of the area. A scheme identified as 'Royal Wootton Bassett to Swindon Cycle Network' is identified in the listed schemes as priorities beyond 2021, included under the heading 'Sustainable Transport Improvements'.

Main Considerations for the Council

28. Swindon Borough Council's objective is to progress with the detailed design and construction of the junction alterations; formal agreements will be required to ensure that the eventual works are properly regulated and executed.
29. As matters stand, because of the former Cabinet resolution to object to the discharge of Condition 99 on design considerations, there is an implied instruction that officers cannot progress on the basis of the discharged scheme, and move forward with an agreement to execute the works.
30. Cabinet's former decision predated (i) the decision of Swindon Borough Council to approve the design, (ii) the JR, which found against all five grounds relied upon by the CPRE to challenge the decision of the Borough Council to discharge Condition 99, (iii) the decision of the LEP/LTB to identify the developer's remodelling scheme as a priority scheme for funding and (iv) the identification of optional routes that could provide an alternative route for Royal Wootton Bassett to Swindon cyclists, avoiding Junction 16.
31. Since the Cabinet's decision in 2007 there have been four significant events and it is now considered to be appropriate to make a decision as to whether or not the Council should formally withdraw their former objection, and agree to enter into an appropriate agreements) with Swindon Borough Council and/or the Highways Agency to allow for the works to proceed as and when required, thus enabling the Wichelstowe residential occupations to progress beyond 1100 (as constrained by Condition 79 of the planning permission) at the necessary time.

Safeguarding Implications

32. There are no identified safeguarding issues.

Public Health Implications

33. The proposed junction layout will be submitted to the full rigour of all stages of road safety audit. Initial audits on draft design have already been undertaken.

Environmental and Climate Change Considerations

34. The proposals have been considered in the context of a requirement for an environmental impact assessment, and the Council has now confirmed to Swindon Borough Council in a letter dated 11 March 2014 that an environmental impact assessment is not required. The proposed improvements are designed to effect a reduction in peak period delays at the junction; this could potentially reduce carbon emissions compared with a more congested situation. In practice, it is difficult to assess how much the improvements might contract the peak periods, because drivers accept a degree of delay to travel at their choice of time. Junction improvements will facilitate use by public transport, pedestrians and cyclists.

Equalities Impact of the Proposal

35. There are no identified equalities impacts. Provision will be made within the scheme to help address the needs of vulnerable road users.

Risk Assessment

36. Full road safety audit procedures will be applied in relation to the design and execution of the scheme, in accordance with established procedures.

Risks that may arise if the proposed decision and related work is not taken

37. It is paramount that uncertainty surrounding the ability to proceed with the alterations to Junction 16 is removed, in order that Swindon Borough Council can properly programme and complete the works, so that development and housing delivery will not be adversely affected.

Risks that may arise if the proposed decision is taken and actions that will be taken to manage these risks

38. The developer (Swindon Borough Council in this case) will be required to enter a section 278 agreement with the highway authorities. Legal precedent indicates that, given the approvals already in place (Condition 99 discharge), and the outcome of the judicial review, Wiltshire Council should not seek to refuse to enter such agreement to secure the execution of the works. Should the Council continue to resist the scheme there is a risk that the developer could seek a judicial review to force the Council's position.

Financial Implications

39. The costs of the remodelling works at M4 junction 16 is proposed to be funded from contributions from Swindon Borough Council and an application to the competitive funding element of the SWLEP Growth Fund. Wiltshire Council is therefore not committing monies to the cost of the M4 Junction 16 re-development.
40. In line with other highway development schemes, the inspection and approvals of the works will be recovered through the provisions of a legal agreement requiring the developer to pay an inspection fee in accordance with the approved fee scale.
41. Wiltshire Council will have additional ongoing maintenance commitment once the re-modelling works at the junction are complete. As part of the legal agreement, commuted sums will be secured to offset future maintenance of the additional highway. The work will be factored in to the highway's annual maintenance programme as and when required.

Legal Implications

42. If the Council continues to maintain its objection and refuses to enter into the appropriate legal agreements there is a risk that the Developer and/or Swindon Borough Council may seek to challenge that decision by way of judicial review. If the Developer(s) and/or Swindon Borough Council were successful with their legal challenge (in particularly in light of the Powergen case) it is likely that the Council may find it is ordered by the Court to enter into the appropriate legal agreements in addition to being potentially liable to pay substantial legal costs to the Developer and/or Swindon Borough Council. If the Council decides to review its 2007 decision and enter into the appropriate legal agreements with Swindon Borough Council and/or Highways Agency there is a lower risk of a legal challenge as the substantial issues have already been considered by the Court in the CPRE v Swindon case. Any agreements completed will be made under the authority of the Head of Legal Services.

Options Considered

43. Wiltshire Cabinet may either:
 - (i) Decide to maintain its objection to the scheme on the grounds set out in the Cabinet resolution of 30 October 2007. This option is not recommended for the reasons set out in this report.
 - (ii) Decide to withdraw its 2007 objection to the scheme on the grounds as set out in this report.

Conclusions

44. Since 2007, when matters relating to the discharge of Condition 99 by Swindon Borough Council were regarded as a particularly contentious local issue, matters have progressed. The Condition was subsequently discharged by Swindon Borough Council; the decision to do so was subject to a failed legal challenge, and a scheme to improve conditions at M4 Junction 16 has been prioritised for funding through the SWLEP.
45. Swindon Borough Council needs to progress with its permitted development, and propose to remodel Junction 16 in accordance with the approved scheme (under Condition 99), and in accordance with the originally conditioned occupation trigger (as defined by Condition 79).
46. In order to execute the works, legal agreements will be required between the authorities concerned, namely the Highways Agency, Wiltshire Council, as highway authorities, and Swindon Borough Council as both developer and highway authority.
47. Authorisation is required for the Associate Director, Highways and Transport, in consultation with the Highways Agency, to negotiate with Swindon Borough Council and its transport consultants an acceptable detailed design for the junction, and, in consultation with the Head of Legal Services, appropriate legal agreements to secure the delivery of the works and commuted maintenance payments.

Parvis Khansari
Associate Director, Highways and Transport

Report Author:
Allan Creedy
Head of Sustainable Transport
Tel No. 01225 713444
Date of Report: April 2014

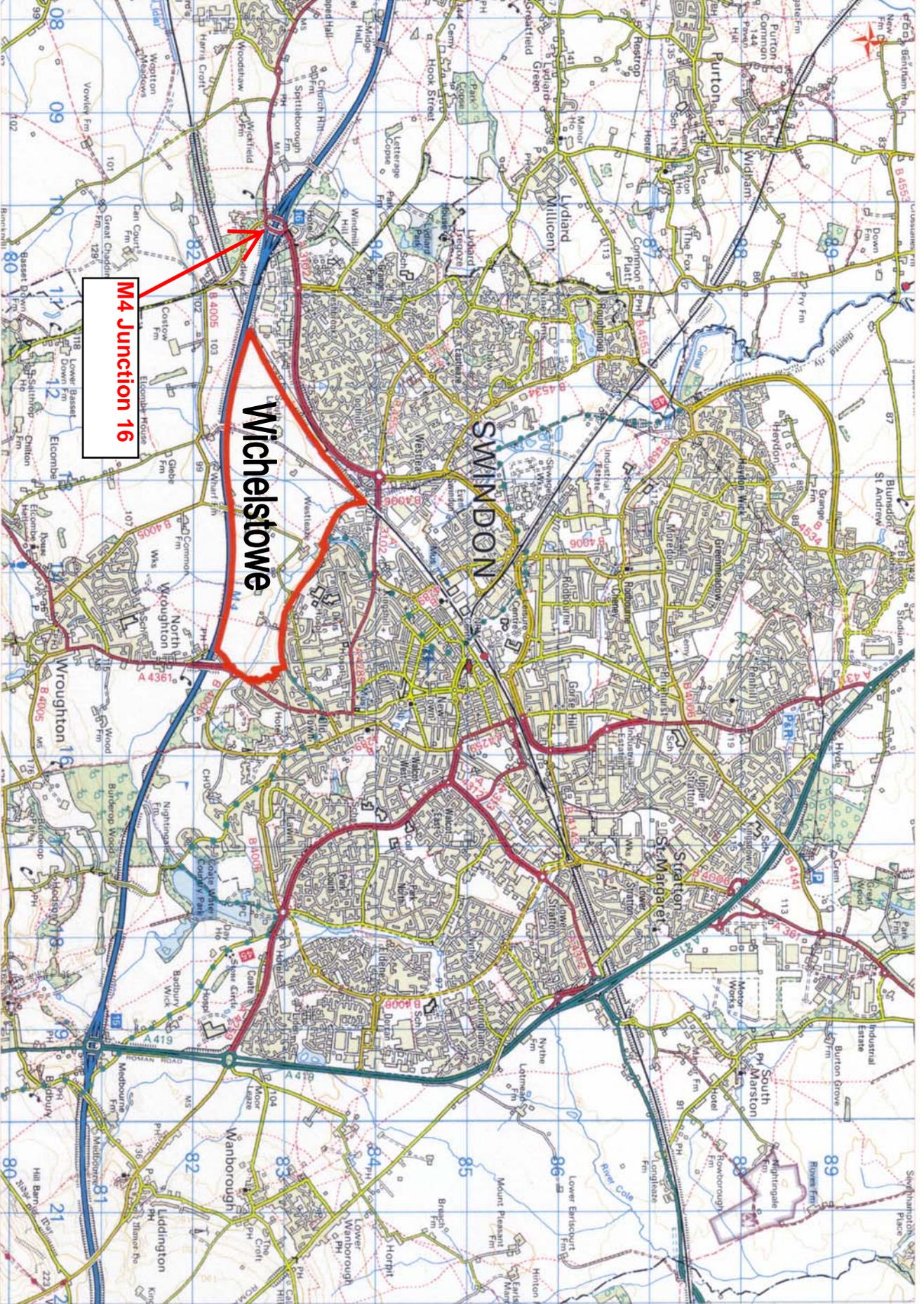
The following unpublished documents have been relied on in the preparation of this Report:

None

Appendices:

- Appendix A Wichelstowe Site Location Plan
- Appendix B Cabinet Report, 3 October 2007 and Minutes of Cabinet Report, 30 October 2007
- Appendix C Judgment of Mr Justice Hickinbottom

Wichelstowe Site Plan



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CABINET
30 OCTOBER 2007

**SWINDON SOUTHERN DEVELOPMENT AREA – CROFT ROAD TO HAY LANE
LINK M4 MOTORWAY JUNCTION 16 – CONDITION 99**

Executive Summary

The planning permission for a major urban expansion of Swindon at the Southern Development Area (SDA) (also known as Wichelstowe) was conditional upon, inter alia, Condition 99, which, in broad terms, prevents the occupation of any dwelling on the site unless and until:

- (i) The proposed arrangements to re-configure M4 Junction 16 have been consulted on with the three highway authorities responsible for the local and trunk roads, and
- (ii) The condition has been discharged by the local planning authority, Swindon Borough Council.

The proposed works at Junction 16, and the approach road from the development (the Croft Road to Hay Lane Link) have been locally controversial for the duration of consideration of the planning application and beyond. The local Member, Mrs Groom, local pressures groups, and others have sought to change the now permitted proposal for the western access to the site.

Although Cabinet, at its 22nd November 2006 meeting, resolved to approve the principal and operational arrangement for the junction, delegating remaining issues to the Director of Environmental Services, this decision was referred back to Cabinet as a result of a Motion to County Council at its meeting on 8th May 2007. County Council was persuaded that there was additional information available for consideration, (principally in the form of a final report from Halcrow dated February 2007, an electronic copy of which is **appended** for Cabinet Members and a copy is available in the **Members' Room**).

An Agenda Item considered by Cabinet at its meeting on 26th June 2007 resulted in Members removing the delegation and calling for a further report when sufficient detailed proposals necessary to sign off the Condition had been addressed. This report advises that a position has been reached whereby the planning process relating to the junction can now move forward. In previous reports to Members, officers have generally advised that the position in relation to the planning permission granted by Swindon Borough Council is clear, and that the issues to be addressed in order to discharge Condition 99 are effectively technical matters. The Leader has expressed the local concerns to Swindon about the consequences of the Hay Lane connection, and sought assurances that an additional connection to the SDA would be pursued.

Proposal

That Cabinet endorse the Director's advice that the technical requirements to recommend discharge of Condition 99 have now been adequately addressed, subject to an extension of the Hay Lane footway, on the basis of drawings and reports, as amended, submitted to the local planning authority, and that Swindon Borough Council be notified accordingly.

Reasons for Proposal

The report sets out some of the extensive background activity that has occurred as part of the process of dealing with the need to resolve outstanding technical requirements to enable delivery of an objective response to the consultation from Swindon Borough Council in relation to the discharge of Condition 99 of planning permission S/02/2000. The technical submissions have been carefully reviewed, and officer advice is that these now reasonably satisfy the requirements of the condition. There are significant potential risks to the authority if an objection is made and upheld by the local planning authority, unless such an objection has the support of a robust and explicit reasoned justification. Officers are not able to offer such justification.

GEORGE BATTEN

Director of Environmental Services

CABINET
30 OCTOBER 2007

SWINDON SOUTHERN DEVELOPMENT AREA – CROFT ROAD TO HAY LANE LINK
M4 MOTORWAY JUNCTION 16 – CONDITION 99

Purpose of Report

1. To advise Members that the technical requirements for the discharge of Condition 99 have now been achieved, and that the local planning authority, Swindon Borough Council, may be advised accordingly.

Background

2. Planning permission was sought for development at Swindon Southern Development Area (SDA) (Wichelstowe) in 2002 (planning application S/02/2000). The County Council was consulted as highway authority on the planning application. The application proposed the Croft Road to Hay Lane link. The accompanying environmental statement dismissed the option of a western access route to Great Western Way. Officers responded to the consultation on the basis of the proposal. The optional route was not pursued on the basis of its dismissal on environmental grounds. The fundamental concern from a highways perspective was the impact development would have at Junction 16 of the M4 motorway.
3. A position was eventually reached between the three highway authorities involved in the planning consultation that allowed for a conditional recommendation to approve the proposals.
4. Planning Permission was granted, subject to conditions by Swindon Borough Council for development at the Swindon SDA (Wichelstowe) on 19th May 2005, following consideration for call-in by the Secretary of State. One of the conditions, number 99, attached to the permission, required, inter alia, further details of proposed changes at Junction 16 of the M4 motorway to be submitted for approval by the local planning authority in consultation with the Highways Agency, and the local highway authorities, Wiltshire and Swindon.
5. During the course of the determination of the planning application the Wiltshire and Swindon Structure Plan was in process of review. The Swindon SDA and its associated east-west link road was an issue of challenge, but not affected in terms of outcome.
6. Throughout the period the planning application was under consideration, and since, the Wichelstowe development proposal has attracted a considerable degree of opposition from the Campaign to Protect Rural England (CPRE) and Transparency in Local Councils (TLC), as well as local communities. The single most controversial issue relates to the east-west distributor road for the site which links Croft Road to Hay Lane, and its associated tunnel breaching the M4 boundary. Local anticipation was that the link road, at its western end, would connect with the Great Western Way on the north side of the motorway, as had previously been envisaged in local (Swindon) transport strategy documents.

7. A raft of reports relating to the link road has been considered by Members over the past few years. The subject was referred to, and considered by, the Overview and Scrutiny Management Committee. Members will be familiar with the issues.
8. County Council, at its meeting on 8th May 2007¹, considered a Motion put by Mrs. Groom in relation to the County Council's position, as the local highway authority, on the matter of a recommendation to Swindon Borough Council in relation to the discharge of Condition 99. Council unanimously accepted an amended Motion and agreed:

That Council asks the Leader of the Council to refer the matter back to Cabinet at the appropriate time.

9. Mrs. Groom's Motion to County Council on 8th May 2007 was predicated partly on the basis that there were material changes of circumstance that justified Cabinet reviewing their former (22nd November 2006² Cabinet meeting) resolution on the matter of the Council's recommendations to Swindon Borough Council regarding the discharge of Condition 99. The Director of Environmental Services' advice to County Council was that this was not the case. In particular, reference was made at Council to the report from Halcrow issued in February 2007, (which had not been widely circulated), which essentially summarised those matters considered and discussed at the presentations at Wootton Bassett and to Cabinet prior to the 22nd November 2006 meeting.
10. At Cabinet on 26th June 2007³, further consideration was given to an Agenda Item on the matter, Cabinet resolved:
 - (i) *To revoke the previous decision to authorise the Director of Environmental Services to agree the outstanding technical issues, as set out in (iv) above*.*
 - (ii) *To ask the Director of Environmental Services to present a further report to Cabinet when sufficient details have been submitted by the developer and officers are in a position to make a final recommendation in relation to the discharge of Condition 99.*

*The full Minute is available on the County Council website.

11. Officers have continued to liaise with the objectors' group throughout the process, making information on progress available as and when sought. The group recently informed the County Council that it wished to submit a report from its consultants, Scott Wilson, on the most recent submission documents, for inclusion on the Agenda. Late submissions by the developer's consultants have prevented timely completion and submission of their report. Should it be received prior to the meeting it will be circulated to Cabinet and a copy placed in the **Members' Room**.

¹ <http://194.72.162.210/documents/dscgi/ds.py/View/Collection-1299>

² <http://194.72.162.210/documents/dscgi/ds.py/View/Collection-1218>

³ <http://194.72.162.210/documents/dscgi/ds.py/View/Collection-1329>

Main Considerations for the Council

12. The Halcrow report dated February 2007 is available electronically with the web version of this agenda. Cabinet members will have had the opportunity to consider whether there are any material considerations that could cause them to come to a different conclusion from that resolved in November. A hard-copy of the Halcrow report will be available in the **Members' Room**.
13. Some additional concerns were raised at Council. On the issue of the Council's policy regarding the suggested 'alternative' western junction of the link road (a point raised by Mr. Coleman), it would be inappropriate to continue to argue that the proposed route is unacceptable, especially in view of the Structure Plan Panel's view on its lack of strategic status, and the fact that the route has planning permission. Cabinet has previously resolved to press for the consideration of an additional link to serve the SDA. This sets the policy position. The objection to a breach of the motorway boundary and associated concerns of coalescence is an issue not to be confused with, and kept apart from, the issues of the technical capabilities to address traffic congestion at Junction 16.
14. Members also heard at County Council that the proposals at Junction 16 are contrived and inappropriate for a rural area, and more suited to an urban street environment (the views of TLC/CPRE's consultant). Whilst it is accepted that the designers had to contrive a solution to suit a challenging problem, it is not accepted that the solution is artificially intricate. Its appropriateness to location is a matter of opinion, and not a technical reason to offer an objection to discharge the condition. (An Inspector's decision on a previous planning application for a motorway services area adjacent Junction 16, involving layout changes to the junction, dismissed objections by the highway authority in relation to junction complexity and 'readability', albeit on a less radical layout change than that currently under consideration).
15. In April 2007 the developers submitted a comprehensive package to Swindon Borough Council, comprising drawings and reports covering the outstanding technical issues, to secure discharge of the condition. Subsequently meetings have been held with other parties, including the Highways Agency, the developers, and their respective agents, as well as with Swindon officers. The Director of Environmental Services is now satisfied that all issues have been addressed to a satisfactory standard to enable the condition to be discharged. Three issues presented some difficulty, viz the signing of lane destinations; the buildability and maintenance of the scheme, in particular because of proximity of works to the junction's southern side highway boundary; and the provision afforded for non-motorised users of the road.
16. Issues around signing have been resolved, in principle, through the anticipated use of gantry signing to inform of destinations and reinforce lane discipline. Site boundaries have now been defined and offer confidence that the alterations can be constructed, albeit with significant retention structures, within the highway boundaries.
17. Provision of facilities for cyclists and pedestrians is specifically referred to in Condition 99. It has not been possible to achieve a solution that provides facilities that would normally be expected in locations where non-motorised users were encouraged and anticipated in significant numbers. However, the facilities to be incorporated are considered to better the existing facilities, in particular in the vicinity of the areas where the main alterations to the junction are proposed. The junction will remain a somewhat hostile environment for the pedestrian and cyclist, but demand is

demonstrably low, and not anticipated to grow materially as a result of the development, which is beyond normal walking distance from the site to the facilities local to Junction 16. It is the Director's view, therefore, this arrangement though not ideal be accepted. One point of concern relates to the extent of footway that the developer is prepared to provide on Hay Lane. This is a matter that should be recorded as an issue to be rectified prior to the discharge of the condition. The developer has agreed to pay the costs of a missing length of footway on the north side of the junction. The County Council can secure this in the eventual s278 Agreement

18. Subject to Cabinet's final decision, the Director has indicated to the developers and the local planning authority that he is in a position to inform the Cabinet that he can offer technical advice that Cabinet may now resolve to recommend that the essential requirements of Condition 99 have been satisfied, and that no objection is offered to the local planning authority in relation to its discharge.

Environmental Impact of the Proposal

19. None arising as a result of either of the stated options.

Equalities Impact of the Proposal

20. There are no equalities impact issues arising from the proposal.

Risk Assessment

21. If **Option (a)** is adopted then the principal risk is that the groups that have challenged the County Council's position as a consultee throughout the process of dealing with the planning application and the subsequent discharge of Condition 99 may pursue their threat to seek to judicially review the Council in relation to their actions. It is difficult to see what such action would achieve given that the County Council is merely one of a number of statutory consultees in this process and the operative decision-maker is Swindon Borough Council as the local planning authority.
22. If **Option (b)** is adopted, the Council will need to have a very clear and defined rationale to justify any position that might cause the County Council to be seen to be undermining the planning process, or acting vexaciously, or seeking to frustrate the development at Wichelstowe. Without such justification, should the local planning authority accept the County's advice, the County Council may be vulnerable to a legal challenge, again through judicial review, but this time from the developer, Taylor Wimpey Developments Ltd. Given the material potential financial loss that could arise as a result of failure to discharge the condition this is potentially a significant risk for the County Council.

23. There is a possibility that the developer could seek to circumvent problems arising from the potential consequences of Option (b) by way of an application to vary the restrictive condition that would otherwise lead to such loss (no dwelling occupations until Condition 99 has been discharged). This course of action would be likely to have the knock-on effect of delaying their ability to complete the works before being caught by a further restrictive condition, Condition 79.
24. Condition 79 of the planning permission reduces the risk of congestion to which users of the M4 Junction 16 might be exposed, insofar as it restricts the number of dwellings allowed to be occupied to 1,100 before the junctions works have been completed in accordance with the requirements of the Highways Agency and the local highway authorities.
25. The actual works will, in due course, need to be undertaken under the provisions of a formal agreement with the County Council (s278 agreement). There is case law (Powergen v Warwickshire CC) that indicates that the County Council should not seek to decline to enter into such an agreement, on a point of principle, when it is required.
26. Officers understand that Swindon Borough Council, in the event of any unreasonable delay in response on the part of the highway authorities, would review the matter independently, and perhaps discharge the condition, having now undertaken the consultation required by the planning permission. Given the progress made on resolving the outstanding issues, this is not thought to be a risk that would have serious consequences, as full detailed arrangements will need to be established prior to the signing of the s278 agreements.

Financial Implications

27. Although not quantified, there are potential costs associated with the above options if a legal challenge to the Council's actions is made. A minimum consequence, should a judicial review be sought, would be for the Council to be represented in defending such proceedings. Costs would have to be found from within existing budgets as no specific provision has been identified within the Medium Term Financial Strategy (MTFS) or current year budgets.

Options Considered

Option (a)

28. Having reviewed the matters raised through County Council and this report, Cabinet may, on advice from the Director, that the essential requirements of Condition 99 have been satisfied, resolve to recommend the discharge of Condition 99, subject to the other highway authorities expressing their satisfaction with the proposed arrangements, and the issue of the extent of footway provision on Hay Lane being resolved.

Option (b)

29. Cabinet may take the view that there are outstanding issues to be resolved with the developer, or that they have new evidence that has come to light, and that the local planning authority should be advised that Condition 99 should not be discharged.

Conclusion

30. Cabinet have been advised in previous officer reports of the position of the County Council as a highway authority consultee to Swindon Borough Council. Members are now advised that the Director considers the requirements to discharge Condition 99 have been reasonably met, and Cabinet should offer a positive recommendation to the local planning authority accordingly.

GEORGE BATTEN

Director of Environmental Services

Report Author

PHIL TILLEY

Regulatory Services Manager

The following unpublished documents have been relied on in the preparation of this Report:

None



CABINET

MINUTES of a MEETING held at COUNTY HALL, TROWBRIDGE on 30th October 2007.

Mrs JA Scott	Leader of the Council
Mr J Thomson	Deputy Leader and Member for Community Services
Mr ML Baker	Member for Staffing and Customer Care
Mrs NS Bryant	Member for Education and Youth Development
Mrs MJ Douglas	Member for Culture, to include Libraries and Heritage
Mr JC Noeken	Member for ICT, Procurement and Partnerships
Miss MF de Rhé-Philipe	Member for Environment, Transport & Economic Development
Mr TR Sturgis	Member for Planning & Waste
Mrs B Wayman	Member for Children and Families

Mr AN Deane, Mrs MEM Groom, Mr A Molland, Mr JB Osborn and Mr IC West also attended.

106. **Apologies** No apologies were received.

107. **Minutes of Previous Meeting**

Resolved: To confirm and sign the minutes of the meeting held on 25 September 2007.

108. **Members' Interests** No interests were declared.

109. **Public Participation** A number of members of the public attended the meeting in relation to Minute No. 110 below including the following persons who either addressed the Cabinet or submitted questions/statements for consideration:-

Mrs Anne Henshaw – Chairman of North Wiltshire and Swindon CPRE
Mrs Charmian Spickernell
Mr Angus Ivory
Lady Inchcape
Mr Geoff Yates
Mr George McDonic – CPRE
Lynne Pryde
Jannah Khan
Yvonne Prickett

110. **Swindon Southern Development Area – Croft Road to Hay Lane Link – M4 Motorway Junction 16 – Condition 99** The Cabinet received a report by the Director of Environmental Services which

advised Members that in his opinion the technical requirements for the discharge of Condition 99 had now been achieved and that the local planning authority, Swindon Borough Council, could be advised accordingly.

Mrs Groom, the local County Councillor, read a statement which was circulated at the meeting urging Cabinet Members not to agree to the discharge of Condition 99 on the grounds that;-

- (i) outstanding road safety and highway layout issues were still not resolved;
- (ii) the proposed width of carriageway does not allow for the increased traffic flow as well as non-motorised and public transport usage according to Government policy
- (iii) the increased congestion on local roads is a material consideration.

The Leader emphasised that it was important when considering the discharge of Condition 99 to concentrate on those issues which related specifically to that Condition. The Leader confirmed that she had already written to the Leader of Swindon Borough Council on the wider concerns of the local people as a result of the representations made to Cabinet on 22 November 2006 and she would do this again following this meeting.

The Cabinet Member for Planning and Waste in responding to the concerns of both the public and the local Member, highlighted the one area where there were outstanding concerns and that was the provision for non-motorised users of the road. In view of this he moved and it was

Resolved:

(i) To agree that:-

(a) the submitted plans, indicating the developer's best ability to meet Condition 99's requirement 'to incorporate specific features to facilitate use by public transport, pedestrians, vulnerable users and cyclists' fall short of the expectations embodied within national, regional and local transport policies to provide facilities to encourage sustainable transport modes;

(b) although the anticipated number of non-motorised users might be predicted to be low in proportion to other users, the facilities indicated will not encourage such users, it will afford them a hostile environment, will not provide signal controls at all carriageway crossing areas, and can only provide a relatively tortuous route through the main alterations at the south side of the junction;

and that for these reasons considers that the developer's proposals for the provision of facilities for non-motorised users at J.16 do not meet the requirement of Condition 99 and consequently considers that Swindon Borough Council should not discharge Condition 99.

(ii) To agree that the Leader should write again to the Leader of Swindon Borough Council outlining the concerns of local residents on the wider issues relating to the Southern Development Area and its impact on the local traffic infrastructure.

Reason for Proposal

For the reasons outlined in (a) and (b) above.

111. **Capital, Revenue Budget and Service Standards Monitoring – August 2007** The Cabinet received a report by the Chief Financial Officer which set out the budget monitoring position for August 2007.

An updated Revenue Budget Monitoring Statement for the period ending 30 September 2007 was also circulated at the meeting. The Chief Financial Officer reported that these updated figures indicated that the projected overspend would be reduced to £0.181 million at year end.

Mr Molland, the Chairman of the Budget Scrutiny Task Group reported that he was pleased with the updated figures and the reduction in the projected overspend. He also reported on the ongoing activity of the budget fact finding meetings and questioned when the seminar on budget priorities for 2008/09 would be arranged.

The Cabinet Members for Children and Families and Community Services reported in more detail on the budget projections within their portfolio areas.

Resolved:

(i) To note the reduced projected revenue budget overspend of £0.181 million as predicted at 30 September 2007.

(ii) To note the projected level of balances of £6.388 million.

(iii) To note the current projected variation in the capital programme of £28,000 in 2007-08.

(iv) To note the use of delegated powers in relation to the capital programme as detailed in Appendix 5 to the report.

(v) To approve the virements listed in paragraph 15 of the report.

(vi) To note the progress that has been made on the Wiltshire Academy Project and to note the appropriate risks that have been taken on this project at this early stage.

Reason for Proposal

To inform the Cabinet of the current budget position, spending pressures and the implications for general balances.

112. **The Financial Plan 2008/09** The Cabinet received a report by the Chief Financial Officer which presented the Draft Financial Plan for discussion.

Resolved: To note the 2008-09 Draft Financial Plan of £240.005m and to agree and adopt this as a Financial Plan for use by Chief Officers in developing draft service and revenue budgets for financial year 2008-09.

Reason for Proposal

To give Chief Officers a resource guideline within which to develop budget proposals and associated activity levels and service standards for each service for 2008-09.

113. **Partial Review of the Rural Spatial Strategy – Gypsy and Traveller Pitch Provision – Formal Consultation** The Cabinet received a report by the Director of Environmental Services which requested agreement to the formal response of the County Council to the partial review of the Draft Regional Spatial Strategy for the South West 2006-26 (RSS) pitch requirements for Gypsies and Travellers in the South West for submission to the Examination in Public.

Resolved:

(i) To approve the comments made at paragraphs 12 to 17 of the report to form the County Council's response to the RSS Revision consultation and be submitted to the Examination in Public (EIP) Panel.

(ii) To authorise the Director of Environmental Services to take these comments forward and represent the interests of the County Council through the EIP process.

Reason for Proposal

To ensure an appropriate level of provision for Gypsies and Travellers is made for Wiltshire within the RSS to ensure that the need for new pitches is met and to reduce the potential for unauthorised encampments.

114. **Corporate Parenting Policy For Looked After Children And Young People in Wiltshire** The Cabinet received a report by the Director of Children and Education which presented the proposed Corporate Parenting Policy for Looked After Children for approval.

Members were aware that the Corporate Parenting Group had been considering the development of a Policy since November 2006.

Resolved:

To support and endorse the production of a Corporate Parenting Policy and to recommend the policy's adoption by the County Council on 6 November and that the policy be included as part of the Council's Policy Framework and that the Constitution be amended accordingly.

Reason for Proposal

Legislation and guidance following on from the Children Act 1989 emphasises the Local Authority's role as 'Corporate Parent' to children and young people in care. This duty is further reinforced in the White Paper 'Care Matters: Time for Change' (June 2007). The existence of a Wiltshire policy statement serves to support the Council's commitment to this duty of care.

115. **Every Wiltshire Young Person Matters – Response to Government's 10 Year Strategy for Young People** The Cabinet received a report by the Director of Children and Education which informed Members of the publication of the Government's ten year strategy for young people and a proposed response to that strategy on behalf of the Council.

A copy of the draft vision statement and strategy document for Wiltshire was circulated at the meeting.

Members of the Cabinet agreed that rather than providing an information seminar for Members on this matter, the Cabinet Member for Education and Youth Development would update Members of the Council at the forthcoming meeting on 6 November 2007.

Resolved:

(i) To note this report and the draft vision and strategy document.

(ii) To request the Cabinet Member for Education and Youth Development to update Members at the forthcoming Council meeting on the implications of 'Aiming high for young people'.

(ii) To approve the delegation of responsibility for completing the Connexions business transfer documentation to the Cabinet Member for Education and Youth Development.

Reasons for Proposal

These proposals are presented to enable the Council to respond constructively to the challenges presented by the ten year strategy, and the creation of an effective and integrated service for young people.

(Duration of meeting: 11.00 am - 12.25pm)

Please note that matters defined as 'Key' decisions and included in the Forward Plan are shown thus .

These decisions were published on 1 November 2007 and will come into force on 8 November 2007

The Officer who has produced these minutes is John Quinton, of Democratic & Members' Services, direct line 713054 or e-mail johnquinton@wiltshire.gov.uk

Press enquiries to Communications, direct line (01225) 713114/713115

Neutral Citation Number: [2009] EWHC 1586 (Admin)

CO/5157/2008

IN THE HIGH COURT OF JUSTICE
QUEEN'S BENCH DIVISION
THE ADMINISTRATIVE COURT

Royal Courts of Justice
Strand
London WC2A 2LL

Friday, 26 June 2009

B e f o r e:

MR JUSTICE HICKINBOTTOM

Between:

THE QUEEN ON THE APPLICATION OF
(1) WILTSHIRE BRANCH OF THE CAMPAIGN TO PROTECT RURAL ENGLAND
(2) GEOFF YATES

claimants

v

SWINDON BOROUGH COUNCIL

Defendant

(1) TAYLOR WIMPEY
(2) WILTSHIRE COUNTY COUNCIL
(3) THE HIGHWAYS AGENCY

Interested Parties

Computer-Aided Transcript of the Stenograph Notes of
WordWave International Limited
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165 Fleet Street London EC4A 2DY
Tel No: 020 7404 1400 Fax No: 0207 404 1424
(Official Shorthand Writers to the Court)

Mr Jonathan Powell (instructed by Richard Buxton Solicitors) appeared on behalf of the **claimants**

Mr Timothy Jones (instructed by Swindon BC, Legal Department) appeared on behalf of the **Defendant**

Mr Christopher Lockhart-Mummery QC and **Ms Sasha Blackmore** (instructed by Eversheds) appeared on behalf of the **First Interested Party**

J U D G M E N T

(Draft for approval)
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1. MR JUSTICE HICKINBOTTOM: In Swindon, there is a well-recognised long-standing need for housing development generally, and for affordable housing in particular. The importance of identifying major development sites was raised in August 1996 in the draft Wiltshire Structure Plan 2011. Following investigation and public consultation, a preferred site was identified to the south of the town.
2. In July 2002, an application was made to the local planning authority (the defendant, "Swindon") for planning permission in respect of:

"Southern Town Expansion including up to 4,500 dwellings, employment, commercial, shopping, schools, open space, park and ride, roads, sewers and associated works" on "land to the west of Croft Road, Swindon and north and south of the M4 Swindon, Wiltshire."
3. That land was known as the Southern Town Expansion Area, or, as I will call it, Wichelstowe. Of the dwellings, about one-third were intended to be affordable housing.
4. Following a resolution of Swindon's Planning Committee in January 2004, outline planning permission was granted on 19 May 2005, subject to 102 conditions.
5. A number of those conditions concerned access. The Structure Plan 2011 did not identify means of access in a westerly direction. However, that was issue was considered in the context of the Swindon Borough Local Plan 2011, which was adopted following an inquiry. That designated Wichelstowe as a strategic development area for about 4,500 dwellings, and it prescribed a westerly means of access involving a route under the M4 motorway to the south. That route was also later identified in the Wiltshire Structure Plan 2016, which succeeded the Structure Plan 2011.
6. The first claimants, the Wiltshire Branch of the Campaign to Protect Rural England ("the CPRE"), a registered charity dedicated to the improvement and protection of the English countryside, opposed that access route. They promoted as an alternative a more westerly route from the site over a railway to Great Western Way, which did not involve the construction of a route under the M4. In pursuit of their aim of having this alternative route adopted, the CPRE objected to both the Local Plan and the Structure Plan 2016, and also to the planning application (both in its initial and amended forms). Those objections failed - in the case of the Local Plan, following an enquiry - and no legal challenges to the plans or planning permission were made. Time for any such challenges has long since expired. The means of westerly access to Wichelstowe are now enshrined in paragraph 5.10 of the Structure Plan 2016 and Policy T12 of the Local Plan; and the May 2005 planning permission has been granted on the basis of that means of access.
7. As I have said, a number of the conditions to the planning permission concerned access to the site. This claim particularly concerns Condition 99, which provides:

"No dwelling shall be occupied until details of the proposed alterations at

junction 16 and improvement to the B4005 Hay Lane and Wharf Road have been approved in writing by the local planning authority in consultation with the Highways Agency, Wiltshire County Council and [Swindon] as Highway Authorities. Such details will need to ensure that the proposed alterations are safe and legible for all road users, and will need to incorporate specific features to facilitate use by public transport, pedestrians, vulnerable users and cyclists. These features shall be provided with appropriate street furniture, lighting, traffic signal control equipment, signage and road markings. Such works shall be provided with environmental mitigation measures as agreed with the local Planning Authority in consultation with the relevant Highway authorities. For the avoidance of doubt, the details illustrated on the submitted plans shall not be taken as agreed and any amendments shall be carried out in accordance with the latest technical requirements as set out in the Design Manual for Roads and Bridges or other standards and technical requirements considered appropriate by the Highways Agency.

Reason: In the interests of highway safety and to ensure that the operation of the junction is safe and not impaired by the additional traffic generated by the development.

Relevant policies: SEV2 Swindon Local Plan (1999)."

8. A few notes of explanation will assist.
9. (i) The "junction" is Junction 16 of the M4 motorway. At this junction, the A3102 Swindon to Wootton Bassett road crosses the M4. The B4005 from Wroughton also feeds into the same junction.
10. (ii) The M4 (including slip roads) is, in substance, a trunk road. The other roads feeding the junction are not trunk roads: they are county roads.
11. (iii) In terms of highway authorities, the third interested party, the Highways Agency, is responsible for trunk roads: and, in the area of the junction until 31 March 2009, the second interested party, Wiltshire County Council, was responsible for county roads. From 1 April 2009, the Wiltshire Council, a new unitary authority, took over many of the rights and obligations of the old County Council, including responsibility for county roads. It is also the relevant planning authority for the area of Junction 16. (I shall refer to the old county council and the new unitary authority as simply "Wiltshire".) Swindon, in addition to being the local planning authority for Wichelstowe, is responsible for the county roads in its area, but its authority does not extend to the junction.
12. The first interested party (Taylor Wimpey, "the Developer") has an interest in developing Wichelstowe with the benefit of the May 2005 planning permission.
13. In 2007, the Developer applied to Swindon to discharge Condition 99. Following investigations and consultations to which I shall refer further in due course, Ms Vivian

O'Connell (Team Leader Major Projects in the Environment & Leisure Group for Swindon) prepared a detailed report recommending discharge (“the Discharge Report”), and the condition was duly discharged on 7 April 2008 by Swindon's Director of Planning and Strategic Transportation under powers delegated to him.

14. It is that decision which the claimants now challenge by way of judicial review. I have already referred to the first claimants. The second claimant, Mr Jeff Yates, is a local resident.
15. The claimants rely upon six grounds, which can be conveniently summarised as follows:
16. Ground 1: Swindon erred in law by discharging Condition 99 in circumstances in which the proposed alterations at Junction 16 incorporated no "specific features to facilitate use by public transport, pedestrians, vulnerable users and cyclists", it being a requirement of the condition that such features be incorporated.
17. Ground 2: In making the decision to discharge the condition, Swindon failed to have regard to a material consideration, namely relevant policies with regard to sustainable transportation set out in the Structure Plan 2016.
18. Ground 3: In relation to discharge of the condition, Swindon failed to understand the representations made by Wiltshire as the local highway authority, and consequently decided to discharge on the basis of a material misunderstanding.
19. Ground 4: Swindon discharged the condition in circumstances in which Wiltshire had not approved the details of the proposed alterations at Junction 16, for which they were responsible as one of the relevant highway authorities. On a true construction of the condition, the claimants contend that Wiltshire's approval was required before discharge.
20. Ground 5: The proposed alterations at Junction 16 are unsafe, to the extent that the decision to discharge the condition was unreasonable in a Wednesbury sense, ie no reasonable authority could have come to the decision to discharge.
21. Ground 6: Swindon erred in failing to reconsider the Environmental Impact Assessment before discharging Condition 99.
22. On 23 April 2009, Burton J gave permission to proceed in respect of grounds 1-5 (grounds 3 and 4 at that stage being subsumed into one head). In respect of ground 6, he directed that the application for permission be heard at the same time as the substantive hearing on the other grounds, and, if permission be given, there should be a rolled-up hearing. Over the last three days, I have heard the substantive applications, and the application for permission in relation to ground 6.
23. I now turn to deal with the grounds in turn.

Ground 1: The Specific Features Ground

24. Because Junction 16 is outside the area of Swindon's authority, Condition 99 is in the form of a negative or "Grampian" condition (after Grampian Regional Council v City of Aberdeen DC [1984] 47 P&CR 633), such that occupation of the development cannot begin until details of the proposed alteration at the junction have been approved by Swindon. That condition is certainly an incentive for the Developer to obtain the relevant approval. It has to be read in the context of the grant of planning permission as a whole, and in particular Condition 79 (another in Grampian form), which provides:

"No more than 1,100 of the dwellings hereby granted permission shall be occupied before the improvements to the trunk road network at Junction 16 of the M4 as shown on drawing 938/GA/036 have first been completed in accordance with the requirements of the Highways Agency and the Local Highway authorities."

I shall refer to drawing 938/GA/036 as "Drawing No 36".

25. The first ground is based upon the premise that the proposed alterations to the junction referred to in Condition 99 were required "to incorporate specific features to facilitate use by public transport, pedestrians, vulnerable users and cyclists": and, as no such specific features were incorporated into the proposed alterations, the condition was not and could not be satisfied. Consequently, Swindon erred in discharging the condition.
26. The claimants have failed to make good this ground for the following reasons.
27. In my view, the ground is based upon an incorrect interpretation of Condition 99 in two significant respects. These are important, particularly as Mr Powell (counsel for the claimants) sought in his reply to overcome the point that there is a substantial amount of technical judgment in relation to many of the issues raised in this claim by submitting that the various experts had erred because they (and, following them, the decision-maker on discharge) had construed Condition 99 incorrectly. The decision-maker had thereby, he submitted, fallen into legal error.
28. In relation to the construction of the condition, first, Mr Powell sought to persuade me that the requirement for "specific features to facilitate use by public transport et cetera", meant a requirement for "features specifically to facilitate use by public transport etc"; that is, the relevant features must facilitate that use and no other use, either absolutely (which began as his primary submission) or at least as a priority. However, looking at the words of the condition, that is simply not what they say. "Specific" qualifies "features", not the following phrase. On a plain reading of the condition, the wording does not therefore suggest that the relevant features must only facilitate use by the identified users: or that they facilitate such users in priority over other users.
29. Mr Powell submitted, on such a plain reading of the condition, the word "specific" is otiose, and, as a tenet of construction, one strains where necessary to give each word some content. However, this is not an Act of Parliament. It is a condition in a planning permission, and I see no difficulty in construing the word "specific" as indicating that the features referred to must be identified and particular. It is not sufficient for the junction alterations as a whole to be said to facilitate use by the identified users.

30. As well as the proper construction of the condition being, in my view, clear on its face, the construction proposed by Mr Powell suffers if the condition is looked at from a purposive perspective. The intent of the words is in some way to ensure that the interests of users of public transport and non-motorised users are considered and catered for by reference to specific features of the proposed alterations. If, in the process, other users benefit from the same features, that cannot sensibly detract from the facility given to the identified users. For example, if lane widths benefit public transport (and those who use it) by enabling all sizes of bus to negotiate a junction, it cannot detract from that benefit to those users if the same feature also benefits (eg) heavy goods vehicles. I accept that whether a feature facilitates use by a particular group of users is a matter of fact and degree, but it is a matter of fact and degree, primarily for the judgment of the relevant decision-maker (in this case Swindon). They are the public body tasked with the relevant planning responsibilities and making planning decisions.
31. Further, there is no evidence that any features that might in theory assist the identified users would in practice benefit a single user. Whilst I appreciate that the word "facilitate" may infer some benefit, it is another uncomfortable aspect of the construction suggested by Mr Powell that it would or may encourage the adoption within the proposed alterations of features uniquely for the identified users, even if they did not in practice provide such users with any practical benefit.
32. Second, the ground is premised on the basis that the condition is intended to encourage public transport and non-motorised users to use the junction. As Mr Timothy Jones for Swindon and Mr Lockhart-Mummery QC for the Developer submitted, for the condition to encourage use of the junction by public transport and non-motorised users, it would likely be unlawful as requiring something extraneous to the development (see Pyx Granite Co Ltd v The Ministry of Housing and Local Government [1958] 1 QB 554). I shall in due course come on to deal in more detail with usage of the junction: but the evidence was that, so far as non-motorised users were concerned, the development would not materially increase the minimal usage of the junction (see, for example, paragraph 9.4 of the Report of Wiltshire's Director of Environmental Services to the meeting of Wiltshire's Cabinet 30 October 2007: and paragraph 9.8(c) of the Discharge Report). But in any event, as a matter of construction, Condition 99 clearly does not encourage use of the junction by public transport and non-motorised users. "Facilitating" and "encouraging" are entirely different concepts. Condition 99 seeks to "facilitate" use by public transport etc, not "encourage" it.
33. As Mr Powell indicated in his reply, one dictionary definition of "facilitate" is "render easier", and that appears to be its sense in Condition 99. In general, highway authorities seek to discourage or at least minimise the amount of non-motorised movement at and around motorway junctions (Statement Howard Davies 20 August 2008, paragraph 51). That is no doubt for obvious safety reasons, given the high levels of often fast-moving motorised traffic at such junctions. However, whatever the policy of the authorities in this case might be, they (and Condition 99) acknowledge that such highway users may, through choice or accidentally, seek to cross such junctions. The evidence is that pedestrian use of Junction 16 is almost nil, and cyclist use minimal. But it is a perfectly legitimate and sensible aim for relevant public authorities to have

regard to such users, even if they are only occasional, and even if they are not positively encouraged.

34. Furthermore, it is noteworthy that the construction of Condition 99 pressed by the claimants would perversely militate against Swindon's policy of segregation of motorised and non-motorised traffic, which is in pursuit of their general policy of encouraging sustainable transportation.
35. On the proper construction of Condition 99, I do not consider it is sensibly arguable that the proposed alterations contain no "specific features to facilitate use by public transport etc". In relation to pedestrians and vulnerable users, it is proposed that all carriageway crossings (at present all uncontrolled) shall have phased traffic signals with pedestrian activated buttons, and sound signals for the assistance of those with sight disability. More footways are to be made available, of generally greater width: it is not proposed that any have their width reduced. The scheme also includes new dropped kerbs and tactile paving which, together with the sound signals, will be of unique or particular benefit to disabled users, even if the construction of Condition 99, contrary to my firm view, is that propounded by the claimants. Mr Powell suggested that the proposed pedestrian routes involved were "tortuous", and certainly they may not particularly encourage pedestrians to cross the motorway junction. But on any view they clearly facilitate use by pedestrians and vulnerable users by (for example) enabling them to cross very busy roads with the traffic stopped, rather than by having to cross uncontrolled carriageways through gaps in potentially fast moving traffic.
36. For cyclists, the introduction of the right turn configuration from the A3102 from Wootton Bassett into the B4005 to Wroughton means that cyclists on that route (I accept, in common with other road users) do not have to negotiate the junction island at all, which appears to be of particular benefit to them as non-motorised users; and the proposals allow cyclists to dismount and have the benefits of the traffic signals etc to which I have referred in the context of pedestrians.
37. For public transport, lane widths will enable all sizes of bus to negotiate the junction: and the new signalling system will reduce delays for buses. It is noteworthy that none of the highway authorities (including Wiltshire) had any concerns about the public transport facilities at Junction 16 at the time of discharge of Condition 99 (Wiltshire's only concern being about non-motorised users - a concern to which I shall return).
38. Those are, on a proper construction of Condition 99, "specific features to facilitate use by public transport, pedestrians, vulnerable users and cyclists". Of course, on the basis of usual principles, whether these features adequately facilitate that use is a matter of judgment for Swindon as the relevant authority. However, in making that judgment, Swindon were entitled - indeed, in my view, responsibly bound - to take into account the actual and estimated future use of the junction by the identified users. I do not accept the contention made on behalf of the claimants that that was irrelevant, and features - they say, unique features - had to be incorporated to facilitate use by the identified user groups irrespective of their numbers and even if there were no such users at all.

39. An independent non-motorised user count conducted by Ove Arup at the junction on 7 March 2007 during the "rush hour" period of 7.30am to 9.30am showed four cyclists and no pedestrian or equestrian users. In relation to non-motorised users, importantly, the junction is not (or will not be) the only route from Wootton Bassett and the villages west of Swindon into that town: it is the only route for motorised traffic (Kehinde Awojobi statement 9 January 2009, paragraph 17). In comparison with the several thousand motorised users per hour moving through the junction, on any view such usage is "negligible" (the term used in the Discharge Report, at paragraph 6.4).
40. In considering whether the specific features of the proposed alterations adequately facilitate use by the identified users, Swindon were therefore entitled to take into account the advice given to them that, eg, by having a cycle lane round the entire junction island, that would adversely impact on traffic flows generally. They were also entitled not to treat use by those identified users as a priority over use of the junction by motorised users.
41. For those reasons, Ground 1 fails.

Ground 2: The Policies Ground

42. Mr Powell submitted that, when coming to its decision to discharge Condition 99, Swindon erred in failing to take into account a material consideration, namely relevant policies.
43. He relied upon two policies, both within the Structure Plan 2016. First, policy T2, which requires that:

"At the Swindon Principal Urban Area a package of transportation measures will be identified to enable growth in development within (and beyond) the plan period, so as to assist with realising the economic and regeneration potential of the principal urban area.

The package will provide opportunities to reduce the reliance on the private car by increasing and improving the choices available to meet transport needs and will be strongly biased towards public transport and improving conditions for pedestrians and cyclists."

44. The policy then proceeds to refer to particulars that are required to be within the package, including "New Road Proposals - Croft Road to Hay Lane link and northern orbital road (Purton Road to Great Western Way)". That is relates to the Wichelstowe development. The supporting text to T2 indicates that:

"The overall package of measures is intended to secure a balanced approach to transport provision in Swindon ...", the package to be "delivered through the implementation of the local transport plan programmes."

45. The other policy relied upon is T5, which requires that:

"Measures should be provided to encourage cycling and walking and improve safety of these modes in order to offer alternatives to private car use."

46. The supporting text indicates that:

"Local planning authorities should ensure that new developments provide additional measures to complement and facilitate the provision of comprehensive cycle and pedestrian networks."

47. Mr Powell submitted that Swindon had erred in failing to take these policies into account when discharging Condition 99, particularly relying on the Paragraph 9.8(c) of the Discharge Report, which says:

" ... neither established highway use policies nor Condition 99 require the developer to provide facilities to encourage the use of motorway junctions or junction 16 in particular for pedestrian or cycling journeys emanating from or going to Wichelstowe."

48. However, ably as Mr Powell attempted to urge this ground, it is meritless. The decision to discharge was not a decision which, by virtue of statutory provision, required Swindon to take into account development plans. In any event, T2 and T5 are broad policies that apply to Swindon and Wiltshire as a whole. Even over that geographical area, they provide only general guidance as to the appropriate approach of authorities to sustainable transportation. They do not purport to - nor can they - "require" any specific facilities at a particular location.

49. In fact, the Wichelstowe development as a whole does seek to address the issue of sustainable transportation, as evidenced by, for example, the Ove Arup March 2007 Audit Report to which I have already referred. By way of example, it is proposed that there be two new bus routes through the development along a "sustainable transport artery" (or "STAr", ie a bus lane) so far as possible: and that there be bus stops within 300m of all dwellings, and within 200m of 90% of dwellings. There is a walking and cycling strategy for Wichelstowe, which proposes significant improvements to ways through South Swindon that will provide alternative access routes: including a strategic segregated lit footway cycleway linking to the STAr, and other non-motorised user routes linked to the main transport network. This forms part of the local policy of segregation of non-motorised and motorised traffic, to which I have referred.

50. From the evidence, it is clear that the importance of a sustainable transportation policy has informed relevant decisions in respect of the development. In relation to the discharge of Condition 99, although they were not obliged by statutory provision to do so, there is no evidence that Swindon failed properly to take into account the identified policies. It seems to me that this ground too is based upon the false premise that the Developer was required to provide facilities to encourage pedestrian and cycling journeys across Junction 16, as well as public transport. That was not the case.

51. In any event, for the reasons I have given, this ground too fails.

Ground 3: The Wiltshire Representations Ground

52. Mr Powell submitted that Swindon had misunderstood the objections of Wiltshire, as the relevant local highway authority, to the proposed discharge of Condition 99.
53. Condition 99 required Swindon to consult the relevant highway authorities, namely the Highways Agency, Wiltshire and the Highways Department of Swindon itself. The Highways Agency and Swindon consented to the discharge of the condition.
54. Wiltshire did not do so. There is some lack of clarity in the evidence before me as to the precise history of the issue within Wiltshire, but it seems that initially Wiltshire's Cabinet either agreed to consent to the discharge of the condition, or agreed that, as a technical issue, the matter could and should be left to the relevant technical director. However, whatever it precisely was, that decision appears to have caused disquiet amongst some members of the public. It was revoked, and Cabinet asked the Director of Environmental Services to present a further report and to make a final recommendation in relation to the discharge of Condition 99. The Director made that report, to which I have already briefly referred, and that was considered by the Cabinet at their meeting on 30 October 2007. Whatever lack of clarity there may have been as to what happened before, it does not impact on this issue: because it is very clear what happened at that meeting and thereafter. In his report, the Director said that he considered that all issues had been addressed by Swindon, and he recommended Wiltshire consequently consent to the discharge. However, at the meeting, the Cabinet resolved that the submitted plans in respect of incorporating specific features to facilitate use by non-motorised users fell short of expectations "to provide facilities to encourage sustainable transport modes", and the facilities indicated would not encourage such users:
- "... and for these reasons [Cabinet] considered that the developer's proposals for the provision of facilities for non-motorised users at junction 16 do not meet the requirement of Condition 99 and consequently considers that [Swindon] should not discharge Condition 99."
55. That indicated, very clearly, that the only outstanding issue so far as the Wiltshire Cabinet were concerned remained the provision for non-motorised users of the junction: and the reason that remained an issue was that they did not consider that the proposals encouraged such non-motorised use.
56. There can be no question that the author of the Discharge Report (Ms O'Connell) fully understood that to be Wiltshire's position and the reason for it. In the report she set out the background in paragraphs 9.3-9.5: Wiltshire's position as resolved in the 30 October Cabinet meeting in paragraph 9.6: and, in paragraphs 9.8-9.9, she set out why, despite those objections, she advised discharge. The main reason why she considered that "the limited objection" of Wiltshire "should not be given significant weight over the technical assessments being made by the other highway authorities (and the professional view of Wiltshire's highways officers) that the requirements of Condition 99 have been met and that approval of the proposals could be given by the local

planning authority" was that Wiltshire appeared to have applied the (in her view, erroneous) test of whether the proposed alterations to junction 16 would "encourage non-motorised users", in circumstances in which neither established highway use policies nor Condition 99 required the Developer to provide facilities to encourage such use for the reasons to which I have already referred. Indeed, as the Discharge Report says:

"To the contrary, the strategic approach has been to provide accesses to the new development for non-motorised users that are separated from motor traffic."

57. As I have indicated, I consider this ground is without merit. It is quite clear that, far from misunderstanding the position taken up by Wiltshire, those involved in the decision to discharge Condition 99 very well-knew Wiltshire's position, and the Discharge Report set out cogent reasons why Wiltshire's objection to discharge, in the face of their own technical advice and the consent of the other highway authorities (including the Highways Agency), did not persuade Swindon that the requirements of Condition 99 had not been met.

Ground 4: The Wiltshire Approval Ground

58. It was in those circumstances, and for those reasons, that Wiltshire did not consent to the discharge of Condition 99. It is true that, from a technical highways point of view, Ms O'Connell was unimpressed by Wiltshire's stance and the reasons for it. However, whatever the circumstances and what the reasons, it is a fact that Wiltshire did not consent to the discharge of the condition.
59. Mr Powell submitted that, although Condition 99 is phrased in terms of Swindon discharging the condition "in consultation with" the highway authorities (including Wiltshire), properly construed in practice it required their approval: because, without the approval of the relevant highway authorities, for practical purposes the proposed alterations to Junction 16 could not be carried out. Without the approval of the highway authorities, the discharge would be empty.
60. However, I do not accept that Wiltshire effectively had a veto on discharge of Condition 99, as suggested by this submission. Condition 99 requires Swindon to discharge the condition "in consultation with", not "with the approval of", the highway authorities. The meaning of those words is plain and unambiguous. That wording can be compared with that of Condition 79, which refers to completion of the Junction 16 works "in accordance with the requirements of the Highways Agency and the Local Highway authorities". Conditions 81 and 84, to which I was also referred, are in similar terms to those.
61. Even in the face of Wiltshire not consenting to discharge, Swindon were not necessarily acting perversely or unlawfully in discharging the condition. The discharge was to be considered in a planning context, and planning decisions are frequently made in admittedly different contexts, notably on applications, where the applicant is not, in practice, in a position (or not yet in a position) to pursue the development, for example

because he does not own the site. The impracticality or impracticability of proceeding is not a reason for an authority not making a positive planning decision.

62. It is clear, in my view, that Swindon's decision to discharge was not perverse, even in the light of Wiltshire's stance, particularly bearing in mind:
63. (i) the nature of Condition 99 on its proper construction, as considered above;
64. (ii) Wiltshire had refused their consent to discharge against the technical advice of their own Technical Director, in respect of a matter which was quintessentially technical in substance;
65. (iii) when they are approached by the Developer as the local highway authority to enter into an agreement under section 278 of the Highways Act 1980 for carrying out the necessary works at Junction 16 (as the Developer must do: see Condition 98 of the May 2005 planning permission), it is open to Wiltshire, as a public body, to reconsider their position in the light of what they now know; particularly as the relevant Wiltshire body is entirely new, being the unitary authority rather than the old county council;
66. (iv) Wiltshire have as not yet made any decision to refuse to enter into a section 278 agreement with the Developer for the construction of the proposed changes to Junction 16. If they do in due course refuse on public interest highway grounds, then it would be open to the Developer to seek planning permission for the works which, if granted (perhaps after an appeal to an inspector, given that Wiltshire will be the relevant planning authority), would mean that the Developer would be able to rely upon the principles set out in R v Warwickshire County Council ex p Powergen plc [1998] 75 P & CR 89, to require Wiltshire as highway authority to cooperate in implementing the planning permission.
67. In the circumstances, I do not accept Mr Powell's submission that, in the light of Wiltshire's failure to consent to the discharge, Swindon should have acted on the premise that, without such consent, the proposed alterations were bound not to be constructed, and consequently their decision to discharge was perverse. That simply does not follow.
68. As I have indicated, Wiltshire's failure to consent to discharge Condition 99 (and their reasons) were fully considered by Swindon before they proceeded to discharge. They approached the issue with patent care, and, leaving aside for the moment the other grounds of challenge to which I shall come, on this ground they cannot be criticised for coming to the decision that they did, ie that the requirements of Condition 99 had been satisfied and the condition should be discharged. That was their decision to make as the relevant planning authority. For the reasons I have given, I do not consider that Wiltshire had any effective veto over that decision: nor do I consider that Swindon erred in discharging the condition in the face of Wiltshire's non-consent and non-approval.

Ground 5: The Safety Ground

69. The claimants contend that the decision to discharge Condition 99 was perverse or Wednesbury unreasonable - in that, it is submitted, no reasonable local authority could have come to that decision because the proposed alterations at Junction 16 render the junction "manifestly unsafe".
70. There are three strands to this submission. First, Swindon failed properly to take into account and follow the standards and technical requirements in the Design Manual for Roads and Bridges ("the DMRB"). That informs the second and third strands, namely that the design of the proposed altered Junction 16 is (the claimants contend) manifestly unsafe because (i) the proposed lanes are too narrow, and (ii) it incorporates a right turn from the A3102 Swindon Road from Wootton Bassett into the B4005 to Wroughton, which increases traffic flow at the junction because it enables traffic on this route to avoid circulating the whole island junction, but which, it is submitted, renders the junction inherently unsafe, particularly if there were to be a power failure that knocks out the controlling traffic lights.
71. As I have indicated, Mr Powell relied upon the DMRB to support his substantive points relating to lane width and right-hand turn configuration in the south of the junction. In failing to take the DMRB properly into account, he submitted that Swindon erred in law, because they failed to take into account a material consideration.
72. In relation to the former substantive point, he submitted that the DMRB required certain lane widths at particular curve radii (as set out in Table 7/2 in TD 42/95). The claimants' expert (Mr John Orchard) had calculated within the proposed junction complex where the lanes lacked the width indicated in that table. In relation to the right-hand turn configuration, he relied upon TA 86/03, and particularly paragraph 37 of that part, which sets out in diagrammatic form the routing of traffic through the centre part of a junction island in a one-way link in what is called a "half through node". He compares that with the proposed configuration at Junction 16, which has some geometric similarities but where the diverted traffic does not pass into the centre of the junction island, rather simply cutting round without penetrating the roundabout at all. In the DMRB, there does not appear to be a similar configuration illustrated. Nor have the experts been able to identify a similar configuration on the ground. I accept Mr Orchard's evidence that Sherwin Arms, Nottingham, does not appear to be in this configuration.
73. Nevertheless, I do not find the submissions based upon the DMRB compelling. First, the DMRB is "a standard of good practice that has been developed principally for Trunk Roads" (Introduction, paragraph 1.5). It is not mandatory for non-trunk roads, such as the A3102 or the B4005. Even where it does apply, departures from the standard can be agreed with "the overseeing organisation", usually the relevant highway authority (see TD 50/04, paragraphs 1.17 and 1.18). I shall return to that.
74. Second, on a proper construction of Condition 99, the DMRB (and other guidance referred to in Condition 99) has no relevance to the question of whether the condition has been satisfied and should be discharged. The first part of the condition relates to the approval of the details of the proposed alterations. That is the part with which Swindon were concerned when considering discharge. The last sentence of the

substantive part of the condition - the sentence referring to the DMRB - relates not to that stage, but purely to the eventual execution of those works, ie the works that are to be executed in accordance with the latest relevant standards etc. That is consistent with other conditions within the planning permission to which I was taken, which refer to various approvals being required and then, at the end of the condition, refer to the plans, standards or guidance in accordance with which the works are to be "carried out", ie executed. It also fits into the general planning scheme of the development. Condition 99 cannot be construed in isolation. Condition 79, which can only be satisfied at a later stage of the development, requires, before more than 1,100 dwellings are occupied, "the improvements to the trunk road network at Junction 16 of the M4 as shown on drawing 938/GA/036 have first been completed in accordance with the requirements of the Highways Agency and the Local Highway authorities". As I have indicated, those highway authorities can, if so advised, vary any guidance or standards in the DMRB as they consider appropriate, of course bearing in mind the paramountcy of safety, and, under Condition 99, the works when they are carried out have to be carried out "in accordance with the latest technical requirements as set out in the [DMRB] or other standards and technical requirements considered appropriate by the Highways Agency". To an extent, these provisions appear to fit together to form a coherent scheme. The fact that, outside and forward of Condition 99, there are stages of detailed design (which have to be approved by the highway authorities) and execution also explains, in my view, Ove Arup's response in May 2007 to the Highways Agency saying that they assumed that lane widths "comply with DMRB standards", namely:

"Correct working widths and barriers will be adhered to and will be designed in accordance with the current standards applicable at the point of detailed design. This will be developed and submitted through the statutory bodies for approval where relevant."

75. From that exchange, it is clear that, contrary to the suggestion made on behalf of the claimants, the Highways Agency were not led to assume and work on the basis that the widths shown on the drawings complied with DMRB: Ove Arup made clear that lane widths would be dealt with at a later stage, when the Highways Agency (and the other highway authorities) would be required to approve them before the scheme proceeded to construction.
76. Third, as I have just noted, Condition 99 requires the works eventually to be carried out to the standards etc of the DMRB "or other standards and technical requirements considered appropriate by the Highways Agency". Before the condition was discharged, the Highways Agency consented to it: and I accept the force of the submissions made by Mr Timothy Jones and Mr Lockhart-Mummery that there is clear evidence that the Agency in fact took a greater interest than simply as the highway authority for the M4 and slip roads: for example, the references from their letters quoted by the claimants' solicitor, Mr Richard Buxton, in his statement of 18 June 2009, paragraphs 8 and 12). Whatever standards might have been applicable at the stage of discharge of the condition, the Highways Agency appears to have been content that they had been met.

77. Fourth, Mr Orchard's opinion is that, when the DMRB Standards and Guidance are compared with the proposed alterations to Junction 16, the proposals are found wanting, and this is an indication that the proposed junction scheme is unsafe. The other experts do not agree. In those experts I include not only the independent experts who have submitted evidence in this application (Mr Howard Davies of Halcrow instructed by Swindon, and Mr Richard Hutchings of WSP and Mr Ian Morrow of Ove Arup instructed by the Developer), but also the in-house "experts" within the relevant highway authorities (the Highways Agency, Wiltshire and Swindon). They do not consider that the proposed alterations are unsafe, something to which I shall shortly return. In coming to that opinion, they have taken into account the guidance in DMRB. Indeed, Mr Morrow makes it clear that the DMRB was taken into account in the design of the alterations - he sets out how in his statement of 31 July 2008 at paragraphs 36 and following - and, that being the case, it is a matter of highway judgment as to the weight to be given to that guidance.
78. I can now turn to the two specific areas of the proposed alterations design which, the claimants contend, render the Swindon's decision to discharge the condition Wednesbury unreasonable. In each case, I consider there is a simple and negative response to those submissions.
79. In relation to the lane widths, even in the context of this case in which the claimants' case has been evolving and regularly growing new limbs throughout, this was a late running ground. The issue of lane widths was not raised as an issue by anyone - including Mr Orchard, who has been actively and heavily engaged on the claimants' part in putting forward objections to the proposed junction alterations - until last month. No one raised it as an issue before Condition 99 was discharged. The Discharge Report dealt with all of the objections that Mr Orchard had then put forward (under paragraph 10(f)), together with objections from others. I do not see how it could be argued that Swindon erred in failing to take into account a matter that was simply not before them at the time of the relevant decision. Even if, as Mr Orchard suggests, it is arguable that the lane widths are too narrow for proper safety (an issue to which I shall return), that falls far short of a mistake as to an established fact that may, in some circumstances, found an error of law (see E v Secretary of State for the Home Department [2004] EWCA Civ 49, especially at paragraph 66 per Carnwath LJ). It would not found an error of law.
80. In fact, in paragraph 62 of his statement of 2 June 2008, two months after the decision to discharge Condition 99 had been taken, Mr Orchard accepted that the proposals demonstrated there was sufficient carriageway width, although (in his words) "only just".
81. As I say, lane widths have only been raised as an issue by the claimants over the course of the last month. Mr Timothy Jones and Mr Lockhart-Mummery submitted that the sheer lateness of the suggestion undermines the claim that the proposed lane widths are so inadequate as to make proceeding on the basis of the proposal Wednesbury unreasonable. However, even if the point had been raised in better time - and leaving aside the fact that the issue was not raised with Swindon before they took the decision to discharge - I could not possibly find, on the evidence before me, that the decision to

discharge was one which no reasonable authority could take on this ground. The evidence before me is replete with details of the extensive investigation and consultation that preceded the decision to discharge. By way of example I need refer only to the statement of Ian Morrow of 31 July 2008, at paragraphs 30 and following, which refer to over 40 consultative meetings, over 20 separate evolving drawings and eight major reports. The consultation, of course, included consultation with the CPRE and Mr Orchard. All of the comments they made, and issues they raised, were taken into account before the decision to discharge, and indeed are dealt with in terms in the discharge report itself.

82. Following such intensive technical activity by so many, all of the experts to whom I have referred - other than Mr Orchard - are of the view that the lane widths are adequate, subject to detailing at the appropriate time. Those experts include in-house people from the three highway authorities, including the Highways Agency. Mr Davies's view is that the lanes are wide enough but, if any highway authority wishes them to be wider, then that can be accommodated within the confines of the proposed junction area (letter to the claimants' solicitors 4 June 2009). That is the view of all the experts in the claim, except Mr Orchard (Joint memorandum dated 23 June 2009, paragraph Q4).
83. Even Mr Orchard himself does not appear to go so far as to say that any difficulties with lane width, as he sees them, are such that, with adjustments, it would be impossible to comply with DMRB and make the scheme safe before construction. I do not read even paragraph 17 of his third statement of 18 June 2009 as going quite that far. Mr Powell, in his main submissions, conceded that point, although appeared to resile somewhat from it in reply.
84. All of the experts may not entirely be at one as to whether the lane widths as currently envisaged technically fall within the guidance of DMRB, but none suggests that alterations should be made other than in accordance with appropriate standards, in practice to be dictated by the highway authorities when they come to consider them and approve. Even if there were doubt as to any of these matters now, Swindon could not be criticised as being perverse by discharging Condition 99, when all of the relevant highway authorities will have an opportunity to check the details, including the lane widths, when they are required to approve prior to construction. All of the highway authorities, except for Wiltshire in the circumstances I have outlined, of course consented to that discharge.
85. In relation to the right-hand turn configuration, this was incorporated in Drawing No 36, to which I have referred. That drawing is referred to in Condition 79, which requires the junction to incorporate it as part of the development works for which planning permission was granted. The opportunity to challenge that configuration as a matter of principle - which is how the claimants now seek to challenge it - is passed. Of course, the claimants played a full part in the planning process that led to the permission, including that configuration that was granted in May 2005.
86. In any event, for the reasons I have already given in relation to lane width, in my judgment it is simply not arguable that the decision of Swindon to discharge Condition

99 on the basis of the proposal with that configuration is Wednesbury unreasonable or otherwise unlawful.

87. For those reasons, Ground 5 fails.

Ground 6: The Environmental Impact Assessment Ground

88. An environment impact assessment was performed prior to the May 2005 grant of planning permission, and an environmental statement was part of that grant. Mr Powell does not have any complaint about that statement, except that it failed to include a non-technical summary of the technical information required to be included by Schedule 4 to the Town and Country Planning (Environmental Impact Assessment) (England & Wales) Regulations 1999 (SI 1999 No 293, “the 1999 Regulations”). Such a non-technical summary is required by that schedule itself. Those regulations purported to implement EC Council Directive 85/337/EEC (“the 1985 Directive”) and Schedule 4 is reflective of Article 5 of that Directive.
89. Any challenge to the planning permission (of which the environmental statement formed part) is well out of time. It is, however, some comfort that there is no evidence that the claimants, or anyone else, suffered prejudice as a result of any such suggested failure.
90. The current ground of challenge is based on the premise that the original environmental statement was adequate, but that, prior to the decision to discharge Condition 99, Swindon erred in law in failing to review the assessment. It is contended that they ought to have conducted such an assessment because of a change in the development. Comparison of the plans attached to the environmental statement (eg plan 938/GA/036a with plan CH-09-008) suggests that there has been little obvious variation in the basic design and proposals for Junction 16. In any event, the only change relied upon by the claimants in relation to this ground is the increased estimate of traffic flow through the junction.
91. Mr Powell accepts that no obligation to make a further environmental impact assessment arose from the 1999 Regulations as they stood at the time of the decision. However, he submitted that the requirement arose from an obligation on Swindon directly to apply the 1985 Directive, following R (Barker) v Bromley London Borough Council [2006] UKHL 52 (which, after the discharge of the condition in this case, led to amendments to the 1999 Regulations to require more than one assessment and statement in certain circumstances).
92. As the recitals to the Directive make clear, the purpose of the Directive is to ensure that, before there is any development that might adversely affect the environment, there should be an assessment of that impact so that appropriate steps can be taken to mitigate it. As the recitals suggest, in respect of environmental damage, prevention is better than cure.
93. By Article 1, the 1985 Directive only applies to "the assessment of the environmental effects of those public and private projects which are likely to have significant effects

on the environment". A "'project' means - the execution of construction works or of other installations or schemes - other interventions in the natural surroundings and landscape including those involving the extraction of minerals". "'Development consent' means the decision of the competent authority ... which entitles the Developer to proceed with the project". Article 2(1) requires member states to adopt measures to ensure that "before consent is given, projects likely to have significant effects on the environment ... are made subject to a requirement for development consent and an assessment with regard to their effects".

94. The 1985 Directive is not applicable in the circumstances of this case, as submitted by Mr Powell, for two reasons.
95. First, an assessment is only required by the 1985 Directive in respect of a "project" which is defined in terms of operational development, ie some physical change to the land. Condition 99 does not relate to a project so defined: it relates to the occupation of properties already built. Condition 99 is not a "development consent" and it does not permit or relate to the construction of any alterations to Junction 16 or any other part of the development. If and when the junction alterations need planning permission in the future, then, if they are likely to have significant effects on the environment, an environmental impact assessment will be required. Indeed, planning permission and the need to have an assessment go hand in hand, because, if there is likely to be a significant environmental impact, planning permission will be required - that will trigger an assessment: so, in relation to this submission, although it fails on this ground, if the proposed alterations to Junction 16 are likely to have a significant environmental impact, that will have to be considered by the relevant planning authority - Wiltshire - in due course.
96. Mr Powell suggested that a purposive approach to the Directive would not pay such regard to what he called "the legal niceties of the form of restriction used" (written submissions in reply, paragraph 45). I do not accept that criticism of the construction relied upon by Swindon and the Developer. That construction relies upon the plain terms of the Directive: and, given the purpose of the Directive, it does not seem to me that that construction does any purposive damage. Prior to any construction actually taking place at the junction (and therefore before there are any possible adverse effects from any such construction), environmental concerns will have to be taken into account by the relevant planning authority, Wiltshire, in accordance with the Directive and amended Regulations, for the reasons I have given. I do not regard the construction propounded by Mr Timothy Jones and Mr Lockhart-Mummery to be a "legal nicety": it seems to me to be the proper construction of the relevant Directive, both on the clear reading of the words used and on a purposive approach.
97. I add for the sake of completion that Mr Powell said that one road - part of Hay Lane, which is an approach road to the junction - falls within Swindon's area of authority, and therefore it will not be subject to the requirement on Wiltshire to consider an environmental assessment in the context of a planning permission. That part of Hay Lane, as he understands it, already falls within the May 2005 planning permission. However, it can properly be assumed that, if the changes proposed to Hay Lane are likely to result in significant environmental damage, then Swindon will comply with

their obligations under the Directive and (now) the amended 1999 Regulations at the appropriate time, before construction commences. In any event, there is no evidence before me that that part of the development is likely to cause such damage.

98. That links to the second reason why the 1985 Directive did not apply directly in relation to the decision to discharge the condition. There was not at the time of the discharge decision, and there still is not, any evidence that the changes to the propose alterations to the junction are likely to result in any significant environmental damage. Although Mr Orchard refers to what he considers to be a substantial increase in the estimate of traffic through the junction (as shown in Halcrows Report of February 2007), he does not evidence any significant (or indeed any) additional environmental damage as a result. There is no evidence at all before me of such damage that might trigger obligations under the 1985 Directive: and, contrary to Mr Powell's submission, such damage, in my judgment, cannot simply be assumed - at least not on the facts of this case.
99. Nor do I consider that Swindon erred in failing to give reasons in the Discharge Report for not requiring an environmental impact assessment. For the reasons I have given, I do not consider that such an assessment was required for the purposes of the discharge decision: but, although I appreciate the statutory obligation imposed by the Directive upon Swindon as a public body, at the time of that decision, despite the very considerable consultation and investigation, no one (including the CPRE or Mr Orchard or any of the other experts involved) suggested that there was any basis for thinking that significant environmental damage would or might be caused by any change in the proposed works since the grant of planning permission. The issue has been raised by the claimants only in the last month, despite their having had the relevant traffic estimated figures since perhaps a year before the decision to discharge Condition 99. Even now, as I have said, no evidence has been produced of any adverse environmental consequences that might result from the increase in traffic flow through the junction.
100. Mr Powell submitted that the assessment, when conducted, would have to take into account alternatives, including the alternative westerly route to which I have referred. However, for the reasons I have given, I do not consider any obligation under the 1985 Directive was triggered by the discharge decision. The alternative route issue does not therefore arise.
101. For those reasons, I do not find ground 5 made out on its merits.
102. As a result, it is unnecessary for me to decide whether, if the merits of ground 5 were sufficient to succeed, the claimants should in any event be barred from pursuing the ground on the basis of delay. Judicial review proceedings have to be brought promptly and, in any event, within three months (CPR Rule 54.5), a limitation period the courts are loathe to increase except for good reason because of the importance of the principle of finality of administrative decisions. Suffice it to say that I consider the submissions of Mr Timothy Jones and Mr Lockhart-Mummery had considerable force. The relevant new projections for traffic were produced by Halcrows in January 2007, and, given the very active part the claimants, their representatives and Mr Orchard have played throughout these long running issues, it is almost inconceivable that those data did not

come into the possession of the claimants shortly afterwards. Mr Orchard in his evidence does not suggest there was any delay. Mr Powell in closing accepted that the claimants and Mr Orchard must have received these figures shortly after they were prepared. Nevertheless, as a ground of review, this was not raised until well over two years later, and over eight months after the decision sought to be challenged. No good reason for that delay has been put forward: the only reason put forward is that the claimants have failed to investigate and put forward the claim as promptly as they should have done. The fact that this matter is, in some respects, complex is not good reason. The claimants have throughout been represented by specialist legal representatives, assisted by Mr Orchard. There is evidence of prejudice, not only to the Developer (who expended about £8.5m on the development between April and December 2008), but also to those people who are waiting to move into the completed dwellings on the development. 69 dwellings are now complete. Dates of occupation have been delayed for these people because of these proceedings (see the Leslie Durrant Statement, 23 January 2009, paragraph 2).

103. I appreciate that, irrespective of this particular ground, these proceedings would have been brought and pursued on the other grounds relied upon by the claimants, and there is no evidence of any slowing of the works as a result of them - only of the Developer ploughing money into the development at potential risk, and delayed occupation which has prejudiced the Developer and those who seek to live on the development. However, given the importance of finality in public law decisions, and the approach of these courts to delay in challenges to planning decisions (see, eg, R (Hardy) v Pembrokeshire County Council [2005] EWHC 1872, approved [2006] EWCA Civ 240, and Finn-Kelsey v Milton Keynes Borough Council [2008] EWCA Civ 1067), I can only say that, even if (contrary to my firm view) this ground had merit, it should be assumed that I would have granted permission to proceed out of time. However, given my view on the merits, I shall simply refuse permission to proceed on Ground 6.
104. In relation to Grounds 1-5, I shall dismiss the applications for the reasons I have given.
105. May I add two notes by way of postscript.
106. First, it has been submitted to me, on behalf of Swindon and the Developer, that these proceedings are an abuse of process, because the claimants are attempting a collateral challenge to the planning permission and plans, insofar as they prescribe the westerly access route, which is the claimants' real objection. In this context, I have been referred to the claimants' then solicitors' letter of 5 February 2007 which indicated that the claimants intended to judicially review any discharge of Condition 99; that letter being sent two months before any junction plans (which are now criticised in this claim) were produced. I was also referred to another letter from their current solicitors dated 9 June 2009, which indicates that the CPRE's objective is not to prevent occupation of the Wichelstowe dwellings, but rather "they are only concerned about the proposed western access to the development". Mr Orchard repeatedly refers to the alternative access route issue (eg in his second statement, at paragraph 3 and paras 13-19): which was also raised in relation to the environmental assessment issue (see eg Ms Foster's statement at para 13). Indeed, in the last substantive point made in Mr Powell's reply this morning, he stressed that the westerly access route "is not such as it is settled ... It remains an

alternative to be tested in a proper [environmental impact assessment] in this and subsequent decisions" (para 56 of his written submissions in reply).

107. As the letter of 9 June 2009 indicates, the case papers make clear that the claimants' *only* concern in bringing this claim is the western access route. As I indicated at the beginning of this judgment, the route under the M4 has been enshrined in the Structure Plan and the Local Plan, as well as in the grant of the 2005 planning permission itself, for several years. Neither plans nor grant of planning permission were the subject of legal challenge. The time for challenging them has long since passed. There is certainly evidence that the claimants have, by these proceedings, sought collaterally to challenge earlier now unchallengeable administrative decisions in respect of the westerly access route. Insofar as this claim has been such a collateral challenge, it is at best misconceived.
108. I appreciate the genuine and sincere concerns that the CPRE (a charity with laudable objects) have in relation to the access route to the Wichelstowe development. However, they must ensure that they take care to ensure that their opposition to that route - if it is maintained - is exhibited only in appropriate forms and in appropriate forums. I should not be taken as indicating that I consider this claim has been brought inappropriately or improperly. I have been referred to R (Kides) v South Cambridgeshire Council [2003] JPL 431 (especially at para 10). I very much have in mind that this claim has been brought by a charity who, I consider, have proper locus to have brought it. I am also sensitive to the fact that, in relation to all of the grounds but one, whilst doubting the ultimate outcome, Burton J considered the claims arguable. However, the tenor of some of the documents is of sufficient potential concern for it to warrant a note of warning.
109. Secondly and finally, the Discharge Report is analysed in detail in Mr Lockhart-Mummery's skeleton argument from paragraphs 23 onwards. That is in substance the decision challenged. In my judgment, it is impeccable. It recommends discharge of the condition on the basis of full and careful reasoning, following very substantial investigation and consultation with the relevant highway authorities (as required by the condition itself) and other interested parties (including the CPRE). It sets out the objections that have been made, and a reasoned response to each as to why, in the author's view, they are not compelling. This is not a case in which the decision of the public body has in this court just barely "passed muster". In my view, the decision is not only lawful, but it has withstood intense legal scrutiny, which the author, Ms O'Connell, could not possibly have foreseen. I can only commend the care and competence with which the Discharge Report was compiled.
110. I shall hear submissions on costs, and any other consequential matters.
111. MR JONES: My Lord, I think your Lordship dismisses the claim. I therefore move to apply for an order for costs, and I ask that the claimants be ordered to pay the defendant's costs.
112. MR JUSTICE HICKINBOTTOM: Yes. Mr Lockhart-Mummery, are you making any application for costs?

113. MR LOCKHART-MUMMERY: My Lord, I am making an application for costs. Can I put Bolton in the House of Lords before you as a reminder?

114. MR JUSTICE HICKINBOTTOM: Yes. (Handed)

115. MR LOCKHART-MUMMERY: My Lord, can I make one brief observation before briefly referring to Bolton? My Lord, we have made it clear from the outset that we would be seeking an order for costs of this challenge. We said so in paragraph 87 of our original summary grounds, and have stated that position throughout. My Lord, I expect your Lordship is well familiar with Bolton.

116. MR JUSTICE HICKINBOTTOM: The question is: what have you added to the party? That is put putting it in fairly blunt terms, but that is the question.

117. MR LOCKHART-MUMMERY: My Lord, yes, just looking at Bolton and the analysis by Lord Lloyd, I am on the second page of the extract, the bullet points, and I am at the second of those. My Lord, I do not claim that there was likely to be or was a separate issue on which we were entitled to be heard; that is to say an issue not covered by counsel for the defendant, if I can put it that way, in this case. But, my Lord, can I refer to the special features of that case that his Lordship adverted to, and in particular, first, I do not contend, my Lord, that difficult questions of principle arose, but, my Lord, looking further down, his Lordship was persuaded by the fact that, in that case, the Secretary of State had to "remain aloof from the parties" for the reason that, if the case had gone the other way, the matter would have had to go back to him for re-determination de novo, and then continuing:

"On the other hand, the developers were concerned only with the outcome of this particular appeal. They were entitled to take the view that on the facts of this case they had a sufficiently independent interest requiring protection so as to justify separate representation."

118. My Lord, I would make the analogy here, if I may, by reference to the DMRB and the way these procedures work. The defendant is, in the context of DMRB, the overseeing organisation or, to put it another way, it is the decision making authority, of course, were this matter ever to have gone back. The interested party has an independent interest as the design organisation under the DMRB, and of course the applicant for approval had this matter gone back. So, my Lord, I rely on that analogy.

119. My Lord, secondly, and second in this example at the foot of page 2:

"... the scale of the development, and the importance of the outcome for the developers, were both of exceptional size and weight."

My Lord, I invite an analogy here. I do not need to elaborate on the scale of the development.

120. My Lord, thirdly, I hope and believe, and I think know now from your Lordship's judgment, that your Lordship has been materially assisted by the interested party: the witness statement of Mr Morrow, which has featured at key passages of your Lordship's

judgment; the witness statement of Mr Durrant likewise; and the witness statement of Mr Phelps in relation to delay and prejudice. My Lord, I also believe from your Lordship's judgment, although it is a matter for your assessment obviously, that you have been assisted materially by our submissions as well as the evidence.

121. My Lord, penultimately I rely on your Lordship's findings as to the conduct of the claimants in this case; the matters to which your Lordship has just referred from Mr Cooper's letter to Mr Buxton's letter; and your Lordship's finding that these proposals were, at best, misconceived, and, my Lord, on those grounds, I invite an order for costs in our favour as well.
122. Should your Lordship not be with me on a total award in our favour, I would invite the costs of the grounds of opposition, the witness statements, and our skeleton.
123. MR JUSTICE HICKINBOTTOM: Yes, thank you.
124. MR POWELL: My Lord, the grounds before the second award of costs in Bolton, in my submission, are quite clear, and should only be granted exceptionally. In terms of the position of the Developer and the interest as the design organisation and the applicant, in my submission that is no different to that of any applicant for planning permission. I do not think there is anything particularly special about this because the Design Manual for Roads and Bridges is involved, as opposed to any other policy document. So I would not have thought that that would be sufficient to generate an independent interest which required separate representation.
125. My learned friend, Mr Lockhart-Mummery, I think in the course of proceedings described his participation, certainly in terms of reply, as being on the coat-tails of the defendant, and in my submission that is an accurate way of putting it. I do not think there is a great deal more that was brought by the Developer that was not said by the defendant, or indeed could not have been said. There is no separate reason for them to be here in order to press points which are separate from those of the authority.
126. The scale and size of the development, I think, adds nothing to the reason to be represented before your Lordship. The issues are the same irrespective of the size and scale. In Bolton there were innovative policy matters relating to a large out-of-centre shopping development, and the new shopping development bore upon recent policy changes, and it was that, in terms of the size, the impact of a large development and new policies which was particularly significant.
127. MR JUSTICE HICKINBOTTOM: But Lord Lloyd particularly said, and practically this must be right, that a factor to take into account is the sheer scale of the development and the importance of the outcome for the Developers. It seems to me that it would have been unrealistic had he not have included that as a factor to be taken into account.
128. MR POWELL: Indeed, my Lord. It simply comes down to the point that there is more reason on account of the scale of it to engage their interest, but an interest not essentially separate from that of the local authority in pressing the points that are made.

Admittedly the development is of some size; there is no dispute on that point, but how that feeds into this case as opposed to the particular features of the Bolton case, where there was the additional emerging policy point as well, as to make the Developer's attendance essential, and certainly so essential such that it would sound in a second award of costs, which is of course exceptional.

129. MR JUSTICE HICKINBOTTOM: Yes. In respect of the defendant, no submissions to make?

130. MR POWELL: I do, my Lord, yes. Before I finish with that point, my Lord, I would like to draw your attention to the further point -- amplification of this in the case of Berkeley, if I could hand that up to your Lordship. This is a decision in the Court of Appeal. At the bottom of the page there is pagination. It begins at 46. I would invite your Lordship to turn to page 51 of that bundle.

131. MR JUSTICE HICKINBOTTOM: Yes.

132. MR POWELL: And there, my Lord, we see in the judgment of Nourse LJ at 8:

"I turn to the costs of Fulham Football Club. This question depends on an application of the principles of discretion authoritatively stated by the House of Lords in Bolton ... I read the first paragraph of the headnote, which satisfactorily sets out the essence of their Lordships' decision:

'... A second set of costs is more likely to be awarded at first instance than in the Court of Appeal or the House of Lords, and an award of a third set of costs will rarely be justified.'"

133. It goes on to say:

"Mr Hicks submits that the Club qualifies for orders for costs here and below within those principles. He has made a number of points. In regard to the environmental assessment question, he has said that the Club, having been throughout represented and fully involved at the public inquiry, was uniquely able to assist the judge as to the information available at the inquiry, in order to help him decide whether, in the absence of an environmental statement, there had, as has since been held, been sufficient information available to take its place."

134. And over the page he has made a similar point in regard to policy questions:

"His third principal point is that it was recognised ahead of the hearing before the judge that the Secretary of State was unlikely to argue the question whether there had been an urban development project. The Club, on the other hand, intended to submit, and did submit, that there was no definition of that expression and, further, that the development proposed could not be so described."

So that is the way it was put on behalf of the interested party there:

"Putting that third point on one side, I think that Mr Hicks' submissions amount to no more than that it would be and could be expected to be, as it no doubt was, very helpful for the Club to be represented before the judge. They knew all about the inquiry, at which of course the Secretary of State had not been represented [that clearly is not the case here as the developer defendant was fully informed as to the decision]. While I am entirely clear that the Club was entitled to be represented before the judge (indeed, subject to the question of costs, their application for joinder was not resisted by Lady Berkeley), I am nevertheless unable to conclude that they have been able to demonstrate a separate issue, not covered by the Secretary of State, on which they were entitled to be heard, or an interest requiring representation. I can see that the question of the urban development project could be described as a separate issue not covered by the Secretary of State, but that does not appear to me to have been, in the context of the case as a whole, a sufficient ground for the Club to be represented as well as the Secretary of State. As a matter of discretion, therefore, and we are now exercising the discretion afresh, I do not think it would be right, within the principles of the Bolton case, to make an order for costs ..."

135. That does not deal with the scale of the matter, but it does emphasise the exceptional nature, and indeed when other points have arisen, that would not apply. I have already dealt with the scale issue, my Lord.

136. So that deals with the second set of costs point. My Lord, the way in which the matter was put in the defence grounds on behalf of the interested party, in terms of the costs claimed there, it is at page P48 of the bundle, it is probably sufficient for me to read it out:

"The developer intends to seek its costs of drafting the summary grounds for resisting the application and reserves the right to ask for its full costs."

137. That was the position then. As of Friday, my Lord, your Lordship will be aware that there was an interlocutory application made for a protective costs order. That was withdrawn, and it was withdrawn following receipt of the skeleton argument on behalf of the interested party.

138. MR JUSTICE HICKINBOTTOM: Mr Lockhart-Mummery's skeleton argument?

139. MR POWELL: Indeed, my Lord.

140. MR JUSTICE HICKINBOTTOM: Yes.

141. MR POWELL: There, my Lord, the question of costs generally, and particularly the costs that could be awarded from Bolton, were considered. Does your Lordship have that skeleton?

142. MR JUSTICE HICKINBOTTOM: I have one skeleton from Mr Lockhart-Mummery.

143. MR POWELL: This is a separate skeleton. I think probably the most straightforward thing, my Lord, is if I was to read the paragraph and then hand this to your Lordship. There is a mention of Bolton. Under the first heading it says "General guidance given when separate costs will be awarded in Bolton MDC", with which the court will no doubt be familiar. Then at page 6 there are two further references to Bolton. At paragraph 27, it says:

"Five, as to the Developer's position specifically. The developer has consistently indicated that we will seek our costs, to the extent that we are able to do so. The claimants' comment that they 'cannot understand such a stance' are clearly misguided. The claimants have the (considerable) protection accorded to claimants against two sets of costs as indicated by the guidance in Bolton MDC. The claimant, and the Developer, are both well aware of the position; hence indeed why the claimants 'cannot understand the stance' of the developer."

144. The stance was: why resist a protective costs order when the likelihood of costs for a second set of costs is limited?

145. It goes on to say:

"The claimants have put forward no separate reasons (whether in evidence or in legal argument) as to why the Developer, as the third party directly impacted by the claimants' challenge, choosing to defend its valuable right of planning permission, should not be entitled to its costs of defending and the challenge in so far as Bolton MDC entitles it to those costs, as it would be so entitled in the ordinary course of litigation.

Bolton MDC already involves a balancing act between the claimants' and the Developer's interests. The House of Lords have indicated the (very) narrow circumstances in which a Developer can recover its costs. That balancing act has already been weighed."

146. Now, we took those references to Bolton -- the very narrow circumstances and the considerable protection -- although keeping the door open to some extent, as an indication of the considerable unlikelihood of, in their view, a second award of costs being made in their favour. That was taken into account, certainly on the part of the claimants, in withdrawing the application for a protective costs order, in that it seemed that the Developer there was highlighting the limited prospects, and what I would ask essentially is: what has changed since Friday? If there were very limited grounds for pursuing it on Friday, then here we are a week later and the case does not appear to have gained any further merit in terms of the justification for a second award of costs.

147. The important point -- I will develop this in a moment -- what my clients are facing now is a costs award in favour of the local authority. As your Lordship has observed, the first claimant is a charity and has particular public purposes. It has brought this claim essentially in the public interest, and your Lordship, I would say, should be slow to award two sets of costs against such a claimant, as this would amount to making such

litigation completely prohibitive. So it would send out, in effect, a chilling effect to such charitable claimants who have the public interest as their principal motivation in bringing public law proceedings. I will develop that in a moment. That is essentially I am praying in aid the requirements of the Aarhus Convention, that such public and environmental claims should not be made prohibitively expensive. But if I can turn to the application for costs in respect of the defendant --

148. MR JUSTICE HICKINBOTTOM: Yes.

149. MR POWELL: My response would be that this is a claim which has been brought entirely in the public interest. There is no private interest involved at all. My client is an amenity organisation that is particularly concerned in its objects in the protection of the countryside, and they are anxiously involved and concerned with appropriate development and making representations and participating in such decisions. This is entirely a matter brought in the public interest. Your Lordship will have observed that the particular concerns relating to highway safety and what we have put as being the concerns which we say, whether they were sound in law -- your Lordship has found that they are not -- but they are concerns which are of public concern at a major junction outside Swindon, of concern to many in the area. We say that it is right to be able to bring such matters before the court, and it was right to bring squarely before the court the safety issues, which were at the centre of one of the principal grounds, and that I think is a matter, although your Lordship has found it has not sounded in law in terms of legal remedy, it is something that has been ventilated. It will not form -- this case and the work of Mr Orchard -- the safety concerns relating to lane width would still be unclear, and it is important that of course it appears that, following the questions asked by Mr Orchard in his letter, put to the joint experts, that it must have been the case that there had been more detailed design that we had seen, and the question mark remains as to how much more the Developer knows about such issues. It was appropriate that these matters were explored in these proceedings and brought squarely in that way.

150. We bear those particular factors in mind, and the pure public interest and highway safety concerns which were brought by this case. If I may, my Lord, I would like to just refer in terms to the particular concerns and support that the claimant had received. If I could refer your Lordship to page 1159 of the bundle, volume 5. There, my Lord, is a letter from Mr Buxton to the Council, and this was looking at the questions relating to a protective costs order, but it sets out Mr Buxton's appraisal. This goes to my point that this is a public challenge with public interest. It says:

"As for the objectors, it is indeed the case that people outside Swindon have expressed concern about the present proposed access arrangements, as they are expected to have a seriously detrimental effect on the locality. Wootton Bassett Town Council and the parishes of Wroughton, Lydiard Tregoz, Lydiard Millicent and Broadtown all lodged official objections together with the Area 2 Committee of North Wiltshire District Council. This Committee represents over 30,000 people in North Wiltshire. We remind you that Wroughton is within Swindon BC's area: objections are therefore not limited to the residents of North Wiltshire. We understand

that there have been petitions and rallies and substantial attendances at protest meetings in both Wootton Bassett and Wroughton. There has been considerable media coverage. Further, that NWDC sought to get the planning application called in owing to the access arrangements. Overall it is quite clear that this is not just a case of a few objectors who want to hold up a scheme that otherwise has full support. However, as in many of these types of cases, the lead in practice has been taken by those who are fortunate enough to have the time and ability to appreciate the complex matter in hand and speak up."

151. So in that sense I would say that the claimants are something of an umbrella for a wider wing of public interest that has been engaged in bringing this claim.
152. The arrangements for the funding of this litigation have been based on a conditional fee arrangement, which we say is significant, so as to ensure, in terms of the representation to the claimants, that it is not made prohibitively expensive, and that is a matter to be taken into account.
153. If I could refer your Lordship to the case of Davey, where the costs considerations in such cases was considered by the Court of Appeal. If I can begin perhaps at paragraph 21 in the judgment of Sedley LJ. It says:

"Taking the same approach, these seem to me to be the appropriate guidelines for dealing with the present problem. They should be read subject to the caveats set out in the judgment of the Master of the Rolls.

(1) On the conclusion of full judicial review proceedings in a defendant's favour, the nature and purpose of the particular claim is relevant to the exercise of the judge's discretion as to costs. In contrast to a judicial review claim brought wholly or mainly for commercial or proprietary reasons, a claim brought partly or wholly in the public interest, albeit unsuccessful, may properly result in a restricted or no order for costs.

(2) If awarding costs against the claimant, the judge should consider whether they are to include preparation costs in addition to acknowledgment costs."

154. In terms of the views of the Master of Rolls, further on in the report, I think the most appropriate reference is paragraph 29, where the Master of the Rolls concurs with that guidance given by Sedley LJ at paragraph 21 above. He says:

"I entirely agree with the guidelines set out by Sedley LJ at paragraph 21 above. I would however add one note of caution. It does seem to me that costs should ordinarily follow the event and that it is for the claimant who has lost to show that some different approach should be adopted on the facts of a particular case. That principle is supported by the decision and reasoning of Dyson J in R v Lord Chancellor, ex p Child Poverty Action Group [1999] 1 WLR 347 at 355H-356E. That passage concludes as

follows:

'... In considering whether, and in what circumstances, there should be a departure from the basic rule that costs follow the event in public interest challenge cases, in my view it is important to have in mind the rationale for that basic rule, and that it is for the applicants to show why, exceptionally, there should be a departure from it.'

155. The reasons for the departure are set out, my Lord, bearing in mind the entirely public nature of the case and the considerable public concern that has surrounded it, and indeed the public issues relating to safety that have been ventilated.
156. If I could refer briefly to the Aarhus Convention, the overriding obligation is that the costs of environmental litigation should not be made prohibitive.
157. MR JONES: My Lord, I apologise for rising, my learned friend has already been supplied with authority in the context of a protective costs order. The Aarhus Convention makes no difference to orders of costs in judicial review and planning matters. It is already 7 minutes to 4. It would seem quite inappropriate to go into something when there is Court of Appeal authority saying it will not assist your Lordship.
158. MR POWELL: I do not follow that, my Lord. It is clearly a Treaty obligation that costs of the litigation should not be prohibitive, and should not have an effect on such claims by prohibitive levels of costs.
159. MR JUSTICE HICKINBOTTOM: Well, I think Mr Jones' point was how long is this going to take?
160. MR POWELL: I am almost done, my Lord. It is a short point in terms of Aarhus that the Treaty obligations in cases precisely such as this -- the level of costs should not be prohibitive. I raised that already with regard to the second set of costs. The same principle would apply to the defendant as well. In my submission, I would invite your Lordship, on the basis of that, in considering the application for an award of costs, to either make an order for no costs, or costs if reduced in your Lordship's discretion would be such that these would not be prohibitive in the circumstances in terms of bringing claims in the public interest.
161. MR JUSTICE HICKINBOTTOM: Yes, I have the accounts of the first claimant. They have assets of about £200,000; is that right?
162. MR POWELL: They do, my Lord. I think the point to bear in mind relating to the assets that have been accumulated is the nature of the CPRE. These assets have been accumulated over a considerable amount of time by fund-raising activities, by particular individual donations that have been patently built-up over a period of time. They are committed. The CPRE, through its Wiltshire branch, is involved in far more than litigation, of course. It has its own project work to carry on, and that is all fully committed. They have the hope of establishing this in obtaining the facilities for proper administration of a modest sort, and to view all of the resources that have been

assiduously built up over the years through fund-raising, public donation and voluntary work, that would have a very demoralising effect on the good work that is done by the organisation. It would be set against the many hours of voluntary work that volunteers put in, advancing what I think can only be regarded as laudable objects of the charity.

163. So I would not see the sum that is there in the coffers, as it were, as being something that would readily go to litigation. Some apportion of it, perhaps, in your Lordship's discretion, but one needs to be aware of the demoralising effect that it would have on the volunteers, who give their time to the organisation, for example.
164. MR JUSTICE HICKINBOTTOM: Thank you.
165. MR JONES: My Lord, the estimated costs of this case to Swindon Council are £45,000. They have been disclosed. That is approximately twice what a typical -- and I do not mean a simple -- a typical judicial review in which a local authority was represented by junior counsel would cost. I would like to deal, first of all, with the impact of that on Swindon; and secondly, why it has come about that those costs are so high. As far as the impact on Swindon is concerned, you have heard it urged that the claimant is a charity. Swindon is a unitary authority.
166. MR JUSTICE HICKINBOTTOM: I know.
167. MR JONES: Is a unitary authority. The bulk of its expenditure goes on expenditure that, if it were a private body, would be charitable: the two biggest items being education and social services, and then there is housing, parks, libraries and so on.
168. MR JUSTICE HICKINBOTTOM: I am sorry, I only shook my head, Mr Jones, because I just saw this coming. It is not to denigrate your submissions, but I could see this submission coming from Swindon.
169. MR JONES: Of course. My Lord, what it actually means if Swindon bears £45,000 of costs is £45,000 less. I do not know where that will be cut, but £45,000 is the annual cost of employing two people in a very large number of jobs within a local authority. We all know the redundancies in local authorities. We all know that there are jobs which are not being filled because of economic circumstances which are not likely to change. Why are the costs so much greater than usual? My Lord, in my submission it is abundantly obvious why, and it is what I submit was the utterly irresponsible conduct of proceedings by the claimants. There has been a mass of issues and not the slightest attempt to weed out the utterly hopeless: the no pedestrian facilities, when they are sitting there on the plan in front of them; a structure plan of the most general nature said to be not complied with. The utterly hopeless was kept in, and what in fact happened within this litigation is that this so-called poor body was paying people to go out and fish for more information. Ms Foster was sent, as her witness statement says, to go and look at the environmental statement and try and find out other things wrong. Mr Orchard got people to look at plans to try and find other things wrong that he had not mentioned before.

170. What should have happened is that this case could have been dealt with on the basis of what was said at the time of the discharge report: in other words, Mr Orchard's observations then; not four subsequent witness statements, two of which have been put in without any attempt to get leave for the fact that they are after the deadline set by Burton J. The idea that this is a body which is stuck for cash just does not ring true in the context of what it has done -- the willingness to pay experts to go and find out new grounds.
171. Now, my learned friend has said it is a charity. That is true. It is also an unincorporated association. There have been numerous requests from my instructing solicitors, as one would expect with an unincorporated association, at the time seeking protective costs orders, for means of its membership, and they have been declined. It is perhaps not surprising that they have been declined when one looks at Mr Awojobi's witness statement at pages 639 to 641 of the bundle, where he deals with the means of the individual members. One of those members is actually the wife of someone on the Sunday Times Rich List of people. Mr Buxton's reply was that he did not think she was a Committee member, nonetheless she has been present throughout this hearing.
172. So the first point, my Lord, what has effectively been done is to look simply at the charity's accounts, the claimant's accounts -- I should also say nothing, no evidence has been given of Mr Yates' financial means, and nothing has been said by my learned friend as to what they are. He simply relied on charity accounts and not membership of an unincorporated association.
173. The next thing that is said by my learned friend is no private interest. Well, that is not the understanding of my client. The understanding of my client is that the motivating effect for these whole proceedings is the desire not to have the tunnel under the M4 because the tunnel under the M4 is feared to be a Trojan horse which will lead to housing closer to other people's houses.
174. MR JUSTICE HICKINBOTTOM: Yes, south of the M4.
175. MR JONES: Yes, south of the M4, which is most certainly a private interest. Then there is talk about the demoralising effect on a body. Well, this really is not a body, in my submission, which has conducted this litigation responsibly. It is very important for the sort of Councils I represent, which are often like Swindon from the poorer parts of their regions, that they do not end up paying money which normally the losing party would pay, when they are the Council, in Swindon's case, in one of the poorest parts of the south west, or many of its parts are, and the people objecting are from much more prosperous parts of their region. It goes against, in my submission, basic principles of fairness.
176. My learned friend relied on Aarhus, and I have not been able to locate the skeleton argument for the interested party, which I believe referred to the Court of Appeal authority which pointed out that Aarhus does not make any difference to the normal principles that should apply in cases. But, in any event, for the costs to be prohibitive, one must know the means of the membership of the first claimant unincorporated

association which have been withheld despite being asked for, and the means of Mr Yates, which has been withheld despite being asked for.

177. My Lord, those are my submissions.
178. MR LOCKHART-MUMMERY: My Lord, can I make three or four very brief points, obviously going in particular to my client's interest. My Lord, first, the reference to Berkeley in the Court of Appeal, which your Lordship has just been given, that of course is a decision of that court on the specific facts of that case. Each case obviously in relation to costs, as Lord Lloyd indicated, turns on its own facts. My Lord, page 52 of the extract that has been put before you makes it clear that the Court of Appeal in that case was dealing with the first of the Lord Lloyd factors; that is to say, the separate issue. I have made it clear right from the outset of this application that I do not feel I can rely on the separate issue; I rely on an independent interest that reasonably needed its own protection.
179. My Lord, second, so far as the reference to the protective costs order skeleton by ourselves, can I just re-emphasise that we have made it clear throughout that, recognising the Bolton principles, we would seek an order for costs, and as recently as page 1228 of the bundle, which is in file 6 if your Lordship needs to turn it up but I do not think it is necessary, as recently as May of this year my instructing solicitors made it clear again to the claimants' solicitors our pleadings make it clear we intend to seek costs:
- "We accept it is entirely a matter for the court's discretion, but I regret that I cannot give your client's any comfort in that regard."
180. My Lord, third, I would rely on but will not repeat the salient points that my learned friend has just made in relation to means lying either within or behind the first claimant, and Burton J at the permission stage, and dealing initially with a PCO application, was very impressed by Mr Awojobi's material.
181. My Lord, fourth, reliance on the public interest nature of this claim, I respectfully suggest that that is utterly negated by your Lordship's findings effectively in two respects in your Lordship's judgment. Without going as far, as I understood it, to find that the claim was brought improperly, you have found that it was "at best misconceived", and your Lordship has also found that all the grounds should be dismissed as being without merit -- I choose a phrase that your Lordship used, I think, for each ground -- and indeed going on to find that the relevant document in this case, the discharge report, was impeccable. My Lord, those are my further submissions.
182. MR JUSTICE HICKINBOTTOM: Yes, thank you.
183. Having dealt with substantive matters, I now come to deal with the question of the costs of this application, which has occupied the court for three days.
184. It is trite to say that costs are in the discretion of the court, but that, generally, as a matter of principle, a losing party pays a successful party's costs of the claim. (CPR Rule 44.3(1) and (2)).

185. In environmental claims, it has been submitted by Mr Powell that that general principle is affected by Davey v Aylesbury Vale District Council [2007] EWCA Civ 1166, in which Sedley LJ said (at paragraph 21(1)) that where a judicial review claim is brought partly or wholly in the public interest, albeit unsuccessfully, that "may properly result in a restricted or no order for costs". He also referred to the judgment of the Master of the Rolls, particularly paragraph 29, in which, although he "entirely agreed" with Sedley LJ at paragraph 21, it seems to me he did not give a ringing endorsement to paragraph 21(1).
186. It seems to me that, in environmental claims in which the claimant brings proceedings in the public not a private interest, that is just one relevant factor to be taken into account in considering how the court's discretion as to costs should be exercised. I will take that into account, together with the other factors which I consider of particular importance in this case.
187. Those factors include, first, the conduct of the claimants. It seems largely to have been accepted - and in any event I have found - that, by bringing these proceedings, the claimants primary aim was to challenge earlier (unchallengeable) decisions in relation to the westerly access route. Furthermore, I also have to take into account that this case has not been pursued by the claimants on a consistent basis. The basis of it has indeed been evolving during the hearing itself.
188. Second, looking at the inter partes costs with the defendant, I take into account that Swindon too is a public body with civic responsibilities' and that Swindon as an authority covers a particularly poor area of the country, as was evidenced in this claim. For them not to recover their costs will detract from their other public functions.
189. Thirdly, I take into account the merits of the claimants' case, which, as will be clear from the judgment, I considered weak.
190. Fourth, I take into account the importance of not making environmental claims impossible to bring because of the costs burden. In considering that, I have taken into account the purpose of this charity - which includes bringing environmental claims such as this.
191. In all of those circumstances, and bearing in mind all of those factors as between the claimant and the defendant, I am firmly of the view that the appropriate order is that the claimants pay the defendant's costs of the application. I do not propose to impose any restriction upon that order.
192. I find the position with regard to the first interested party, Taylor Wimpey, more difficult. Bearing in mind the size of the development and the importance of this application to them as developers, it is almost inconceivable that they would not have had the greatest interest in this application. However, bearing in mind the guidance of Lord Lloyd in Bolton Metropolitan District Council v Secretary of State for the Environment [1995] 1 WLR 1172, I do not consider this is a case in which it would be appropriate to make a costs order that the claimants pay the interested party's (the Developer's) costs.

193. I have taken into account the importance of this issue to the Developer, and also the changing nature of the case that could have resulted in the position of the Developer changing during the course of the hearing. But, in the circumstances of this case, there was no separate interest here to the represented. Any material put forward by the interested party could have been put forward by or through the defendant.
194. In all of the circumstances, including the public nature of the first claimants, I do not consider that this is one of the exceptional cases falling within Bolton in which the claimants should be required to pay more than one set of costs. The other interested parties have of course played no part in the proceedings and make no application for costs.
195. That deals with costs. Any other applications?
196. MR POWELL: Indeed, my Lord. If I may, could I trouble your Lordship with an application for permission to appeal?
197. MR JUSTICE HICKINBOTTOM: Yes.
198. MR POWELL: I have had only a short amount of time to consider the detail of your Lordship's judgment. It is probably best in the circumstances if I restrict the grounds of my application that this is a matter which may interest the Court of Appeal, and would rightly attract their attention, on account of the safety grounds and the public interest, particularly in regard to the European points that have been raised.
199. MR JUSTICE HICKINBOTTOM: Any other grounds?
200. MR POWELL: No, thank you, my Lord.
201. MR JUSTICE HICKINBOTTOM: I will not give permission to appeal. For the reasons I set out in my judgment, I consider the safety ground of poor merit from the claimants' point of view. Given all of the reasons set out in the substantive judgment, including the expert evidence which I was free to give weight as I considered fit, and I do not consider that it is arguably wrong. Furthermore, I do not consider that it is in the public interest that the Court of Appeal considers those matters in any event.
202. MR POWELL: Very well, my Lord. Could I ask for one matter, if I may, relating to appeals? There is the somewhat tight time limit for lodging an appeal to Court of Appeal on paper. That is of course very difficult to do in advance of seeing the transcript of your Lordship's judgment. Could I ask that the time to make an application to the Court of Appeal runs from the date of receipt, or indeed the date of issue, of the court's written judgment. We will be applying at once for a transcript of your Lordship's judgment.
203. MR JUSTICE HICKINBOTTOM: It is probably a matter for you, Mr Lockhart-Mummery. Urgent finality is of course particularly important in this case, for both of you but for practical purposes particularly, I suspect, for the Developer.

204. MR LOCKHART-MUMMERY: Yes, my Lord, it is, and I think we have all been able to make the most copious notes of your Lordship's judgment, which I think is entirely clear. So I do not sympathise with this application.
205. MR POWELL: If I might raise one point, I was recently before -- well, not so recently -- before Sullivan J, and we asked for a similar order of that nature, and he thought this was entirely sensible and even ventured this might be the standard form of order. He thought it is such a sensible provision. Of course, the matter all catches up when one makes a paper application, one needs the transcript anyway in order to proceed further to the Court of Appeal. The matter is greatly facilitated if there is a printed and approved copy of your Lordship's judgment to take forward and consider, and may even result in no appeal at all.
206. MR JUSTICE HICKINBOTTOM: I am going to refuse the application. I think I can - and if I can I will - direct that the transcript be expedited. I will speak to the transcriber because there may be ways in which we can expedite it even more than usual, and I will turn the transcript around quickly. But if you want more than the provided time, you will have to get it from the Court of Appeal, I am afraid.
207. MR POWELL: That is very helpful, my Lord, thank you.
208. MR JUSTICE HICKINBOTTOM: Anything else?
209. MR POWELL: No, my Lord.
210. MR JUSTICE HICKINBOTTOM: Good. Thank you.

Wiltshire Council

Cabinet

17 June 2014

Subject: City of Salisbury, Milford Hill, Old Manor Hospital and Britford Conservation Area Appraisals

Cabinet Member: Councillor Toby Sturgis – Strategic Planning, Development Management, Strategic Housing, Property and Waste

Key Decision: Yes

Executive Summary

The local authority has a duty to consider the designation of conservation areas under the Planning (Listed Buildings and Conservation Areas) Act 1990. In south Wiltshire (the former Salisbury District area) there are 70 conservation areas. Many of these conservation areas were adopted in the 1970s and 1980s and do not have a conservation area appraisal (a written document to explain why they were designated).

Before unification of the Wiltshire district councils, Salisbury staff had commenced upon the process of reviewing the Salisbury Conservation Area with a view to dividing one conservation area into four separate designated conservation areas, each with their own written appraisal. The consultation process followed the Statement of Community Involvement process as used for Local Development Framework documents.

Proposal

The purpose of this paper is to seek Cabinet's support to de-designate Salisbury Conservation Area and simultaneously re-designate the same area (with minor boundary amendments) but as four separate conservation areas namely: City of Salisbury, Milford Hill, Old Manor Hospital and Britford – each with its own written and illustrated appraisal. A map showing the proposed boundary is provided as **Appendix 1** to this report. Cabinet is asked to recommend this course of action to Council.

Reason for Proposal

The Council has a responsibility to consider the designation of conservation areas under Section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Salisbury is already a designated conservation area and re-designation of four sub-areas namely: the City, Milford Hill, Britford and Old Manor Hospital (Wilton Road). The proposal is to de-designate Salisbury Conservation Area and simultaneously re-designate City of Salisbury, Milford Hill, Old Manor Hospital and Britford. Thereby, the individual qualities which characterise and make each area distinct will be recognised. Each conservation area will be accompanied by an appraisal, which will be a useful informative document for development control officers as well as the public. The status of the documents would be documents informing the Local Development Framework.

Alistair Cunningham
Associate Director, Economic Development and Planning

Wiltshire Council

Cabinet

17 June 2014

Subject: City of Salisbury, Milford Hill, Old Manor Hospital and Britford Conservation Area Appraisals

Cabinet Member: Councillor Toby Sturgis – Strategic Planning, Development Management, Strategic Housing, Property and Waste

Key Decision: Yes

Purpose of Report

1. To request that Cabinet agrees to the de-designation of the Salisbury Conservation Area and simultaneously authorises the designation of four separate conservation areas, as authorised by the Planning (Listed Buildings and Conservation Areas) Act 1990, and that Cabinet recommends to Council that the revised appraisals be adopted. A map showing the proposed boundary is provided as **Appendix 1** to this report.

Relevance to the Council's Business Plan

2. Part of the Council's Business Plan is to ensure that 'everyone in Wiltshire lives in a high quality environment'. Part of this is a recognition that the quality of the environment, including the historic environment, contributes to the broader goal of a high quality environment.

Background

3. The local authority has a duty to consider the designation of conservation areas under the Planning (Listed Buildings and Conservation Areas) Act 1990. In south Wiltshire (the former Salisbury District area) there are 70 conservation areas. Many of these conservation areas were adopted in the 1970s and 1980s and do not have a conservation area appraisal (a written document to explain why they were designated).
4. Before unification of the Wiltshire district councils, Salisbury staff had commenced upon the process of reviewing the Salisbury Conservation Area with a view to dividing one conservation area into four separate designated conservation areas each with their own written appraisal. The consultation process followed the Statement of Community Involvement process as used for Local Development Framework documents. Extensive consultations took place in 2009 and 2010.

5. Following the amendment of the appraisals, planning officers have been guided by these documents in relation to planning applications; however, it would be beneficial to achieve formal endorsement for them as this would grant them more authority.
6. The documents were recently presented to the Southern Area Planning Committee on 16 January 2014, which recommended they be endorsed by Cabinet.

Main Considerations for the Council

7. The Four Conservation Area Designations and their written appraisals have been formally consulted on and are therefore in a position to be adopted by Council.
8. By redesignating four different sub-areas, the Council will recognise the individual qualities which characterise each area, and through the accompanying appraisals describe these, forming a useful and self-contained document for both development control officers and the public.
9. In adopting the Conservation Area Designations, the Council would both recognise and contribute to the high quality of the built environment, including the historic environment, of Salisbury.
10. Officers recognise that a length of time has elapsed between the consultation on the designations in 2010, and therefore undertake to publicise the designations again as detailed in paragraph 16 below, to ensure that anyone wishing to make representations may do so at Council when the designations are tabled for adoption.

Safeguarding Implications

11. This proposal does not have safeguarding implications, as it relates only to the redesignation of an existing conservation area into four separate conservation areas.

Public Health Implications

12. This proposal has no public health implications as it relates only to the redesignation of an existing conservation area into four separate conservation areas.

Environmental and Climate Change Considerations

13. The maintenance and adaptive re-use of buildings and materials is inherently sustainable, and the formal adoption of the proposed conservation areas would support this principle through the planning system. There would, however, be no new or additional planning restrictions introduced as a consequence of the proposals, as they do not introduce a new conservation area but rather redesignate an existing one into four separate and documented conservation areas.

Equalities Impact of the Proposal

14. There would be no new equal opportunity issues raised by the proposal as it relates only to the redesignation of an existing conservation area into four separate conservation areas.

Risk Assessment

Risks that may arise if the proposed decision and related work is not taken

15. New development of a lower quality in relation to the existing built and heritage environment may arise in the absence of the Conservation Area designations and appraisals.

Risks that may arise if the proposed decision is taken and actions that will be taken to manage these risks

16. The designations could cause concerns due to the length of time that has passed between the original consultations and amendments and the present day. Officers recognise this and will therefore undertake to publicise the proposed designations widely in the following ways:
 - (i) Through the Council's website
 - (ii) Advertising in the local press
 - (iii) Direct mailing to any individuals who have property which, as a consequence of the re-designation, would either:
 - (a) Be within a Conservation Area, where they were not before
 - (b) Be outside of a Conservation Area, where they were within one before

The notification will include advice on how to participate publically at Council when the Conservation Area Appraisals are tabled for adoption, in case individuals should wish to in order to make a statement or ask questions.

Financial Implications

17. There are minimal financial implications for the Council. The documents will generally be made available via the Council website, minimising printing costs. The only other foreseeable costs are very modest advertising costs in the local press and London Gazette to satisfy legal requirements for the de-designation and re-designation of the conservation areas. These costs can be met within the 2014-15 Economic Development and Planning net budget.

Legal Implications

18. The Council has a responsibility to consider the designation of conservation areas under Section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990. By adopting the proposed Conservation Area Designations and their Appraisals, the Council works towards fulfilling its responsibility.
19. The Conservation Area Appraisals will, when adopted, form part of the Local Development Framework which is part of the Council's policy framework. For this reason they require Cabinet approval for referral to Council for adoption.

Options Considered

20. Do Nothing: This option would fail to recognise and contribute to the quality of the built environment, including the historic environment, of Salisbury, but would do so at an opportunity cost as the Conservation Area Appraisals have already been prepared and consulted on, and are currently available for adoption. Adoption of the Conservation Area Designations and their Appraisals is therefore the preferred option.

Conclusions

21. Salisbury is already a designated conservation area; the proposal to de-designate the existing Conservation Area and redesignate the four sub-areas recognises the unique qualities of their built and historic environments, while at the same time providing useful documentation for both development control officers and the public. It is therefore recommended that Cabinet supports the proposal, and recommends to Council the adoption of the appraisals as documents informing the Local Development Framework.

Alistair Cunningham
Associate Director, Economic Development and Planning

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Background Papers:

The following unpublished documents have been relied on in the preparation of this Report:

Report to Southern Area Planning Committee (January 2014)
Minute of Southern Area Planning Committee
Consultation Responses
Conservation Area Documents for City of Salisbury, Milford Hill, Old Manor Hospital and Britford Conservation Areas

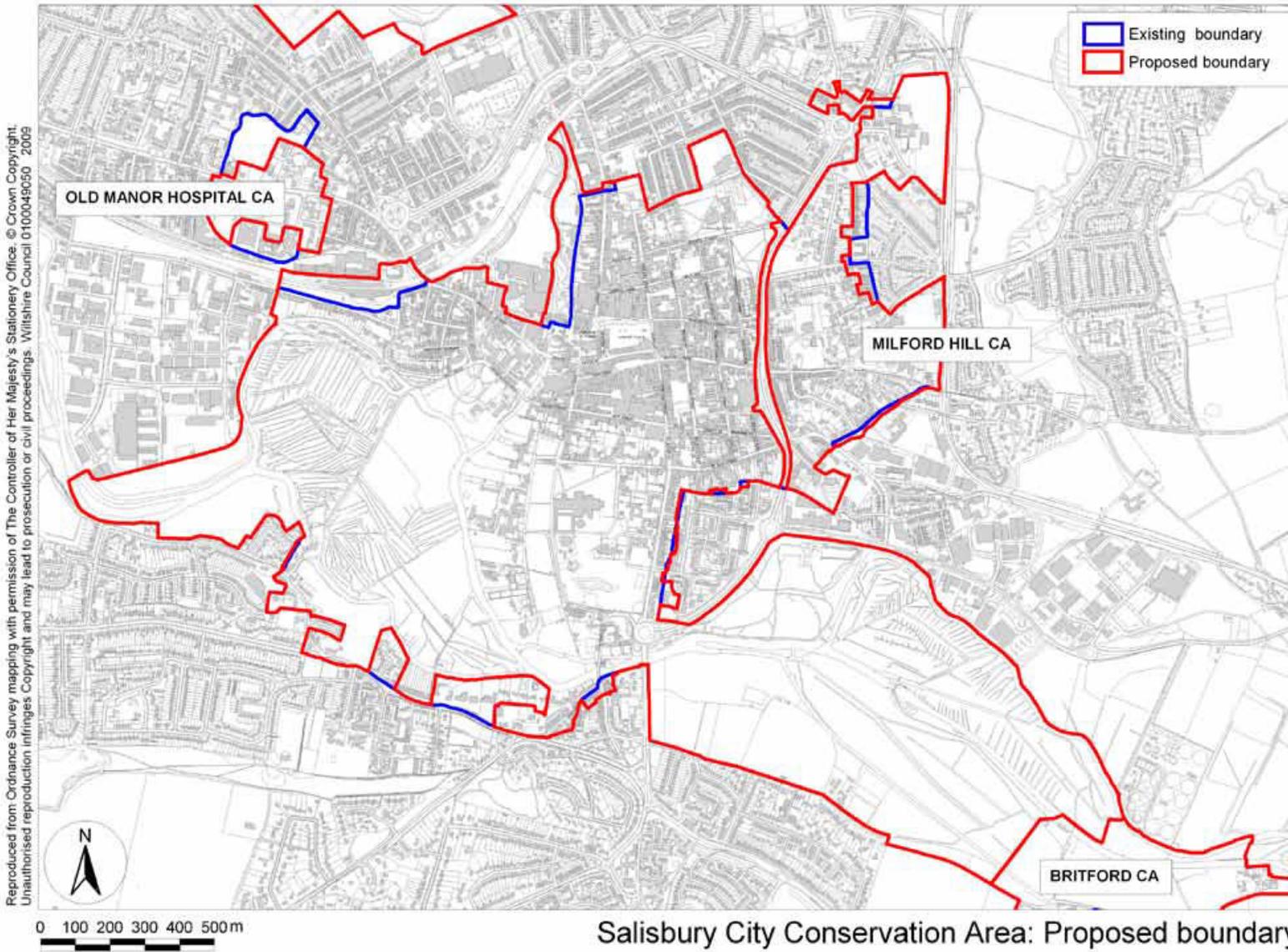
Copies of all Background Papers are available at:

<http://cms.wiltshire.gov.uk/ieListDocuments.aspx?CId=148&MId=7306&Ver=4>

Appendices:

Appendix 1 – Map showing the proposed boundary

Proposed Boundary



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