

## COUNCIL

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### MINUTES OF THE COUNCIL MEETING HELD ON 20 JANUARY 2015 AT COUNCIL CHAMBER - COUNTY HALL, TROWBRIDGE BA14 8JN.

#### Present:

Cllr Desna Allen, Cllr Glenis Ansell, Cllr Chuck Berry, Cllr Richard Britton, Cllr Rosemary Brown, Cllr Liz Bryant, Cllr Allison Bucknell, Cllr Trevor Carbin, Cllr Chris Caswill, Cllr Mary Champion, Cllr Terry Chivers, Cllr Ernie Clark, Cllr Richard Clewer, Cllr Mark Connolly, Cllr Christine Crisp, Cllr Andrew Davis, Cllr Mary Douglas, Cllr Dennis Drewett, Cllr Peter Edge, Cllr Peter Evans, Cllr Sue Evans, Cllr Nick Fogg MBE, Cllr Richard Gamble, Cllr Jose Green, Cllr Howard Greenman, Cllr Mollie Groom, Cllr Russell Hawker, Cllr Mike Hewitt, Cllr Alan Hill, Cllr Charles Howard, Cllr Jon Hubbard, Cllr Keith Humphries, Cllr Chris Hurst, Cllr Peter Hutton, Cllr Simon Jacobs, Cllr George Jeans, Cllr David Jenkins, Cllr Julian Johnson, Cllr Simon Killane, Cllr Gordon King, Cllr John Knight, Cllr Jerry Kunkler, Cllr Jacqui Lay, Cllr Magnus Macdonald, Cllr Alan MacRae, Cllr Howard Marshall, Cllr Laura Mayes, Cllr Helena McKeown, Cllr Ian McLennan, Cllr Jemima Milton, Cllr Bill Moss, Cllr John Noeken, Cllr Paul Oatway, Cllr Stephen Oldrieve, Cllr Helen Osborn, Cllr Jeff Osborn, Cllr Linda Packard, Cllr Mark Packard, Cllr Graham Payne, Cllr David Pollitt, Cllr Horace Prickett, Cllr Leo Randall, Cllr Fleur de Rhé-Philippe, Cllr Pip Ridout, Cllr Ricky Rogers, Cllr Jane Scott OBE, Cllr Jonathon Seed, Cllr John Smale, Cllr Toby Sturgis, Cllr John Thomson, Cllr Ian Tomes, Cllr Dick Tonge, Cllr Tony Trotman, Cllr John Walsh, Cllr Nick Watts, Cllr Bridget Wayman, Cllr Fred Westmoreland, Cllr Ian West, Cllr Philip Whalley, Cllr Stuart Wheeler, Cllr Philip Whitehead, Cllr Jerry Wickham, Cllr Christopher Williams and Cllr Graham Wright

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#### 1 Apologies

Apologies for absence were received from Councillors Pat Aves, Nick Blakemore, Brian Dalton, Tony Deane, Chris Devine, Stewart Dobson, Bill Douglas, Bob Jones, Christopher Newbury, Nina Phillips, Sheila Parker, James Sheppard, Ian Thorn and Roy While.

#### 2 Declarations of Interest

In inviting declarations of disclosable interests, the Chairman reminded members of the letter of advice previously circulated by the Monitoring Officer.

In the context of the Wiltshire Core Strategy and in the interests of transparency, the following councillors declared that they were directors or non-executive directors of the following housing associations, noting that this was not a disclosable pecuniary interest in the subject under consideration, given

the strategic nature and purpose of the core strategy, and they would therefore be participating in the consideration and voting on it:

Councillors John Noeken, Bridget Wayman, Magnus Macdonald and Richard Britton - directors of Selwood Housing Association; and  
Councillor Richard Clewer - Astor Group Housing Association.

### **3 Announcements by the Chairman**

#### **(A) NEW YEAR'S HONOURS LIST**

##### **Awarded an OBE**

Mr Ian Elgy, for services in support of Military Operations.  
Mr James Adam Robertson Ernest Ward, for services to Law and Order in the South West and service to the community.

##### **Awarded an MBE**

Mr David John Ashmore, for services to Housing in the South West of England.  
Mr (Gordon Arthur) Hector Cole, for services to Heritage Crafts.  
Mr Patrick Hallgate, for services to the Economy in the South West.  
Mrs Margaret Williams, for services to the Anglican Diocese of Bristol and to the community in Swindon, Wiltshire.

##### **Awarded a BEM (Medal of the Order of the British Empire)**

Mr John Edward Davies, for services to Cricket in Bishops Cannings and to the community in Devizes, Wiltshire.  
Mrs Joy Hicks, for services to charity in Melksham, Wiltshire.

The Chair registered the Council's congratulations to those who had received honours.

#### **(B) CHANGE TO DATE OF JULY COUNCIL MEETING**

The Chairman asked Councillors to note that the date of the July Council meeting had been changed from 28 July to 14 July 2015.

### **4 Public Participation**

A number of statements were made as follows:

The Chairman drew the meeting's attention to the statements made by Mr Michael Sprules, as previously circulated and attached as an appendix to these minutes. Mr Sprules thanked the meeting for allowing the submission of these statements and, having no additional comments to make, asked that these be taken into account by Council.

Mr Malcolm Toogood stated that he hoped that sufficient protection would be given to the A350 as a boundary to development in Chippenham, and expressed concern that proposals to amend the Town Council boundary may have a detrimental effect on this protection.

Cllr Stuart Wheeler, Cabinet Member, replied that whilst his comments were noted, the review of parish boundaries did not impact on the Core Strategy.

Mr Daniel Gerber drew the meeting's attention to concerns he had with the policy on Sustainable Energy.

Cllr Toby Sturgis, Cabinet Member, in response, stated that as the issues raised related to an extant planning application, it would not, therefore, be appropriate for him to comment further.

## **5 Petitions Received**

No petitions had been received for presentation to this meeting.

## **6 Notices of Motion**

No notices of motion had been received for presentation to this meeting.

## **7 Councillors' Questions**

No Councillor's questions had been received for presentation to this meeting.

## **8 Adoption of Wiltshire Core Strategy**

The Council had received the Inspector's Report into the examination of the Wiltshire Core Strategy Development Plan Document (DPD). It concluded that, subject to the changes set out in the Report, the submitted Core Strategy was sound. The Inspector's Report was final and the examination was now closed. This left this authority with the choice of adopting the Core Strategy, as amended in response to the Inspector's recommendations, or not.

Upon adoption, the Core Strategy would become part of the statutory development plan for Wiltshire and the authority would be legally bound to take planning decisions in accordance with its policies unless there were other material considerations which merit setting them aside in any given case. It set

out key strategic planning policies for managing sustainable development across the county.

The Chairman referred members to the officer's report, the inspector's report and the various documents and plans as circulated. He reiterated the purpose of the item: namely that it was for Council to consider the Cabinet's recommendation on adoption of the Wiltshire Core Strategy from its meeting on 16 December 2014. The resulting draft minute of cabinet was included in the documentation before Council.

The Chairman advised members on the approach that he would be taking, on legal advice, in dealing with potential amendments. He explained that:

*Any amendment that would affect the policies would invalidate the Plan and would therefore negate a motion to adopt the plan. Any such amendment would therefore be rejected in accordance with paragraph 100 of part 4 of the constitution.*

The Chairman called upon Councillor Toby Sturgis, Cabinet Member, to present the item. Cllr Sturgis reminded Council of how the Core Strategy had progressed, culminating in it now being presented for adoption.

Following his presentation, in which he expressed his gratitude to the officers of the Spatial Planning Team in particular and other officers across the Council, Councillor Sturgis proposed, and Councillor Jane Scott, Council Leader, seconded, the following motion as set out in the report presented:

*That following the recommendation by Cabinet at its meeting on 16 December 2014, Council:*

- (i) Notes the content of the Inspector's report into the examination of the Wiltshire Core Strategy (**Appendix 1**) and his conclusions regarding legal compliance and soundness and accepts the modifications in the Appendix of the Inspector's Report, which the Inspector considers are necessary to make the plan sound in accordance with legislation and other focused and minor modifications that have arisen during the examination, which have been consulted on, or made in the interest of accuracy and consistency.*
- (ii) Adopts the Wiltshire Core Strategy, as amended as set out in (i) above as part of the statutory development plan for Wiltshire (**Appendices 2 and 2a**).*
- (iii) Delegates authority to the Associate Director for Economic Development and Planning, in consultation with the Cabinet Member for Strategic Planning, Development Management, Strategic Housing, Property and Waste, for further minor changes to be made to the Core Strategy prior to publication in the interests of accuracy and consistency.*

- (iv) *Subject to Council approval of (ii) above, agrees that the Associate Director for Economic Development and Planning in consultation with the Cabinet Member for Strategic Planning, Development Management, Strategic Housing, Property and Waste, undertakes the final stages associated with the formal adoption and publication of the Core Strategy.*

The Chairman then invited Members of Council to debate the motion, starting with group leaders before widening the debate to other members.

A number of members spoke on the item, with members generally accepting that the Core Strategy should now be adopted. Councillor Sturgis responded to questions raised.

Following debate, it was:

### **Resolved**

**That following recommendation by Cabinet at its meeting on 16 December 2014, Council:**

- (i) **Notes the content of the Inspector's report into the examination of the Wiltshire Core Strategy (Appendix 1) and his conclusions regarding legal compliance and soundness and accepts the modifications in the Appendix of the Inspector's Report, which the Inspector considers are necessary to make the plan sound in accordance with legislation and other focused and minor modifications that have arisen during the examination, which have been consulted on, or made in the interest of accuracy and consistency.**
- (ii) **Adopts the Wiltshire Core Strategy, as amended as set out in (i) above as part of the statutory development plan for Wiltshire (Appendices 2 and 2a).**
- (iii) **Delegates authority to the Associate Director for Economic Development and Planning, in consultation with the Cabinet Member for Strategic Planning, Development Management, Strategic Housing, Property and Waste, for further minor changes to be made to the Core Strategy prior to publication in the interests of accuracy and consistency.**
- (iv) **Subject to Council approval of (ii) above, agrees that the Associate Director for Economic, Development and Planning in consultation with the Cabinet Member for Strategic Planning, Development Management, Strategic Housing, Property and Waste, undertakes the final stages associated with the formal adoption and publication of the Core Strategy.**

There being no further business, the Chairman reminded the members that the next meeting of Council would be on the 24<sup>th</sup> February, and called the meeting to a close.

## **Appendix**

Appendix – Statements from member of the public

(Duration of meeting: 11.00 - 11.46 am)

The Officer who has produced these minutes is Yamina Rhouati, of Democratic & Members' Services, direct line 01225 718024, e-mail [Yamina.Rhouati@wiltshire.gov.uk](mailto:Yamina.Rhouati@wiltshire.gov.uk)

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Wiltshire Council

Council

20 January 2015

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## Public Participation

Statement from Mr Michael Sprules, - Chairperson RADAR  
(Residents Against Development Affecting Recreational Land)

### Statement : -

**“Sport Provision” is “Lost” as Archaeological Excavations scar Westinghouse Sports Ground at the West End of Chippenham.**

Cabinet Members and attending Elected Members

It is with a heavy heart that I write this Statement to Full Council today. Cabinet Members and Elected Members will be aware that I have spoken at Cabinet many times, over the past five years, in regard to my concerns over Westinghouse Sports Ground and for the potential for this “Existing Sport Provision” to be “Lost” prior to being provided elsewhere.

Indeed, on 22<sup>nd</sup> April 2014, I submitted a Statement to Cabinet which demonstrated a “Deficit” in “Sport Provision”, at the West End of Chippenham, following the decision of Westinghouse Cricket Club to fold. In light of recent events at Westinghouse Sports Ground, I have resubmitted this Statement for the attention of Cabinet Members and attending Elected Members.

Sport England legislation is clear on the matter of “Mitigation of Sport Provision”. It states that, *“In light of para 74 of the National Planning Policy Framework, Local Planning Authorities should ensure that the requirement for any replacement provision to be of an **equivalent or better quantity and quality and suitably located in relation to the current users.** Planning conditions and/or legal agreements should be used to **facilltate, secure and enhance the replacement provision, along with ensuring it is available before the loss of the existing provision.”***

Indeed, Officers for the Wiltshire Council Leisure Strategy Team, that are working on the emerging Sports Pitch Strategy for Wiltshire, have stated the following, in regard to Outdoor Recreation and Playing Pitches within Chippenham, *“It is **vital** that all sites presently identified as outdoor recreation /playing pitch sites **remain** as such and are **protected**, prime examples of these being **Stanley Park & Chippenham Sports Club**. Whilst Chippenham Town Council are keen to further develop **Stanley Park** (fishing lakes, further sports pitches and upgrading of existing facilities) which should be encouraged there is a **significant distance** from a number of the strategic sites to this site therefore **Chippenham Sports Club, Westinghouse Recreation Ground and Chippenham Rugby club** become **important** not only because of the sports they develop but also because of their **geographic balance position** for*

the town and its sports facilities.

**Westinghouse Recreation Ground** though presently not used by any sports club due to its uncertain future, needs to **remain** as a **designated recreation area** and therefore **protected to meet the demands** of the **present** and **future population** of Chippenham even if residential development as per the existing planning application does take place." It is worth noting that Officers at the Wiltshire Council Leisure Strategy Team have also submitted this statement to the upcoming Chippenham DPD.

This is given greater clarification by an email that I received from Sport England. In this email, Mr. Brian Taylor, Area Development Manager (Wiltshire North), states, "As you are aware there is a legal agreement associated with the decision that requires the **provision of replacement sporting facilities**. This requires certain actions to have been undertaken prior to commencement of development. We have **not** been advised that these actions have been **satisfactorily resolved** as yet. "

Furthermore, I have now received an email from Mr. David Boakes, at Siemens U.K., in which he states that, "I have been in discussions with Linden Homes and their partner Sovereign Housing Association over the last few months, but have **not** been able to **reach an agreement** with them to **complete the sale** of the former sports ground at this time. It is now likely that the legal title of the land will transfer to Linden Homes at the end of the option agreement in March 2017."

Having spoken to Mr. Clive Wiltshire, Managing Director of Linden Homes (Western), on 24<sup>th</sup> November 2014, Mr. Wiltshire gave me an assurance that no "**Mitigation**" of "**Sport Provision**" would potentially begin until such time as Westinghouse Sports Ground was owned by Linden Homes.

In light of this, I was saddened to be witness to the Archaeological Excavations that took place at Westinghouse Sports Ground on 18<sup>th</sup> December 2014.

Although there are Conditions within the planning Decision that need to be satisfied, it should be noted that there are also Pre-Commencement Conditions, held within the Section 106 Agreement, that also need to be satisfied in regard to the much needed "**Sport Provision**".

The fact that Archaeological Excavations have now been carried out on Westinghouse Sports Ground, which is still considered as "**Existing Sport Provision**" (that is to say "**Sport Provision**" that is yet to be Commenced, Completed and ready to use elsewhere) has set a dangerous "**Precedent**" in this instance.

Any Developer or Agent could now, potentially, request an Archaeological Excavation on any "**Existing Sport Provision**" within the Settlement Boundary – Present and Future – of Chippenham. This now firmly puts "**At Risk**" : **Chippenham Rugby Football Club, Chippenham Town Football Club, Chippenham Sports Club, John Coles Park Sports Provision** and, of course, **Stanley Park**.

Indeed, if any request for an Archaeological Excavation of "**Existing Sport Provision**", within



Chippenham, by a Developer or Agent were to be refused then, that Developer or Agent could cite **Westinghouse Sports Ground** as the **“Precedent”**.

As Cabinet Members and Elected Members debate the Adoption of the **Wiltshire Core Strategy**, in this Chamber, it is important to remember that there were areas of the **Core Strategy** that were considered, by Mr. Andrew Seaman, Planning Inspector charged with testing the Soundness and Robustness of the **Wiltshire Core Strategy**, to be **“Unsound”**. One of these areas was the need for a more Sound and Robust Site Allocation for Chippenham.

As the **Wiltshire Core Strategy “Adoption”** will help the County of Wiltshire to prevent Speculative Development, it remains my hope that, moving forward, the Town of Chippenham can grow in a **“Balanced Way”** as the Chippenham DPD progresses.

May I, once again, reiterate the sentiment that all Cabinet Members and Elected Members continue to work with myself and all other parties to facilitate a solution to this issue that will, ultimately, be satisfactory to Mr. David Boakes, Estates Manager, Siemens U.K., Mr. Clive Wiltshire – Managing Director of Linden Homes (Western) and, finally, a solution that will be to the benefit of the Local Residents of Chippenham.

May I, once again, thank Cabinet Members and, indeed, Elected Members for allowing me to submit this statement.

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Wiltshire Council

Council

20 January 2015

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## Public Participation

Statement from Mr Michael Sprules, - Chairperson RADAR  
(Residents Against Development Affecting Recreational Land)

### Statement : -

**“Health” and “Well-being” of Young Children a Priority as Deficit in “Sport Provision” Identified at West End of Chippenham.**

Cabinet Members and attending Elected Members

In light of recent events at Westinghouse Sports Ground, I thought it would be prudent to resubmit this Statement which was originally submitted to Cabinet on 22<sup>nd</sup> April 2014.

As many Members will know, I have been attending Cabinet and Full Council Meetings at Wiltshire Council for four years now. During that time, one topic continues to cause debate time and time again. That topic is **“Health and Well-Being of Young Children”**.

It has been said that the **“Health”** and **“Well-Being”** of Young Children can be helped by nutrition and exercise. Indeed, the active participation in Sport, of our Young Children, potentially helps in decreasing their obesity levels.

How sad then, that one specific group of over 60 Young Children, at Chippenham, will no longer receive that much needed exercise and Active Sport Participation. I talk here, of course, about the Young Children who attended Westinghouse Sport and Recreation Ground and have been Mentored in Sports by the Members of Westinghouse Cricket Club.

With Westinghouse Cricket Club not receiving the much needed **“Mitigation”** to their new facilities and with the developer's indecisiveness to set out a **“Timetable”** for which **“Mitigation”** would take place, Westinghouse Cricket Club, regrettably, felt unsupported in their attempts to request this **“Timetable”** for their much needed **“Mitigation”** and, therefore, took the decision to Fold.

Therefore, this year, with Westinghouse Cricket Club having folded..... **GONE !!** Is the Mentoring in Sport provided by the Members of Westinghouse Cricket Club..... **GONE !!** Is the much needed exercise that these 60 Young Children had in their lives during the summer months and, finally..... **GONE !!** Is the **“Health”** and **“Well-Being”** that this exercise and Sport participation would have provided to these 60 Young Children and that Cabinet and Elected Members value so much.

It is with some sadness that the loss of **“Health”** and **“Well-Being”**, for these 60 Young Children, weighs heavily on my mind. Just because the indecisiveness of one developer to not provide much needed **“Mitigation”** results in the loss of an 87 year old, well established, Cricket Club, does not in itself demonstrate that the **“Sport Provision”** should also be lost or no longer **“Mitigated”**.

With this in mind, I felt that there was now a need to demonstrate that there is an **“Unidentified Deficit”** of **“Sport Provision”** within the West End of Chippenham. How fortuitous, therefore, that I had only to look no more than 200 yards down the road to the Chippenham Sports Club.

Having met with the Chairman of Chippenham Sports Club, I am now aware of a considerable **“Deficit”** in **“Sport Provision”**. At present, Chippenham Cricket Club have numerous Young Children comprising many Youth Teams. These Young Children have to share facilities with Chippenham Town Football Club – not the most ideal pitch for Youth Cricket - and also use the Grounds at Sheldon and Hardenhuish Schools – which do not have Changing Room facilities that these Young Children so desperately need.

There is an **“Unidentified Deficit”** in **“Sport Provision”** at the West End of Chippenham and now there is **“Available Sport Provision”** at Westinghouse Sports Ground that would be ideally suited and, indeed, accessible to bring even greater benefit to the **“Health”** and **“Well-Being”** of even more Young Children.

Cabinet and Elected Members, there are already 60 Young Children who have lost their right to the **“Health”** and **“Well-Being”** that they enjoyed through Active Sport Participation and **“Mentoring”** once provided by the Members of Westinghouse Cricket Club.

I hope that all of Cabinet and Elected Members would now be prepared to work together with myself, Officers at Wiltshire Council, Chippenham Sports Club, Sport England, the E.C.B., Wiltshire Cricket Board, Siemens UK and Linden Homes in order to help **“Tenant”** Westinghouse Sports Ground so that the **“Health”** and **“Well-Being”** of these 60 Young Children can be restored and that the numerous Young Children from Chippenham Sports Club can also benefit from much needed **“Cricket Provision”**.

Once the **“Tenanting”** of Westinghouse Sports Ground is achieved I hope that all of Cabinet and Elected Members can continue to work with myself and all other parties to facilitate a solution, to this issue, that will, ultimately, be satisfactory to Siemens, Mr. Clive Wiltshire – Managing Director of Linden Homes Western and, finally, a solution that will be to the benefit of the **“Health”** and **“Well-Being”** of all our Young Children, something that I know, from my four years of attending Cabinet and Full Council, that all Members value so much.

May I, once again, thank Cabinet Members and, indeed, Elected Members for allowing me to submit this statement.